

DELINQUENT BENCH CARD

DETENTION HEARING NRS 62C.040

Judicial Bench Card¹

WHO SHOULD BE PRESENT

- Judge or hearing master assigned to the case.
- Youth.
- Parent or Legal Guardian of the Youth, including 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 Service or Division of Child and Family Services.
- Probation/Parole Officer.

WHO MAY BE PRESENT

- Public unless 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\(2\)\(b\)](#).

QUESTIONS THAT MUST BE ANSWERED

- Is there probable cause to believe that the Youth committed an offense in violation of state or local law, or violated conditions of court ordered probation/parole, **or is a child in need of supervision?** See [NRS 62C.010\(1\)\(a\) and \(b\)](#) for grounds for taking child into custody.
- **Has the youth been arrested pursuant to a warrant or court order?** See [NRS 62C.0303\(2\)\(c\)](#).
- If not detained, is the Youth likely to commit an offense dangerous to the Youth or the community, or likely to commit damage to the community? See [NRS 62C.030\(2\)\(a\)](#) for conditions and limitations on detaining child in certain facilities; temporary placement of child.
- If not detained, is the Youth likely to run away, be taken away or otherwise likely fail to appear at the next court hearing? See [NRS 62C.030\(2\)\(b\)](#).
- Is the Youth a fugitive from another jurisdiction? See [NRS 62C.030\(2\)\(d\)](#)

¹ This bench card was created to assist judges when conducting a detention hearing in juvenile court and is meant to be a guideline.

DELINQUENT BENCH CARD

DETENTION HEARING NRS 62C.040

QUESTIONS THAT MUST BE ANSWERED CONTINUED

- If it is alleged that the Youth is a fugitive from another jurisdiction, is there a warrant from another jurisdiction under which the Youth may be extradited pursuant to [NRS 62C.330?](#)
- Whether or not the Youth is detained, is it in the best interest of the Youth, subject to the rights of the Youth, to perform a mental health, substance abuse, or competency evaluation?
- Does the District Attorney contemplate transferring the case to adult criminal court pursuant to [NRS 62B.330; 62B.390 et seq?](#)
- If the Youth is alleged to have committed an offense involving a firearm, should the court determine if the Youth should be evaluated by a qualified professional and/or submit to a drug test pursuant to [NRS 62C.060?](#)
 - If the offense involving a firearm occurred at a school, child care facility, or vehicle owned by a school, the evaluation and drug test must be ordered pursuant to [NRS 62C.060\(a\).](#)
 - If the offense involving a firearm did not occur at a school the Court has discretion to order the evaluation. [NRS 62C.060\(2\)\(b\)](#)
- If it is found that the Youth is a danger to self or the community, or a risk to fail to appear in court, or an evaluation has been ordered pursuant to [NRS 62C.060](#), is there a less restrictive alternative to detention in a secured detention facility?
 - Can the Youth be safely released under a program of supervision in the home that may or may not include electronic surveillance of the Youth? (Mandatory if released after an evaluation is ordered pursuant to [NRS 62C.060](#)).
 - Can the Youth be safely released to placement other than at home with or without a program of supervision?

DELINQUENT BENCH CARD

PLEA HEARING NRS 62D.040

Judicial Bench Card¹

WHO SHOULD BE PRESENT

- Judge or hearing master assigned to the case.
- Youth.
- Parent or Legal Guardian of the Youth including 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 Service or Division of Child and Family Services
- Probation/Parole Officer.

WHO MAY BE PRESENT

- Public unless 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 victim or member of the victim's family is a person who has a direct interest in the case pursuant to [NRS 62D.010\(2\)\(b\)](#).

QUESTIONS THAT MUST BE ANSWERED

- Is the Youth represented by counsel?
- **Has the parent, stepparent or legal guardian been advised of their right to counsel pursuant to [NRS 62B.350](#), [62E.040](#), and [NRS 62D.100](#)?**
- The Court shall appoint an attorney for the Youth unless the Youth knowingly, intelligently and voluntarily waives representation? See [NRS 62D.030\(1\)](#) and [62D.030\(4\)\(b\)](#) advisement of right to representation by attorney; appointment of attorney; waiver of right to representation; procedure at actions of court after determination of whether or not allegations have been established.
- If an attorney is appointed for the Youth the Court shall determine whether the family of the Youth is indigent and, if so whether the family should reimburse the expenses of the attorney pursuant to [NRS 62D.030\(5\) and \(6\)](#).

¹ This bench card was created to assist judges when conducting a plea hearing in juvenile court and is meant to be used as a guideline.

DELINQUENT BENCH CARD

PLEA HEARING NRS 62D.040

- Should the Court order medical, psychiatric, or psychological examinations prior to disposition pursuant to [NRS 62E.280\(1\)\(b\)?](#)

QUESTIONS THAT MUST BE ANSWERED Continued

- Does the Youth admit or deny the allegations in the Petition?
 - If the Youth denies the allegations, the case should be set for a adjudicatory hearing.
- If the Youth is in custody, should the Youth remain in custody or is there a less restrictive alternative to detention while pending the adjudicatory hearing?
- If the Youth is in custody, should the Youth remain in custody pending disposition or is there a less restrictive alternative to detention?
- If the Youth remains in custody pending disposition of the case, is the hearing set within 60 days, pursuant to [NRS 62D.310](#), or has the court made a finding that an extension of time would further the interest of justice pursuant to [NRS 62D.310\(2\)](#)?
- If the Youth is not in custody does the Youth waive the 60-day rule?
- If the Youth admits all or some of the allegations pursuant to a negotiation, what are the terms of the negotiation?
 - Are the negotiations agreed to by the Youth, the Youth's attorney, and the District Attorney?
- If the Youth admits to all or some of the allegations, the Court should canvass the Youth to insure the plea is given with knowledge of his/her rights under the Constitution and applicable NRS statutes. (See Plea Canvass Bench Card).
- If the negotiation and plea is accepted by the Court, does Probation or the District Attorney seek placement in a correctional facility or probation pursuant to [NRS 62E.110 to 62E.170 et. seq?](#)
- Should the Court order a written disposition report?

DELINQUENT BENCH CARD

PLEA CANVAS

JUDICIAL BENCH CARD¹

ADMISSION TO A DELINQUENCY CHARGE

- Have you discussed the matter with your attorney?
- Do you admit or deny the specific charge contained in the Petition? (The Petition number, count, date of offense, specific statute admitted and grade of offense (felony, gross or misdemeanor) should all be identified).
- In order to accept your plea the Court must be sure that you understand your rights.
- Before the Court can adjudicate you delinquent, you have the right to a contested hearing, which is a trial. At the trial the State would have to prove each of the elements of the allegations against you beyond a reasonable doubt. [NRS 62D.040\(4\)](#). Do you understand by admitting the charge you are giving up your right to have a trial?
- If there were a trial, you would have rights at the trial. You would have the right to:
 - The assistance of your attorney at all stages pursuant to [NRS 62D.030](#).
 - Call witnesses.
 - Testify.
 - Choose to remain silent, and if you did the State could not comment.
 - Have your attorney cross-examine witnesses against you. See [NRS 62D.420 \(2\)](#) admissible evidence; examination and cross-examination.
- Since you are giving up your right to a contested hearing, you are giving up the rights you would have at a trial. Do you understand?
- Has anyone threatened you or made promises to you in order to get you to enter a plea (is the plea voluntary)?
- Are you admitting the charge because it is true?
- The Court will determine the consequences of your plea, do you understand?
- To the Attorney, do you feel the Youth is entering the plea with a full understanding of his/her rights?
- To the Youth, state in your own words what you did on the specific date named in the Petition which causes you to admit the offense.

ADMISSIONS TO VIOLATIONS OF PROBATION/PAROLE

- Have you discussed the matter with your attorney?
- Do you admit or deny Violation of Probation (Parole)?
- In order to accept your plea the Court must be sure that you understand your rights.

¹ This bench card was created to assist judges when conducting a plea canvas in juvenile court and is meant to be used as a guideline.

DELINQUENT BENCH CARD

PLEA CANVAS

ADMISSIONS TO VIOLATIONS OF PROBATION/PAROLE continued

- When the State charges Violation of Probation, you have the right to a hearing. At the hearing the State would have to submit sufficient evidence from which the Court could find that you violated your probation/parole. You would have the right to the assistance of your attorney to challenge that evidence and present evidence of your own.
- Since you are admitting the violation you are giving up your right to have a hearing. Do you understand?
- Has anyone threatened you or made promises to you in order to get you to enter a plea (is the plea voluntary)?
- Are you admitting the charge because it is true?
- The Court will determine the consequences of your plea, do you understand?
- To the attorney, do you feel the Youth is entering the plea with a full understanding of his/her rights?
- To the Youth, state in your own words what you did that causes you to admit Violation of Probation (Parole).

DELINQUENT BENCH CARD

CONTESTED HEARING NRS 62C.040

JUDICIAL BENCH CARD¹

WHO SHOULD BE PRESENT

- Judge or hearing master assigned to the case.
- Youth.
- Parent or Legal Guardian of the Youth, including 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.
- Witnesses for the State.
- Witnesses for the Youth.
- Certified Interpreter if needed.
- Juvenile delinquency court security and other court staff as required.
- Department of Juvenile Justice Service or Division of Child and Family Services.
- Probation/Parole Officer.

WHO MAY BE PRESENT

- Public unless 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 Victim or member of the victim's family is a person who has a direct interest in the case pursuant to [NRS 62D.010\(2\)\(b\)](#).

QUESTIONS THAT MUST BE ANSWERED

- Is the Deputy District Attorney ready to proceed?
- Is the Youth's attorney ready to proceed?
- Does either side or the Court wish to invoke the exclusionary rule?
- At the conclusion of the evidence, has the State proved each element of the charge beyond a reasonable doubt pursuant to [NRS 62D.040\(4\)?](#)
- If the allegations have not been established, the case should be dismissed and the Youth released from custody if applicable. See [NRS 62D.040\(5\)](#).

¹ This bench card was created to assist judges when conducting a contested hearing in juvenile court and is meant to be used as a guideline.

DELINQUENT BENCH CARD CONTESTED HEARING NRS 62C.040

QUESTIONS THAT MUST BE ANSWERED *Continued*

- If the allegations have been established the Court should make a proper disposition of the case pursuant to [NRS 62D.040\(6\)](#).
- If the Youth is in custody, should the Youth remain in custody pending disposition or is there a less restrictive alternative to detention?

DELINQUENT BENCH CARD

DISPOSITION HEARING

Judicial Bench Card¹

WHO SHOULD BE PRESENT

- Judge or hearing master assigned to the case.
- Youth.
- Parent or Legal Guardian of the Youth, including 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 Service or Division of Child Custody Services
- Probation/Parole Officer.

WHO MAY BE PRESENT

- Public unless 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 victim or member of the victim's family is a person who has a direct interest in the case pursuant to [NRS 62D.010\(2\)\(b\)](#).

QUESTIONS THAT MUST BE ANSWERED

- What are the recommendations of Probation/Department of Parole?
- If secure corrective placement is requested is there a written Disposition Report?
- If the Youth has intellectual disabilities or mental illness and will be placed outside the home, has a report been prepared by Probation/Parole pursuant to [NRS 62E.160 \(1\)](#)?
- Have any mental health and/or substance abuse evaluations ordered by the Court been submitted to the Court and distributed to the State and the Youth's attorney?
- What is the position of the State regarding recommendations?
 - Does the State have different or additional recommendations?

¹ This bench card was created to assist judges when conducting a disposition hearing in juvenile court and is meant to be used as a guideline.

DELINQUENT BENCH CARD

DISPOSITION HEARING

QUESTIONS THAT MUST BE ANSWERED *continued*

- What is the position of the Youth as stated by his/her counsel, and does the Youth have recommendations?
- Does the parent or Guardian of the Youth wish to make a statement?
- Does the Victim wish to make a victim impact statement?
- Does the disposition include provisions required by statute?
 - For offenses involving graffiti, [NRS 62E.690](#).
 - For offenses involving abuse of drugs or alcohol, [NRS 62E.630](#).
 - For offenses involving driving under the influence of alcohol or drugs, [NRS 62E.640](#).
 - For offenses involving use of a firearm, [NRS 62E.650](#); [62E.660](#).
 - For offenses involving death or cruelty to animals, [NRS 62E.680](#); [62E.685](#).
- If the child will be out of custody, should the Court order intensive supervision and/or supervision with electronic monitoring? If so, for how long?
- Should the case be scheduled for review in the future?