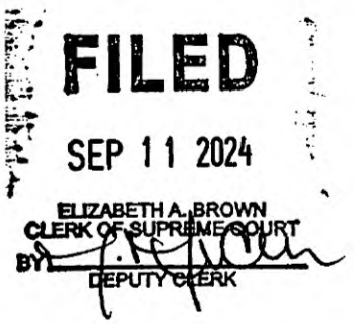
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

IN THE MATTER OF SUBJECT MINOR: P.-G.R., DATE OF BIRTH: NOVEMBER 14, 2009, YEARS OF AGE: 13.

P.-G.R.,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 87388-COA



ORDER VACATING JUDGMENT AND REMANDING

P.-G.R., a minor, appeals from a juvenile court order adjudicating him a delinquent child. Eighth Judicial District Court, Family Division, Clark County; Amy Mastin, Judge.

P.-G.R. argues that the juvenile court hearing master failed to provide him with written notice of certain information as required by NRS 62B.030(3).[1] Whether a hearing master is required to provide written notice of the information outlined in NRS 62B.030(3) to the child is a question of statutory interpretation that we review de novo. *See Harvey v. State*, 136

[1]P.-G.R. concedes that the written notice required by NRS 62B.030 was provided to his counsel. Generally, "[n]otice to an attorney is, in legal contemplation, notice to [the] client." *Lange v. Hickman*, 92 Nev. 41, 43, 544 P.2d 1208, 1209 (1976); *accord Huckabay Props., Inc. v. NC Auto Parts, LLC*, 130 Nev. 196, 208, 322 P.3d 429, 437 (2014). Nevertheless, P.-G.R. contends that written notice had to be provided to him directly, and we consider this claim below.

Nev. 539, 541, 473 P.3d 1015, 1018 (2020). "The goal of statutory interpretation is to give effect to the Legislature's intent." *Williams v. State Dep't of Corr.*, 133 Nev. 594, 596, 402 P.3d 1260, 1262 (2017) (internal quotation marks omitted). We begin with the statute's text, and "[w]e will not go beyond the plain language of a statute when . . . the meaning is clear on its face." *Id.* However, if a statute is ambiguous, "we turn to other legitimate tools of statutory interpretation, including related statutes [and] relevant legislative history." *Castaneda v. State*, 132 Nev. 434, 439, 373 P.3d 108, 111 (2016). A statute is ambiguous if "the statutory language lends itself to two or more reasonable interpretations." *State v. Lucero*, 127 Nev. 92, 95, 249 P.3d 1226, 1228 (2011) (quotation marks omitted).

NRS 62B.030(3) reads as follows:

> 3. A master of the juvenile court shall provide *to the parent or guardian of the child, the attorney for the child, the district attorney, and any other person concerned*, written notice of:
>
> (a) The master's findings of fact;
>
> (b) The master's recommendations;
>
> (c) The right to object to the master's recommendations; and
>
> (d) The right to request a hearing de novo before the juvenile court as provided in subsection 4.

(Emphasis added.) P.-G.R. contends that the phrase "any other person concerned" includes the child subject to adjudication.

We conclude the statute is ambiguous as to whether a hearing master is required to provide written notice to the child directly. The phrase "any other person concerned" can, in isolation, reasonably be interpreted as

including the child subject to adjudication. However, because the statute explicitly directs that written notice be provided to the parent or guardian of the child and to the attorney for the child, the phrase can also reasonably be interpreted as encompassing only those who have a certain relationship or responsibility to the child. Because the statute is ambiguous, we turn to other tools of statutory interpretation to discern the Legislature's intent.

In related statutes, the Legislature explicitly references both the child and the parent or guardian of the child when it intends that each receive certain information. *See, e.g.*, NRS 62D.030(1) (stating "the juvenile court shall advise the child and the parent or guardian of the child that the child is entitled to be represented by an attorney at all stages of the proceedings").[2] In contrast, there is no explicit reference in NRS 62B.030(3) to the child receiving written notice. Moreover, legislative history indicates that the phrase "any other person concerned" was intended to encompass those who "need to know what is going on with [the] child because the court has given them some kind of responsibility," such as "a guardian ad litem assigned to [the child] from a [Child Protective Services] action" or "an aunt who is the placement where [the child] will be living instead of with the parent or guardian because of some dynamic that has happened within the household." *See* Hearing on S.B. 197 Before the Senate Judiciary Comm., 72nd Leg., at 10 (Nev., Mar. 7, 2003). Thus, legislative history supports the

---

[2]We note that NRS 62B.030 and NRS 62D.030 were both enacted in 2003 as part of Senate Bill 197. *See* 2003 Nev. Stat., ch. 206, §§ 44, 96, at 1028, 1047.

interpretation that the Legislature did not intend for "any other person concerned" to include the child subject to adjudication.

In light of the above, we conclude that NRS 62B.030(3) does not require a hearing master to provide written notice to the child directly. Therefore, we conclude P.-G.R. is not entitled to relief on this claim.

P.-G.R. also argues the hearing master failed to provide his mother with notice pursuant to NRS 62B.030(3), thereby preventing her from lodging objections to the hearing master's findings or requesting a de novo hearing within the five-day deadline. The State concedes the hearing master erred in this respect because NRS 62B.030(3) explicitly requires the hearing master to provide written notice to "the parent or guardian of the child." However, the State contends that any error is harmless because this court can review P.-G.R.'s challenge to the sufficiency of the evidence on appeal and there was sufficient evidence to support the adjudication of delinquency.

A person entitled to notice under NRS 62B.030(3) must request a de novo hearing from the juvenile court within five days after the hearing master provides notice of their recommendations. NRS 62B.030(4)(c). Here, P.-G.R.'s mother was entitled to written notice of the hearing master's findings and recommendations, but the hearing master did not provide her with such notice until after the juvenile court had adopted the hearing master's findings and recommendations. Thus, P.-G.R.'s mother was deprived of the five days within which to request a de novo hearing.

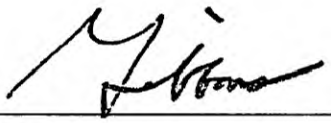
The Nevada Supreme Court previously addressed a situation where a child did not receive the time allotted by court rules to apply for a

rehearing in a juvenile delinquency matter. *See generally Trent v. Eighth Jud. Dist. Ct.*, 87 Nev. 216, 484 P.2d 1097 (1971). In *Trent*, the juvenile court prematurely approved a hearing master's findings and recommendations one day after the findings were issued despite a court rule granting the child five days after service of the findings and recommendations to apply for a rehearing. *Id.* at 217, 484 P.2d at 1098. Because the court rules contemplated that the juvenile court should have the opportunity to consider the child's claims of error in the first instance, the supreme court remanded the matter to the juvenile court to afford the child the prescribed time to apply for a rehearing. *Id.*

After reviewing the briefs and record in this matter, we conclude that similar relief is warranted here because NRS 62B.030(4)(c) clearly contemplates that the juvenile court should have the opportunity to consider any objections to the hearing master's findings and recommendations in the first instance. *See* NRS 62B.030(4) (directing the juvenile court to review the hearing master's recommendations and any objections thereto). And P.-G.R. indicates that his mother would have raised several objections to the hearings master's findings and recommendations. After reviewing any objections, the juvenile court may (1) "[a]pprove the master's recommendations, in whole or in part, and order the recommended disposition"; (2) "[r]eject the master's recommendations, in whole or in part, and order such relief as may be appropriate"; or (3) direct a de novo hearing if one is timely requested. NRS 62B.030(4). Given that the juvenile court may elect to reject the hearing master's findings and recommendations or direct a de novo hearing after considering any

objections presented, we conclude that review of P.-G.R.'s challenge to the sufficiency of the evidence would be premature at this time. *See Trent*, 87 Nev. at 217, 484 P.2d at 1098. Therefore, we remand this matter to the juvenile court with instructions to set aside the order adopting the hearing master's findings and recommendations and to allow P.-G.R.'s mother the time provided by NRS 62B.040(4) to lodge any objections to the hearing master's findings or to request a de novo hearing. Accordingly, we

ORDER the judgment of the juvenile court VACATED AND REMAND this matter to the juvenile court for proceedings consistent with this order.



_____, C.J.
Gibbons

_____, J.
Bulla

_____, J.
Westbrook

cc: Hon. Amy Mastin, District Judge, Family Division
The Law Office of Kristina Wildeveld & Associates
Attorney General/Carson City
Clark County District Attorney/Juvenile Division
Eighth District Court Clerk