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In re P.S., 131 Nev. Adv. Op. 95 (Dec. 24, 2015)

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STATUTORY INTERPRETATION: DE NOVO HEARING

Summary

The Supreme Court of Nevada held that under NRS § 62B.030 the district court has discretion over whether to conduct a hearing de novo after reviewing the recommendations of a master of the juvenile court when timely requested.

Background

Appeal from a juvenile court order affirming the recommendation of the juvenile court master to adjudicate the amount of restitution appellant owed.

Discussion

The Appellant argued that a district court must conduct a hearing de novo after reviewing the recommendations of a master of the juvenile court when timely requested, but the Court disagreed.

Standard of Review

The case raised issues of statutory interpretation, which the Court reviewed de novo and gave effect to the statute's plain meaning.²

NRS § 62B.030 gives the district court discretion whether to grant a hearing de novo

NRS § 62B.030(4) directs the district court's review of a juvenile court master's recommendation. NRS § 62B.030(4)'s use of the word "shall" means that the district court is required to choose one of the three options: (a) accept the master's recommendation in whole or in part, (b) reject the master's recommendation in whole or in part, or (c) conduct a hearing de novo if one is timely requested. The court complies with the statute if it chooses one of these three options.³

Conclusion

The district court did not violate NRS § 62B.030(4) by denying the request for a de novo hearing because NRS § 62B.030(4) grants the court the discretion to decide whether to grant such a hearing.

¹ By Robert Schmidt.

² *MGM Mirage v. Nev. Ins. Guar. Ass'n*, 125 Nev. 223, 226, 228 209 P.3d 766, 768, 769 (2009).

³ See *Trent v. Clark Cnty. Juvenile Court Servs.*, 88 Nev. 573, 577, 502 P.2d 385, 387 (1972)