



# Delinquency Bench Card

## Commitment Hearing NRS 62E.520

### Persons who should be present at the Commitment Hearing

- Judge or Hearing Master assigned to the case
- Youth including;  
Parent or Legal Guardian of the Youth, the child's caseworker if under the custody of a child protective agency
  - If person states he/she is a step-parent establish whether person is married to parent. [NRS 62B.350 \(2\)](#) (*step parent of a child is subject to the same court orders as a natural parent*).
  - If person states he/she is a guardian establish the basis for the claim (e.g., Court Order; informal signed statement of parent).
- Counsel to represent Youth
- Deputy District Attorney
- Certified Interpreter if needed
- Juvenile delinquency court security and other court staff as required
- Department of Juvenile Justice Services or Division of Child Custody Service
- Probation / Parole Officer

### Persons who may be present

- Public unless the Court determines that all or part of the proceedings must be closed because closure is in the best interest of the child or the public pursuant to [NRS 62D.010 \(2\)](#).
- Victim, and/or member of victim's family, if victim requests to be present. The Court may determine that the victim or member of the victim's family is a person who has a direct interest in the case pursuant to [NRS 62D.010 \(2\) \(b\)](#).

### Commitment

At disposition, commitment is one of the options available to the court as a possible disposition. The three options for a court include:

- 1) **Home:** Place a child in the custody of a suitable person for supervision in the child's own home or in another home;
- 2) **Non-DCFS:** Commit the child to the custody of a public or private institution or agency authorized to care for children; **or**
- 3) **DCFS:** Commit the child to the custody of the Division of Child and Family Services pursuant to NRS 62E.520.

**THE COURT MUST MAKE TWO SPECIFIC FINDINGS  
BEFORE THE JUVENILE COURT COMMITS A CHILD TO  
DCFS. THOSE FINDINGS ARE:**

- 1) Appropriate alternatives that could satisfactorily meet the needs of the child do not exist in the community OR were previously used to attempt to meet such needs and proved unsuccessful;
- 2) The child poses a public safety risk based on the child's risk of reoffending, as determined by YLS/CMI, any history of offending, and the seriousness of the offense committed.

**BOTH FINDINGS BELOW MUST BE PRESENT IN THE  
COMMITMENT ORDER IN ORDER TO BE A VAILD  
ORDER.**

**QUESTIONS THAT HELP CREATE A RECORD FOR THE  
REQUIRED FINDINGS DURING HEARING**

- Are there services in our community that can meet the needs of this youth?
- Have those services been attempted?
- If so, what was the result of those services?
- If not, why not?
- What is the youth's overall YLS risk score?
- What risk domains for this youth on the YLS are high or highest?

## Sample Finding Language

**YLS Overall Risk Score:** The youth's overall YLS/CMS will be Low, Moderate, High, or Very High. This is the overall risk to reoffend without interventions by a juvenile justice or other youth serving agency.

**YLS Domains:** The youth will receive risk levels for 8 domains:

Prior and Current Offenses/Dispositions

Family Circumstances/Parenting

Education/Employment

Peer Relations

Substance Abuse

Leisure/Recreation

Personality/Behavior

Attitudes/Orientation

### FINDINGS FOR DECISION TO COMMIT

#### **No Community Alternatives & Risk Level Sufficient**

The court finds that based on the youth's risk assessment, the youth's history of offenses, and the seriousness of the present offense that the youth poses a risk to public safety and there are no alternatives in the community that will meet this youth's needs. Therefore, commitment to the Division of Child and Services is necessary.

#### **Failed Attempt at Community Alternatives**

The court finds that based on the youth's risk assessment, the youth's history of offenses, and the seriousness of the present offense that the youth poses a risk to public safety. In addition, the court finds that previous alternatives in the community have been attempted to meet the youth's needs and the attempt was unsuccessful. Therefore, commitment to the Division of Child and Services is necessary.

## **FINDINGS AGAINST DECISION TO COMMIT**

### **Risk Insufficient**

The court finds that based on the youth's risk assessment, the youth's history of offenses, and the seriousness of the present offense that the youth does not currently poses a risk to public safety. Therefore, commitment to the Division of Child and Services is unnecessary.

### **Community Alternatives Exist**

The court finds that based on the youth's risk assessment, the youth's history of offenses, and the seriousness of the present offense that the youth poses a risk to public safety. However, the court finds that appropriate alternatives in the community have not been attempted. Therefore, commitment to the Division of Child and Services is unnecessary.

**NRS 62E.520 (2)**

**COMMITMENT OF CHILD TO DIVISION OF CHILD  
AND FAMILY SERVICES; CONDITIONS AND  
LIMITATIONS; NOTICES; INVESTIGATION AND  
RECOMMENDATION OF PLACEMENT OF CHILD.**

Before the juvenile court commits a delinquent child to the custody of the Division of Child and Family Services, the juvenile court shall:

- Notify the Division at least 3 working days before the juvenile court holds a hearing to consider such a commitment; and
- At the request of the Division, provide the Division with not more than 10 working days within which to:
  - Investigate the child and the circumstances of the child; and
  - Recommend a suitable placement to the juvenile court.