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Dear Victim (or parent/guardian of victim if under 18):

Please be advised that a Petition has been filed alleging that a juvenile has committed a delinquent act involving you as a victim.

As a victim, you have certain legal rights including the right to request restitution (if applicable) (NRS 62E.550) and to be advised of the disposition of the case (NRS 62D.440). In addition, Juvenile Court proceedings are open to the public, unless the Juvenile Court determines that all or part of the proceeding must be closed to the public in the best interest of the juvenile or the public (NRS 62D.010). You may present a victim impact statement in writing, or you may attend the dispositional hearing to make a statement in person. You are entitled to additional rights pursuant to Marcy's Law, a copy of which is attached.

If you are owed restitution, you will need to obtain receipts or other documentation showing the amount of the damages. Please provide as much documentation to our office as possible. Restitution requests and supporting documentation needs to be returned to us within 15 days of this letter.

If you wish to assert any of the rights mentioned herein, please complete the enclosed Victim's Request Form and return to the District Attorney's Victim-Witness Services Division, Carson City District Attorney's Office, 885 E. Musser Street, #2030, Carson City, Nevada 89701.

Sincerely,

JASON WOODBURY  
District Attorney

By: \_\_\_\_\_  
Kelly Brandon  
Deputy District Attorney

Enclosures  
cc: File

**Victim's Request Form**

Request for Disclosure of Court Dates and Disposition Information  
Pursuant to NRS 62D.440 and 62D.010 and Marcy's Law

As a victim and/or parent or guardian of a victim who is less than 18 years of age of the instant matter, I am hereby formally requesting to be informed any and all Juvenile Court dates and times, and the disposition of the case.

**Name of the Person making the Request for Disclosure:**

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**Relationship to the Victim** (e.g., Parent/Guardian/etc.):

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**Mailing**

**Address:** \_\_\_\_\_

**Phone numbers:** \_\_\_\_\_

**Email address:** \_\_\_\_\_

**Preferred method of contact:**  Mail  Phone  Email

**Signature:** \_\_\_\_\_

**Victim's Name:** \_\_\_\_\_

**Law Enforcement Agency & Case Number** (if known):

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[Note: **This Victim's Request Form is a confidential document.** Any personal information contained on this request form shall be kept confidential by the District Attorney's Office. The District Attorney's Office cannot prevent disclosure of personal information retained by other sources (for example, listings in the phone book, etc.), but the District Attorney's Office will not release this Victim's Request Form, or the information contained therein, to anyone without the consent of the person completing the Victim's Request Form.]

**Victim's Rights**  
**Pursuant to Chapter 62 of the Nevada Revised Statutes**

**1. Juvenile Court proceedings are generally open to the public. The victim and members of the victim's family may attend and watch all Juvenile Court Proceedings involving the juvenile offender (with certain exceptions). NRS 62D.010.**

Juvenile Court Proceedings are generally open to the public. However, the Juvenile Court may close the proceedings to the general public if, in the Court's discretion, such closure is in the best interests of the child or the general public. Even when the proceedings are closed to the general public, the Juvenile Court, in its sole discretion, may determine that a victim or any member of a victim's family is a person having a direct interest in the case who may be admitted to the proceedings or to parts of the proceedings.

**2. The victim has the right to request that the juvenile court proceedings be closed to the public.**

The Juvenile Court has the sole discretion to decide whether the proceedings shall be open to the public or closed. If the victim believes that the open proceedings will cause further victimization, embarrassment or other harm, the victim may ask the Juvenile Court to close the proceedings, in part or in total, to the general public.

The victim may make this request through the assistance of the District Attorney's Office or directly to the Juvenile Court. If the victim wants the District Attorney's Office to make the request, the victim should notify the District Attorney's Office as early as possible.

**3. The victim, if under the age of 16 years, may request that the proceedings be expedited.**

The Juvenile Court may, at the request of the District Attorney, expedite the date for any adjudicatory hearing involving acts committed against a child less than 16 years of age. The "adjudicatory hearing" is the hearing at which the Juvenile Court will determine whether or not the juvenile has committed the delinquent act(s) for which he/she is charged.

After adjudication, the Juvenile Court shall proceed to disposition. The Court may continue the disposition hearing to a later date in order to receive written reports, medical/psychological evaluations or other information bearing on the disposition. The Court may deny postponement of the disposition hearing if the Court finds that the delay will have adverse effects on the mental or emotional health or well-being of a child victim/witness under the age of 16 years.

If the victim desires that a request be made to expedite the hearings, the victim should notify the District Attorney's Office. The District Attorney's Office is authorized under Chapter 62 to make that request to the Juvenile Court on behalf of the victim.

The decision to expedite the hearing is in the sole discretion of the Juvenile Court. The Court may consider such factors as the effect of a delay on the mental or emotional health or well-being of the child victim/witness. The Court may deny the request if there is a good reason for the delay. (For example, the necessity of receiving a sex specific psychological evaluation of the offender, which generally takes 6 weeks, prior to disposition).

**4. The victim may make recommendations to the Juvenile Court at the disposition hearing.**

If the juvenile offender is adjudicated (found by the Juvenile Court) delinquent for committing an offense against the victim, the victim may at the time of the disposition hearing (in writing, in person or through the District Attorney's Office) make comments to the Juvenile Court regarding the nature of the delinquent act, the juvenile offender, the effect of the delinquent act on the victim and the victim's family, the disposition that the victim believes is appropriate.

**5. The victim has the right to learn the disposition of the case. (NRS 62D.440)**

The victim may learn the disposition of the case by completing the attached Victim's Request Form and delivering it to the Carson City District Attorney's Office or by attending the disposition hearing.

All personal information, including, but not limited to, the address of the victim, parent or guardian contained on the Victim's Request Form shall be kept confidential by the District Attorney's Office.

**6. The victim is entitled to certain restitution.**

The victim of an unlawful act that causes physical injury to a victim of the act is entitled to restitution for medical expenses incurred as a result of the act. (NRS 62E.560). The victim of an unlawful act that damaged or destroyed property owned or possessed by a person is entitled to restitution for the damage or destruction of the property. (NRS 62E.560)

**7. The victim of a sexual offense has the right to attend a school not attended by the offender. (NRS 62F.110, NRS 62F.130, NRS 62F.140)**

If the juvenile offender is adjudicated (found by the Juvenile Court) delinquent for a sexual offense, the Juvenile Court shall prohibit the offender from attending a public school or a private school that a victim of the sexual offense is attending.

If the victim and victim's parents consent **in writing** to the offender attending the same school as the victim, the school and juvenile probation officer assigned to the case shall formulate a plan, known as an **Alternative Plan of Supervision**, which must be approved by the victim, victim's parents and the Juvenile Court, for the supervision of the offender and protection of the victim. After consenting to the offender attending the same school as the victim under a plan of supervision, the victim, victim's parents or District Attorney's Office may at any time request that the Court modify or rescind the plan of supervision and require the offender to attend a different school from the victim.

It is also possible to structure a plan which will allow the offender to attend the same school as the victim, but under conditions which will prevent any contact between the victim and the offender and which will not interfere with or alter the schedule of classes or the extracurricular activities of the victim. Under this structured plan, known as an **Alternative Plan of Attendance**, the consent of the victim and victim's parents is **not** required. However, the victim and victim's parents have the right to oppose the plan and the Juvenile Court may deny the plan based upon the victim's opposition. If the Court approves the plan, the victim, victim's parents or the District Attorney's office may, at any time, petition the Court to rescind or modify the Alternative Plan of Attendance based upon the plan's failure to protect the safety or interests of the victim or based upon the school or the offender's failure to comply with the alternative plan.

**8. The victim has the right to Petition the Court for access to the investigative reports, court reports and court pleadings of the Juvenile Case. (NRS 62H.030, NRS 62H.040)**

The investigative reports, court reports and pleadings of the juvenile case are deemed confidential and may only be released or opened to inspection by court order. If the conduct of the juvenile offender may be the basis of a civil action (lawsuit), any party to the civil action may petition the court for release of the child's name, and upon satisfactory showing to the court that the purpose in obtaining the information is for use in a civil action brought or to be brought in good faith, the court shall order the release of the child's name and authorize its use in the civil action. The decision whether or not to open the reports to the victim is in the sole discretion of the Juvenile Court.

**9. Certain victims may receive compensation for medical bills, counseling, lost wages. (NRS 217.100)**

For information regarding the Victims of Crime Program, contact the District Attorney's Victim-Witness Services Division, Carson City District Attorney's Office, 885 E. Musser Street, #2030, Carson City, Nevada 89701, 775-887-2072.

**10. Additional victim rights pursuant to Marcy's Law. (Nev. Const. Art. 1, sec. 8)**

Each person who is the victim of a crime is entitled to the following rights:

- (a) To be treated with fairness and respect for his or her privacy and dignity, and to be free from intimidation, harassment and abuse, throughout the criminal or juvenile justice process.
- (b) To be reasonably protected from the defendant and persons acting on behalf of the defendant.
- (c) To have the safety of the victim and the victim's family considered as a factor in fixing the amount of bail and release conditions for the defendant.
- (d) To prevent the disclosure of confidential information or records to the defendant which could be used to locate or harass the victim or the victim's family.
- (e) To refuse an interview or deposition request, unless under court order, and to set reasonable conditions on the conduct of any such interview to which the victim consents.
- (f) To reasonably confer with the prosecuting agency, upon request, regarding the case.
- (g) To reasonable notice of all public proceedings, including delinquency proceedings, upon request, at which the defendant and the prosecutor are entitled to be present and of all parole or other postconviction release proceedings, and to be present at all such proceedings.
- (h) To be reasonably heard, upon request, at any public proceeding, including any delinquency proceeding, in any court involving release or sentencing, and at any parole proceeding.
- (i) To the timely disposition of the case following the arrest of the defendant.
- (j) To provide information to any public officer or employee conducting a presentence investigation concerning the impact of the offense on the victim and the victim's family and any sentencing recommendations before the sentencing of the defendant.
- (k) To be informed, upon request, of the conviction, sentence, place and time of incarceration, or other disposition of the defendant, the scheduled release date of the defendant and the release of or the escape by the defendant from custody.
- (l) To full and timely restitution.
- (m) To the prompt return of legal property when no longer needed as evidence.
- (n) To be informed of all postconviction proceedings, to participate and provide information to the parole authority to be considered before the parole of the offender and to be notified, upon request, of the parole or other release of the offender.
- (o) To have the safety of the victim, the victim's family and the general public considered before any parole or other postjudgment release decision is made.
- (p) To have all monetary payments, money and property collected from any person who has been ordered to make restitution be first applied to pay the amounts ordered as restitution to the victim.
- (q) To be specifically informed of the rights enumerated in this section, and to have information concerning those rights be made available to the general public.

## INFORMATION SPECIFIC TO JUVENILE PROCEEDINGS

Juvenile proceedings and Juvenile Court are statutorily created and are distinct from criminal proceedings. Juvenile law varies greatly from state to state. The information below will provide a brief overview of juvenile proceedings and the possible disposition of cases in Nevada.

### Legislative Declaration:

The Legislature hereby declares that:

1. This title must be liberally construed to the end that:

(a) Each child who is subject to the jurisdiction of the juvenile court must receive such care, guidance and control, preferably in the child's own home, as will be conducive to the child's welfare and the best interests of this State; and

(b) When a child is removed from the control of the parent or guardian of the child, the juvenile court shall secure for the child a level of care which is equivalent as nearly as possible to the care that should have been given to the child by the parent or guardian.

2. One of the purposes of this title is to promote the establishment, supervision and implementation of preventive programs that are designed to prevent a child from becoming subject to the jurisdiction of the juvenile court.

### Jurisdiction of Juvenile Court:

In general, the Juvenile Court has jurisdiction over any person who is under 18 years of age living or found within the county who is alleged or adjudicated to committed a delinquent offense.

In juvenile court, violations of law are considered "delinquent offenses", not crimes or criminal offenses.

A juvenile is not "convicted", rather the case is "adjudicated".

Exceptions to juvenile court jurisdiction over persons under 18 years of age include murder or attempted murder committed by a person who is 16 years or older at the time of the offense; certain sexual assaults and certain offenses involving firearms, if the juvenile was at least 16 and had previously been adjudicated for what would be a felony if committed by an adult. In these cases, the adult court has jurisdiction.

The juvenile court can retain jurisdiction over a juvenile who is adjudicated for committing a delinquent offense until the person is 21 years of age, however, the juvenile court can terminate jurisdiction at any time before 21.

## Rights of Juveniles in Juvenile Court:

A juvenile accused of committing delinquent offenses has Constitutional rights including the right to an attorney, the right to have a trial and confront witnesses, the right to require the District Attorney to prove the juvenile committed the offense beyond a reasonable doubt.

In Nevada, the juvenile does not have a right to bail and does not have a right to a jury trial.

A juvenile has a right to have disposition (like sentencing in the adult court) within 60 days after a petition is filed.

## Disposition of cases in Juvenile Court:

In Juvenile Court, a juvenile who is adjudicated as committing a delinquent offense is not “sentenced”, rather the juvenile is subject to disposition.

A juvenile cannot be detained or committed to a secure facility (a detention center) for a set period of time (ie. – a juvenile cannot be “sentenced” to one year in detention). A juvenile can be committed to a state training facility for an indefinite period of time.

A juvenile can be placed on formal or informal probation, again, not for a set period of time. Terms of probation can include checking in with a probation officer, being tested for substances, being subject to search and seizure, attending counseling, and completing community service. (If the juvenile is adjudicated for a sex offense, the probation will be for at least 3 years).

A juvenile can be required to pay restitution to the victim. The Juvenile Court can also prohibit a juvenile from having contact with a victim or victim’s family.

A juvenile’s driver’s license or ability to obtain a driver’s license can be suspended.

If necessary, a juvenile can be required to undergo evaluations and attend an in-patient substance abuse or other mental health treatment program.

The victim has a right, in person or in writing, to provide recommendations regarding disposition or to advise the Juvenile Court how the offense impacted them and/or their family.