

1 IN THE SUPREME COURT
2 OF THE STATE OF NEVADA

3
4 IN THE MATTER OF JUVENILE)
5 DEPENDENCY DIVISION JUDGES)
6 AND JUVENILE HEARING MASTERS)
7 AND ASSIGNMENTS OF MATTERS TO)
8 SPECIALTY DOCKETS AND)
9 CONSOLIDATED AND COORDINATED)
10 CASES AND NOTICE OF RELATED CASES)

AD DOCKET

0494

FILED

FEB 21 2014

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY Anderson
DEPUTY CLERK

PETITION

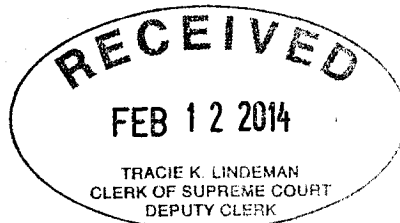
11 COMES NOW, Petitioner, the Judges of the Eighth Judicial District, and petitions
12 this Honorable Court for amendments to the Eighth Judicial District Court Rules. First,
13 amendments to EDCR 1.45 will establish a process where the Presiding Judge of the Family
14 Division assigns juvenile dependency division hearing masters to the juvenile dependency
15 division judges. It also will require the juvenile dependency division hearing masters to
16 apply national best practice standards and to provide and update no less than four times a
17 year to the Family Division Judges on various statistics and report on compliance. Second,
18 amendments to EDCR 1.46 require that dependency masters will be assigned to a
19 dependency court judge as well as apply national best practice standards. Thirdly,
20 amendments to EDCR 2.49 establish a process with respect to notice of related cases.
21 Fourthly, amendments to EDCR 2.50 establish a process and procedure for consolidated and
22 coordinated cases specifically with respect to appropriate times to file a Motion to
23 Consolidate.

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14-05775

Rule 1.45. Juvenile judges.

(a) The juvenile dependency division judges must:

(1) Supervise the activities of the juvenile dependency division hearing master[s] (hereafter masters) **assigned to them by the Presiding Judge of the Family Division** in the performance of their duties pursuant to NRS Chapters 432B and 128; and under EDCR 1.46, hear all objections to the master's findings; and direct the enforcement thereof as may be appropriate.

(2) Hear all abuse and neglect trials involving allegations of sexual abuse upon a minor child under Chapter 432B of the Nevada Revised Statutes. [, unless caseload management for federal compliance requires the judge to seek assistance from the masters in order that the matters may be heard timely.]

(3) Hear all de novo appeals of abuse and neglect cases and any other miscellaneous matters regarding dependency cases.

(4) [Prepare a plan for sharing and assigning responsibility for overflow dependency abuse and neglect cases with all family division judges.]

Provide an update to the Family Division Judges at a regular meeting of Family Division Judges no less than four times per year. The update must include but is not limited to a review of the juvenile and termination of parental rights caseload report and compliance with state and federal standards, number of objections, review of the caseload assignments, and any other matters related thereto.

(5) Apply national best practice standards as outlined in the use of the most current bench cards and hearing checklists.

(b) The juvenile delinquency division judges must:

(1) Supervise the activities of the juvenile delinquency division hearing masters in the performance of their duties pursuant to NRS Chapters 62A through 62I; under EDCR 1.46, hear all objections to the master's findings; and direct the enforcement thereof as may be appropriate.

(2) Hear all de novo appeals of delinquency cases and any other miscellaneous matters regarding delinquency cases.

(3) Prepare a plan for sharing and assigning responsibility for overflow delinquency cases with all family division judges.

(4) Where applicable, represent the division on all matters involving the probation committee, director of juvenile services, chief probation officer or other employee/services referenced in Chapter 62 of the Nevada Revised Statutes.

[Added; effective August 21, 2000; amended; effective July 29, 2011.]

Rule 1.46. Juvenile hearing masters.

(a) The district judges serving in the family division may appoint one or more masters to serve on a full-time or part-time basis as a juvenile hearing master (hereafter master).

(1) A master serves at the pleasure of the district judges serving in the family division and unless those judges make an order terminating the appointment of a master, such master must continue to serve as such until the appointment of a successor.

(2) The compensation to be allowed to a master must be fixed by the presiding judge (with the approval of the remaining family division judges) and concurred in by the chief judge.

(3) Every master must be a member of the State Bar of Nevada who is in good standing and has been so for a minimum of 5 continuous years immediately preceding appointment and may not engage in any private practice after appointment as a master, except when appointed as a part-time master.

(4) The master may be assigned to either the dependency and/or delinquency division.

(b) Dependency masters. The provisions of this section derive from NRS Chapter 432B. Dependency masters may be appointed on a full-time or part-time basis. Dependency masters **will be assigned to a dependency court judge and** must hear such cases as are assigned by the [supervising] dependency court judge (dependency judge). The dependency masters have the following powers and responsibilities:

(1) To hear protective custody matters, pleas, adjudicatory hearings, dispositions, guardianships, in-home reviews, foster care reviews, and formal supervision reviews followed by recommendations to the [supervising] dependency judge;

(2) To hear procedural motions, including but not limited to, appointment of counsel to represent children or parents, to grant withdrawal of counsel, and to appoint CASA; to address placement issues followed by recommendation to the dependency judge;

(3) To hear adjudicatory hearings regarding dependency petitions;

(4) To make proper disposition of all juvenile cases;

(5) To procure the attendance of witnesses by issuance and service of subpoenas;

(6) To require the production of evidence;

(7) To swear witnesses;

- (8) To take evidence and rule on its admissibility; and
- (9) To make findings of fact and recommendations.

(10) Apply national best practice standards as outlined in the use of the most current bench cards and hearing checklists.

The above enumeration is not a limitation of powers of the family division dependency master. The dependency masters have all the inherent powers of the dependency judge subject to the approval of the dependency judge. Nothing herein is intended to convey to any master power or authority in contradiction of the Constitution of the State of Nevada and the Nevada Revised Statutes.

(c) Delinquency masters. The provisions of this section derive from NRS Chapter 62. Delinquency masters may be appointed on a full-time or part-time basis. Delinquency masters must hear such cases as are assigned by the supervising delinquency court judge (delinquency judge). The delinquency masters have the powers and responsibilities:

- (1) To hear all preliminary matters and arraignments;
- (2) To take the plea of any juvenile;
- (3) To appoint an attorney to represent any minor in any proceeding in which the court has jurisdiction if it appears that such minor is unable to employ counsel;
- (4) To take the written waiver of any minor and the minor's family of their right to employ counsel;
- (5) To conduct all detention, transfer, and adjudicatory hearings;
- (6) To make proper disposition of all juvenile cases;
- (7) To accept written agreements releasing a child to the custody of the child's parents, guardian, or custodian upon a return date or to set bail or bond in proper cases;
- (8) To procure the attendance of witnesses by issuance and service of subpoenas;
- (9) To require the production of evidence;
- (10) To swear witnesses;
- (11) To take evidence and rule on its admissibility;
- (12) To make findings of fact and recommendations;

(13) To sign all interim orders that are necessary for the case, treatment, and welfare of the juvenile; and

(14) To act as the supervising master in juvenile traffic court of Clark County and to recommend, in connection therewith, the appointment of assistant special masters by the delinquency judge, if the same are deemed necessary.

The above enumeration is not a limitation of powers of the delinquency hearing master. The delinquency masters have all the inherent powers of the delinquency judge subject to the approval of the delinquency judge. Nothing herein is intended to convey to any master power or authority in contradiction of the Constitution of the State of Nevada and the Nevada Revised Statutes.

(d) A motion to recuse or disqualify a hearing master shall be heard by the dependency judge or delinquency judge with supervisory responsibility over the master.

(e) All proceedings before a master must be conducted in accordance with the Nevada and United States Constitutions, the Nevada Revised Statutes, and Eighth Judicial District Court Rules.

(f) All proceedings before a master shall be of record in the same manner provided by law for proceedings before judges of the Eighth Judicial District Court.

(g) Within 10 days after the evidence is closed, the master must present to the presiding judge all papers relating to the case, written findings of fact, and recommendations.

(1) Within the above time period, the master must serve upon the parties or their attorney of record and, if no attorney of record, the minor's parent or guardian or person responsible for the child's custodial placement, a written copy of the master's findings and recommendations and must also furnish a written explanation of the right of parties to seek review of the recommendations by the presiding judge.

(2) Service, as provided in this section, must be pursuant to the Nevada Rules of Civil Procedure.

(3) A motion for reconsideration of a master's recommendation shall be brought before the master and shall be decided upon the pleadings and any transcript or official record of the proceedings unless the master deems further evidence to be necessary.

(4) An interim order is not reviewable, unless it is certified by the master as a final, reviewable order.

(5) At any time prior to the expiration of 5 days after the service of a written copy of the findings and recommendations of a master, a party, a minor's attorney, or guardian or person responsible for the child's custodial placement may file an objection

motion to the supervising district court judge for the division represented by the master for a hearing. Said motion must state the grounds on which the objection is based and shall be accompanied by a memorandum of points and authorities.

(6) A supervising district judge may, after a review of the record provided by the requesting party and any party in opposition to the review, grant or deny such objection motion. The court may make its decision on the pleadings submitted or after a hearing on the merits. In the absence of a timely objection motion, the findings and recommendation of the master, when confirmed or modified by an order of the supervising district court judge, become an order of the court.

(7) All objection motion hearings of matters initially heard before a master will be before the supervising district judge who may at his or her discretion conduct a trial de novo. The court will review the transcript of the master's hearing, unless another official record is pre-approved by the reviewing judge, and (1) make a decision to affirm, modify, or remand with instructions to the master, or (2) conduct a trial on all or a portion of the issues.

(8) A supervising district court judge may, on the court's own motion, order that a rehearing of any matter be heard before a master.

(9) No recommendation of a master or disposition of a juvenile case will become effective until expressly approved by the supervising district court judge.

[Amended; effective July 29, 2011.]

Rule 2.49. Assignment of matters to specialty dockets.

(a) "Specialty dockets" shall include:

(1) are based on, or will require decision under NRS 40.600 et seq.; Matters in which the primary claims or issues

(2) EDCR 1.61; and "Business matters" as defined under

(3) Any other specialty dockets that may be established by the chief judge to handle complex matters.

(b) Assignment of specialty dockets.

(1) Unless otherwise provided in these rules, specialty dockets shall be divided among those civil judges designated by the chief judge to hear the particular specialty docket.

(2) Any party in a case may file a request in the pleadings or noticed motion that a case be assigned to a specialty docket. A request may be made by a plaintiff or petitioner in the caption of the initial complaint or petition by identifying the category that provides the basis for assignment to a specialty docket. If the request is made in the caption of the initial complaint or petition, the matter will be automatically assigned to a specialty docket by the clerk's office. If the request is made by a party in the caption of its initial appearance or response, other than by the plaintiff/petitioner, then the case shall be randomly assigned to those civil judges designated by the chief judge to hear the particular specialty docket for determination as to whether the case should be handled on the specialty docket.

(3) A civil judge to whom a matter is assigned may refer the matter to a specialty docket for determination as to whether the matter should be handled on the specialty docket. Upon referral, the case shall be randomly assigned to those civil judges designated by the chief judge to hear the particular specialty docket for determination as to whether the case should be handled on the specialty docket.

(4) The assigned judge shall decide whether a case should be handled on the specialty docket, and that decision shall not be appealable nor reviewable by way of writ. Any matter not deemed appropriate to be handled on the specialty docket shall be randomly reassigned if it was originally assigned to the specialty docket. If a case was submitted to the assigned judge to determine whether it should be handled on the specialty docket and the assigned judge rules that it is not, that case will be remanded to the department of origin.

(c) **Notice of Related Cases.**

(1) In any Business matter or Complex matter, any party, or counsel for any party, who is on notice that such action is related to another action on file (including any active or inactive civil, criminal, domestic, probate, guardianship, or bankruptcy action filed in any State or Federal Court) shall, within 20 days of first appearing, or obtaining notice of the other action(s), file and serve in each action currently pending in the Eighth Judicial District a notice of related cases. This notice shall set forth the title, case number, and Court in which the possibly related action is or was filed, together with a brief statement of the relationship between the actions.

(2) An action may be considered to be related to another action when:

(a) Both actions involve the same party or parties and are based on the same or similar claim; and/or,

(b) Both actions involve the same property, transaction or event.

[Added; effective January 4, 2010.]

Rule 2.50. Consolidated and coordinated cases.

(a) Consolidated cases.

(1) Motions for consolidation of two or more cases must be heard by the judge assigned to the case first commenced. **Such a motion would be prematurely brought if done in advance of the filing of an Answer.** If consolidation is granted, the consolidated case will be heard before the judge ordering consolidation.

(2) Documents filed subsequent to the consolidation shall list only the caption and case number of the lowest-numbered case.

(3) Each document will include on the certificate of service the following additional information: "This document applies to Case No. _____" and will list all applicable case numbers and parties.

(4) The clerk shall file documents only in the lowest case number so listed.

(b) Coordinated cases.

(1) Motions for the handling of two or more cases in a coordinated fashion or for consolidation for less than all purposes must be heard by the judge assigned to the case first commenced. If coordination is granted, the coordinated case will be heard before the judge ordering coordination.

(2) Documents filed subsequent to the coordination shall list all case numbers and captions, with the lowest number appearing first, and the clerk shall be provided sufficient copies for each case number so listed.

(c) Regardless of any other provision in these rules, the chief judge shall have the authority to order the consolidation or coordination of any cases pending in the district.

[Amended; effective January 4, 2010.]

Rule 4.41. Notice of Related Cases.

(1) In any probate action any party, or counsel for any party, who is on notice that an action on file or about to be filed is related to another action on file (including any active or inactive civil, criminal, domestic, probate, or bankruptcy action filed in any State or Federal Court) shall, within 20 days of first appearing, or obtaining notice of the other action(s), file and serve in each action currently pending in the Eighth Judicial District a notice of related cases. This notice shall set forth the title, case number, and Court in which the possibly related action is or was filed, together with a brief statement of the relationship between the actions.

(2) An action may be considered to be related to another action when:

(a) Both actions involve the same party or parties and are based on the same or similar claim; and/or,

(b) Both actions involve the same property, transaction or event.