



Memorandum

To: Nevada Juvenile Justice Stakeholders
From: Children's Advocacy Alliance & Berkeley Law Policy Advocacy Clinic
Re: Implementation of Assembly Bill 439 (2019, Juvenile Fee Repeal)
Date: March 11, 2020

Summary

A growing body of research shows that charging juvenile fees to youth and families perpetuates cycles of poverty, exacerbates racial injustice, and undermines youth rehabilitation and family reunification.¹ Further, juvenile fees correlate with recidivism, which undermines public safety.² As a result of these harmful outcomes, the Reno-based National Council of Juvenile and Family Court Judges, the Nevada Chapter of the U.S. Civil Rights Commission, and Nevada's Kenny Guinn Center for Policy Priorities recommended that the state end juvenile fees.³

On June 3, 2019, Governor Steve Sisolak signed Assembly Bill (AB) 439. Starting July 1, 2019, AB 439 repealed state and county authority to charge fees to parents, guardians, and youth for a youth's involvement in the juvenile delinquency system. Proposed by the Children's Advocacy Alliance and sponsored by the Assembly Committee on Judiciary, the Nevada Legislature enacted AB 439 by unanimous, bipartisan votes.

This memo sets forth AB 439's requirements to end all juvenile fee assessments. The memo recommends additional actions permitted but not required by AB 439, including ending juvenile fee collection and assuming financial responsibility for medical care provided to youth in custody. To assist counties in taking these actions, we have attached a comprehensive list of repealed fees, along with references to relevant state law.

1. End All Juvenile Fee Assessments (required by AB 439 effective July 1, 2019)

Effective July 1, 2019, AB 439 repealed county and state authority to charge fees to parents, guardians, families, and youth for a youth's involvement in juvenile court, including:

- Court costs
- Appointed counsel
- Cost of care
- Evaluation and treatment
- Court program fees
- Administrative assessments

To comply with AB 439, counties are required to end all juvenile fee assessments immediately. Any fees assessed on or after the effective date are unlawful and must be refunded.

2. End All Juvenile Fee Collection (permitted but not required by AB 439)

Although not required by AB 439, we encourage counties to end all juvenile fee collection activity and to discharge all previously imposed fees. At least three counties reported that they

stopped collecting previously assessed fees. To reduce their harmful and costly impacts, counties should end the collection of all juvenile fees immediately and discharge all associated judgments and stipulations to pay.

3. Assume Financial Responsibility for In-Custody Medical Care (permitted but not required by AB 439)

If a detained youth is covered by medical insurance (private or Medicaid), counties can and do bill insurers for the cost of medical care. Under limited circumstances, AB 439 permits but does not require counties to bill parents or guardians for medical care provided to a detained youth regardless of insurance status.

Some counties reported that they have opted not to charge parents or guardians for uncovered medical care of youth under any circumstances. Consistent with the intent of AB 439, we encourage counties not to charge parents or guardians for medical care provided to detained youth.

Thank you for everything you are doing to help young people succeed. If you have any questions or if we can assist you in implementation of AB 439, please contact Jared Busker with the Children's Advocacy Alliance at (702) 228-1869 or Jared.Busker@CAANV.org.

cc: Nevada Association of Juvenile Justice Administrators
Nevada Department of Child and Family Services
Nevada Juvenile Court Judges
Nevada Juvenile Justice Oversight Committee, 2018-2019 Members
Office of the Public Defender (Clark, Elko, Washoe Counties)

The Honorable Steve Yeager, Chair of Assembly Judiciary Committee
The Honorable Nicole Cannizzaro, Chair of Senate Judiciary Committee
The Honorable James Ohrenschall, Chair of Child Welfare and Juvenile Justice Committee

ACLU of Nevada
National Council of Juvenile and Family Court Judges
Nevada Attorneys for Criminal Justice
Progressive Leadership Alliance of Nevada
The Kenny Guinn Center for Policy Priorities

¹ JESSICA FEIERMAN ET AL., JUVENILE LAW CTR., DEBTOR'S PRISONS FOR KIDS? THE HIGH COST OF FINES AND FEES IN THE JUVENILE JUSTICE SYSTEM (2016); POLICY ADVOCACY CLINIC, BERKELEY LAW, UNIV. OF CAL., MAKING FAMILIES PAY: THE HARMFUL, UNLAWFUL, AND COSTLY PRACTICE OF CHARGING JUVENILE ADMINISTRATIVE FEES IN CALIFORNIA (2017).

² Alex Piquero & Wesley Jennings, *Research Note: Justice System–Imposed Financial Penalties Increase the Likelihood of Recidivism in a Sample of Adolescent Offenders*, YOUTH VIOLENCE & JUV. JUST. (2017).

³ NAT'L COUNCIL OF JUVENILE & FAMILY COURT JUDGES, RESOLUTION ADDRESSING FINES, FEES, AND COSTS IN JUVENILE COURTS (2018); NEV. ADVISORY COMM'N. TO THE U.S. COMM'N ON CIVIL RIGHTS, MUNICIPAL FINES AND FEES IN THE STATE OF NEVADA (2017); Kenny Guinn Ctr. for Policy Priorities, *The Costs of the Nevada Juvenile Court System on Youths and Their Families* (2016).

Nevada Assembly Bill 439 (2019) Juvenile Fee Repeal

Nevada Assembly Bill 439 repealed state laws authorizing counties to charge fees in the juvenile delinquency system.

Starting July 1, 2019, counties are no longer permitted to charge the following fees to youth in the juvenile system or their parents and guardians:

- **Court Costs**
 - Ancillary services that are administered or financed by a county, including, but not limited to, transportation or psychiatric, psychological, or medical services (NRS § 62B.110), unless the child receives such services from a provider that is not approved or the child seeks additional services beyond those recommended for the child
 - Collection fee on civil judgment (NRS § 62B.420)
 - Expenses of proceedings involving the disposition of the case, including, but not limited to: (1) reasonable attorney's fees; (2) any costs incurred by the juvenile court; and (3) any costs incurred in investigating the acts committed by the child and in taking the child into custody (NRS § 62E.300)

- **Appointed Counsel**
 - Representation by public defender or attorney appointed by the juvenile court (NRS § 62D.030)

- **Cost of Care**

Expenses for the support of a child committed by the juvenile court to:

 - a public or private institution or agency (NRS §§ 62B.120)
 - the custody of a regional facility for the treatment and rehabilitation of children (NRS § 62B.140)
 - the Department of Child and Family Services (NRS §§ 62E.540, 63.430)

- **Evaluation and Treatment**
 - Tobacco awareness and cessation program (NRS § 62E.440)
 - Unless the child receives such services from a provider that is not approved or the child seeks additional treatment or care beyond those recommended for the child:
 - Medical, psychiatric, psychological, or other care and treatment (NRS § 62E.280)

- Alcohol or drug evaluation and treatment from an approved provider (NRS § 62E.620)
 - Participation in counseling or other psychological treatment related to animal cruelty or torture (NRS § 62E.680)
- **Court Program Fees**
 - Informal supervision involving a program of restitution through work or a program of cognitive training and human development (NRS § 62C.210)
 - Costs related to insurance against liability for personal injury and damage to property and/or industrial insurance during periods in which a child, parent, or guardian is ordered by the juvenile court to participate in:
 - community service (NRS § 62E.180)
 - a program of cognitive training and human development, a program for the arts, or a program of sports or physical fitness (NRS § 62E.210)
 - a program of restitution through work (NRS § 62E.600)
 - A program of visitation to the office of the county coroner (NRS § 62E.720)
- **Administrative Assessments**

\$10 administrative assessment in addition to a fine imposed on:

 - a child in need of supervision, or the parent or guardian of the child, because of habitual truancy by the child (NRS §§ 62E.270, 62E.430)
 - a child who has committed an offense related to tobacco (NRS §§ 62E.270, 62E.440)
 - a child who has committed an unlawful act involving the killing or possession of certain animals (NRS §§ 62E.270, 62E.685)
 - a child who has committed a minor traffic offense (NRS §§ 62E.270, 62E.700)
 - a child adjudicated delinquent (NRS §§ 62E.270, 62E.730)