


Youth Rights

	DIVISION OF CHILD AND FAMILY SERVICES Youth Justice Services STATEWIDE INSTITUTIONAL POLICY Youth Rights
SUBJECT:	Youth Rights
POLICY NUMBER:	DCFS/JJS 300.03
EFFECTIVE DATE:	February 21, 2022
APPROVED BY:	Dr. Domonique Rice, Deputy Administrator – Division of Child and Family Services
SUPERSEDES:	Youth Rights effective 07/13/20 Environmental and Programmatic Rights of Youth DCFS/JJ 300.03 effective April 13, 2015, AND Legal Rights of Youth – Attorney Communications DCFS/JJ 300.05 effective March 9, 2015
APPROVED BY:	Dr. Cindy Pitlock, Administrator – Division of Child and Family Services 2/17/2022 
REFERENCES:	NRS 62B.500 through NRS 62B.525; NRS 432.B.020; NRS 62B.250; NRS 388.478; NRS.62B.525; NRS 629.600; PREA Resource Center: Model Policy: Transgender, Gender Nonconforming, and Intersex (TGNCI) Youth in Confinement Facilities; Youth Grievance Procedure 300.01; Use of Force DCFS/JJS 300.02; Child Abuse and Neglect Reporting DCFS/JJS 300.06; Privilege and Discipline DCFS/JJS 300.08; Prison Rape Elimination Act (PREA) DCFS/JJS 300.09; Confinement DCFS/JJS 300.13; Medication Administration and Management DCFS/JJS 400.02; Mental Health Care Plan DCFS/JJS 400.06 NRS 41 DCFS Policies & Procedures Manual
ATTACHMENTS:	None

I. SUMMARY

All youth committed to the Division of Child and Family Services (DCFS) shall be afforded clearly defined rights; youth shall accept those rights upon admission to a state facility.

II. PURPOSE

To provide staff and youth with the appropriate information on youths' rights while they are in the custody of DCFS and confined to a state facility.

III. DEFINITIONS

As used in this document, the following definitions shall apply:

- A. Discrimination: Violation of a person's rights based upon their race, ethnicity, religion, color, gender, sexual orientation, expression or identity, age, national origin, disability, pregnancy, or other medical condition.
- B. Gender nonconforming (GNC): A person whose appearance or manner does not conform to traditional societal gender expectations.
- C. Grievance: A formal complaint regarding a condition, circumstance, or action a person considers to be unjust.
- D. Harassment: The creation of an unpleasant or hostile situation by uninvited and unwelcome verbal, written, or physical conduct.
- E. Legal Representative: An assigned or retained attorney and their legal services organization including their employees and staff.
- F. LGBTQI: Lesbian, Gay, Bisexual, Transgender, Questioning, and Intersex.
- G. Prison Rape Elimination Act (PREA): A federal law supporting the prevention, detection, and response to sexual abuse and sexual harassment within facilities. This law applies to all federal, state, county, local, and private facilities housing adults and juveniles.
- H. Tyler Supervision: The web-based case management software system utilized by DCFS.

IV. REQUIREMENTS

- A. Pursuant to chapter 41 of the NRS, DCFS, any agent thereof or any person acting on behalf of DCFS authority shall not engage in a pattern or practice of conduct by peace officers, officials or employees of DCFS authority with responsibility for the administration of juvenile justice or the detention of juveniles that deprives persons of rights, privileges or immunities secured or protected by the Constitution or laws of the United States or this State.
- B. All direct care facility and parole staff and supervisory staff shall be trained in the rights of youth as required by Nevada Revised Statutes 62B.250.1(c) and (f) within their first 90 days of employment and annually thereafter.
- C. All youth shall be provided with a handbook outlining their rights during the intake/orientation process.

1. Youth shall sign an acknowledgment form stating they were provided a copy of the handbook outlining their rights during the intake process.
 2. Staff shall document youth were informed/trained in their rights in Tyler Supervision:
 - a. Complete information in youth's current booking: Bookings Screen: Youth Rights Training
 - b. Upload signed acknowledgement form to youth's current booking's Booking Documents
 3. Youth may request an additional copy of the handbook at any time, which shall be provided to them by staff.
- D. Facilities shall provide a copy of the youth rights handbook to the parent or guardian as part of intake/orientation processes and anytime thereafter upon request.
- E. Facilities shall post a list of youth rights within the living quarters of their facility.
- F. A facility may limit the time, place, and manner in which youth exercise their rights if the limitation is necessary to preserve the order, security, or safety of the youth, the public, the staff or other youth.
- G. The rights within this policy may crossover with other policies. Staff shall refer to the following policies which may affect youth rights:
1. Youth Grievance Procedure 300.01
 2. Use of Force 300.02
 3. Child Abuse and Neglect Reporting 300.06
 4. Privilege and Discipline 300.08
 5. Prison Rape Elimination Act (PREA) 300.09
 6. Confinement 300.13
 7. Medication Administration and Management 400.02
 8. Mental Health Care Plan 400.06

V. YOUTH RIGHTS (NRS 62B.510)

- A. Youth have the right to:
1. Receive information concerning their rights
 2. Be treated with basic human dignity and respect, without intentional infliction of humiliation
 3. Have fair and equal access to services, placement, care, treatment, and benefits
 4. A program of education meeting the requirements of law and appropriate for the developmental maturity of each individual youth
 5. Receive adequate, healthy, and appropriate food

6. Receive adequate, appropriate, and accessible basic necessities, including, without limitation, shelter, clean clothing, and personal hygiene products and facilities
 7. Have access to necessary medical and behavioral health care services, including, without limitation to:
 - a. Dental, vision, and mental health services
 - b. Medical and psychological screening, assessment, and testing
 - c. Referral to and receipt of medical, emotional, psychological or psychiatric evaluation and treatment as soon as possible after the need for such services have been identified.
 - i. Youth may require specialized care, such as LGBTI and gender nonconforming (GNC) youth. In accordance with Nevada state law and this policy, the Division will only utilize the services of medical or mental health providers which do not engage in “reparative” or “conversion” therapy, or otherwise attempt to suppress or change a youth’s sexual orientation, gender identity or gender expression.
- B. LGBTI and GNC youth have the right to the considerations outlined in the relevant provisions in PREA standards:
1. §115.341: Obtaining information from residents
 2. §115.342: Placement of residents in housing, bed, program, education, and work assignments
 3. §115.386: Sexual abuse incident reviews
- C. Youth have the right to be free from:
1. Abuse or neglect as defined in NRS 432.B.020
 2. Corporal punishment, as defined in NRS 388.478, except the reasonable force necessary to preserve the order, security, or safety of the youth, the public, the staff of the facilities, or other youth at the facility
 3. The administration of psychotropic medication unless the administration is consistent with the policies established within NRS.62B.530
 4. Discrimination or harassment based on race; ethnicity; ancestry; national origin; color; religion; sex assigned at birth; sexual orientation; gender identity or gender expression; mental, physical or other disabilities; sexual orientation, gender identity, gender expression or intersex traits or status; or exposure to any communicable disease
 5. The deprivation of food, sleep, exercise, education, pillows, blankets, or personal hygiene products as a form of punishment or discipline
 6. Being searched for the purpose of harassment or as a form of punishment or discipline
 7. Being restricted from a daily shower, clean clothing, drinking water, or toilet as a form of punishment or discipline
 8. Being restricted from reading materials relating to their education as a form of punishment or discipline

- D. Youth have the right to have reasonable access and accommodations to participate in religious services of their choice when reasonably available on the premises of the facility or to refuse to participate in religious services.
- E. Youth have the right to communicate confidentially with other persons, including, without limitation, visits, telephone calls, and mail with any of their authorized Related Individuals listed in Tyler Supervision.
- F. Youth have the right to communicate confidentially with:
 - 1. Any agency which provides child welfare services to the child concerning their care
 - 2. Legal representatives
 - 3. Ombudspersons and other advocates
 - 4. Members of the clergy
 - 5. Holders of public office, and people who work at a state or federal court
- G. Facilities shall allow for confidential visits between youth and their legal representative during normal business hours. Emergency visits may be allowed on a case-by-case basis.
- H. Facility staff shall not open, alter, or censor incoming or outgoing mail from a youth's legal representative for content, but may scan for contraband.
- I. Youth have the right to report any alleged violation of his or her rights pursuant to the use of psychotropic medication without being threatened or punished.
- J. Youth have the right to participate, in person, by telephone or by videoconference, in all court hearings pertaining to the circumstances which led to the commitment of the youth.

VI. YOUTH REPORTING MECHANISMS/FACILITY RESPONSES

- A. Youth may report any violations of their rights using the following mechanisms:
 - 1. As a grievance (Youth Grievance Procedure policy 300.01)
 - 2. Informing any staff member
 - 3. Informing a probation or parole officer
 - 4. Informing the Juvenile Justice court
 - 5. Informing guardian ad litem
 - 6. Informing their legal representative
- B. Youth shall use the Youth Grievance Form (refer to Youth Grievance Procedure policy 300.01) to document their issue regarding violation of rights.
 - 1. Youth who report verbally shall be encouraged to complete a Youth Grievance Form to document the alleged violation.
- C. Facilities shall follow the Youth Grievance Procedure policy 300.01 to resolved allegations of youth right violations.

1. If a facility is unable to resolve the issue internally, or requires legal advice, facility administration may contact the Deputy Attorney General.
- D. Reporting mechanisms, investigation, and retaliation of alleged sexual abuse and alleged sexual harassment are addressed within the Prison Rape Elimination Act (PREA) Policy 300.09.
 - E. The facility may have medical staff assess a youth prior to referral for requested medical care, dental care, or mental health care. This shall be done within 24 hours of facility staff being made aware of the request for medical, dental, or mental health care. Medical staff may assess the severity of the situation and make the appropriate referrals as required.

VII. VIOLATIONS OF YOUTH RIGHTS

- A. Any contractor or employee of DCFS who has knowledge of an alleged violation of youth rights is required to report it in accordance with the DCFS Policies & Procedures Manual.
- B. Each facility and Youth Parole shall conduct an administrative investigation of any alleged violation of youth rights in accordance with the DCFS Policies & Procedures Manual.
- C. The Nevada Attorney General may investigate violations of such rights, privileges or immunities it becomes aware of and may take civil action. DCFS staff shall comply with any such investigation.

VIII. STANDARD OPERATING PROCEDURES

- A. Each facility shall develop Standard Operating Procedures consistent with this policy to include the processes for:
 1. Developing and/or updating the Youth Rights section of the Facility Youth Handbook.
 2. Training staff and youth on youth rights, including documentation.