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IN THE FAMILY DIVISION  
IN THE SECOND JUDICIAL DISTRICT COURT  
OF THE STATE OF NEVADA  
IN AND FOR THE COUNTY OF WASHOE

IN THE MATTER OF THE  
DETENTION OF ADJUDICATED MINUTE ORDER  
JUVENILE OFFENDERS.

WHEREAS, Nevada's Juvenile Justice system is based upon principles of instruction and rehabilitation as opposed to sentencing young offenders to fixed terms of months or years;

WHEREAS, at the time of this writing there are several adjudicated delinquents from the Second Judicial District who are assigned to the Division of Child and Family Services for placement in State-run Training Centers, but who are instead being held for lengthy periods in a local, county-operated pre-trial detention facility (Wittenberg Hall) awaiting placements because space is not available at the Training Centers.

WHEREAS, Wittenberg Hall is a pre-trial detention facility; it is not designed or operated for dispositional programs;

WHEREAS, such post-adjudication detention for protracted periods is

1 deemed to be a denial of due process and is a violation of the constitutional rights  
2 of the adjudicated youth; and

3 WHEREAS, the Wittenberg Hall juvenile detention facility in Washoe  
4 County maintains populations well beyond its design capacities and beyond what it  
5 can safely house, in part because of those youth committed to the Division of Child  
6 and Family Services but held in local facilities;

7 NOW, THEREFORE, exercising the inherent powers of the Court  
8 and its judicial oversight over juvenile cases, the Court hereby makes and enters the  
9 following ORDER which applies to any and all youth who are described above. The  
10 terms of this order shall go into effect sixty (60) days from the date of its filing.

11 WITNESSETH:

12 1. The Nevada Division of Child and Family Services will have  
13 fifteen (15) days from the date of the filing of any Order committing a child to the  
14 Division of Child and Family Services to conduct an assessment of the committed  
15 youth and his or her entire family. This assessment may be utilized by the Division  
16 for planning and placement purposes, including decisions as to which training  
17 center or programs under its jurisdiction would be the most appropriate for the  
18 youth. The assessment will also include information useful for post-commitment  
19 placement decisions such as furloughs, paroles, and reintegration into the  
20 community such as might be in the child's and the community's best interest.

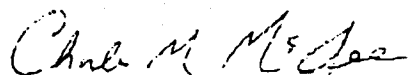
21 2. Thereafter, the Division of Child and Family Services will have  
22 fifteen (15) additional days within which to effectuate the placement. No child  
23 whose status is described herein shall remain in the local detention facility for a  
24 period in excess of thirty (30) days from the date of entry of the Order committing  
25 the child to the custody of the Division of Child and Family Services and placed in  
26 state Training Centers.

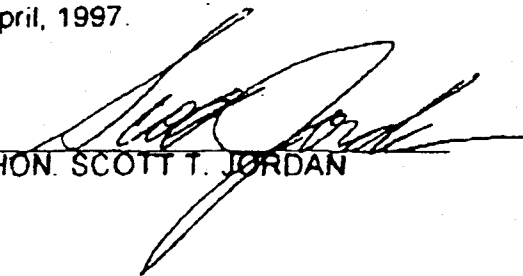
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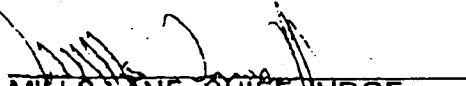
3 The average length of stay for those youth who are committed to the Division shall not fall substantially below the average length of stay experienced by youth prior to the effective date of this order. Nonetheless, the Division of Child and Family Services shall have the discretion to transfer a youth to another program under its control or furlough a youth to a local program consistent with the youth's case plan.

IT IS SO ORDERED.

DATED this 8 day of April, 1997.

  
HON. CHARLES M. MCGEE

  
HON. SCOTT T. JORDAN

APPROVED:  
  
MILLS LANE, CHIEF JUDGE  
SECOND JUDICIAL DISTRICT COURT