

**LEGISLATIVE AMENDMENTS  
TO SUPREME COURT RULES AS TRULY  
AGREED TO AND FINALLY PASSED  
BY SENATE BILL NO. 268, 1995**

**RULE 111.03 DESIGNATION OF  
DETENTION FACILITY**

a. Each juvenile court shall by order designate the detention facility or facilities to which juveniles shall be taken when within judicial custody. Copies of the order shall be made available to all law enforcement agencies within the territorial jurisdiction of the court.

b. Pending disposition of the case, the juvenile court may order in writing the detention of the juvenile in one of the following places:

- (1) A juvenile detention facility provided by the county;
- (2) A shelter care facility, subject to the supervision of the court;
- (3) A suitable place of detention maintained by an association having for one of its objects the care and protection of children;
- (4) Such other suitable custody as the court may direct.

c. A juvenile shall not be detained in a jail or other adult detention facility.

d. A detention facility shall be operated to provide for:

- (1) housing and physical spaces for each juvenile consistent with the physical and emotional needs of the juvenile;
- (2) the continued availability of adequate personnel capable, by training or experience, of maintaining the purposes of the facility;
- (3) the educational, moral, medical, physical, and mental well-being of the juvenile;
- (4) the protection of the juvenile from physical and emotional harm from other juveniles, from themselves, and from other reasonably anticipated dangers; and
- (5) the preservation and protection of the legal rights of the juvenile.

**SECTION 1. PHYSICAL PLANT**

The construction of new facilities or the remodeling of an existing structure shall incorporate the following standards during design and construction.

Essential Elements.

1.1 The facility is geographically located so as to be reasonably accessible to law enforcement agencies, the court, community resources, attorneys and family members of juveniles who may be held therein.

1.2 The facility is designed and constructed to maximize communication and interaction between personnel and juveniles.

1.3 Emergency exits are suitable for prompt evacuation.

1.4 Dormitory units do not exceed twenty (20) juveniles.

1.5 Sleeping rooms have at least seventy (70) square feet of floor space for single occupancy and at least one hundred (100) square feet of floor space for double occupancy.

1.6 Sleeping rooms have natural lighting and a bed above floor level. Toilet and wash basin facilities are in the room or readily accessible by direct communication to facility personnel.

1.7 An indoor activity area consisting of day space, dining area, educational space, visiting facilities and exercise area, excluding sleeping rooms, equal to at least one hundred (100) square feet per juvenile.

1.8 Adequate secure storage facilities for the juvenile's personal belongings.

1.9 Adequate storage for surplus facility clothing, bedding and supplies.

1.10 Proper storage space for chemical agents and restraining devices is provided in a secure area readily accessible only to authorized personnel.

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### 2. ADMINISTRATION

Essential Elements.

2.1 The facility shall have a published policy statement that describes its purpose, programs and services.

2.2 An operations manual shall be made available to all employees detailing the policies and procedures for the operation of the facility.

2.3 The facility shall have an organizational chart clearly outlining the lines of authority and accountability.

2.4 A daily population report shall be maintained on every juvenile in the facility to include, but not be limited to: date admitted, caseworker assigned and accumulated days of stay.

2.5 The facility shall have a plan for the routine examination and replacement of equipment.

2.6 The facility administration shall prepare a plan that provides for direct and continuous supervision of all service providers, not being staff, in those areas where contact with juveniles is possible.

2.7 The facility shall have procedures for the reporting of any allegation of child abuse.

2.8 The facility shall compile a quarterly report that shall include, but not be limited to, detention statistics that reflect the total usage, average daily population, male/female occupancy, program services delivered, and fiscal accounting. This information shall then be compiled into an annual report.

2.9 The facility administration shall establish criteria for evaluating the overall performance of the facility.

2.10 The facility's planning, budgeting and program management functions shall be interrelated and linked directly to clear, measurable objectives.

2.11 The facility shall establish procedures for inventory control of property, supplies, and other assets.

2.12 The facility shall have procedures for the receipt, security, and disbursement of all monies, including that in the possession of a newly admitted juvenile to the facility, to include but not be limited to:

- (a) Internal controls,
- (b) Petty cash procedures,
- (c) Bonding, and
- (d) Employee expense reimbursement.

Generally accepted accounting practices shall be employed for the handling of such monies.

2.13 Policy shall specify the relevance of any research project to be conducted and the benefits desired therefrom. Juveniles shall not be used for medical, pharmaceutical or cosmetic research, and participation in any authorized form of research shall be voluntary.

### SECTION 3. PERSONNEL MANAGEMENT

Essential Elements.

3.1 Policies for the selection, retention and promotion of all personnel.

3.2 A personnel policy manual which includes but is not limited to:

- (a) Organization,
- (b) Recruitment policies and procedures,
- (c) Job qualifications, descriptions and responsibilities,
- (d) Prior and in-service training,
- (e) Employee evaluation,
- (f) Full-time, part-time and emergency employment,
- (g) Disciplinary procedures,
- (h) Probationary service,
- (i) Grievance procedures,
- (j) Personnel records,
- (k) Benefits,
- (l) Holidays, leave and work scheduling,
- (m) Retirement,
- (n) Resignation and termination,
- (o) Staff-Juvenile relations, and
- (p) Equal employment opportunity provisions.

3.3 Potential candidates for employment undergo a thorough background investigation including a check of: references, criminal records and central registry of suspected child abuse and neglect reports.

3.4 All employees undergo a physical examination prior to assignment and as required thereafter.

3.5 The personnel policy manual is available to all employees and is reviewed annually and updated accordingly.

**SECTION 4. PROGRAMS AND SERVICES**

Essential Elements.

4.1 Procedures for the delivery of all programs and services consistent with the juvenile's rights.

4.2 Individual and group counseling available and provided for all juveniles as deemed appropriate by facility staff.

4.3 The provision of an education program by the local school district as required by law for all juveniles held beyond their detention hearings or seventy-two hours, whichever occurs first. Every attempt should be made to maintain continuity with the juvenile's local/home educational program.

4.4 Juveniles have access to programs and services in the areas of:

- (a) Religion,
- (b) Mental health,
- (c) Crisis intervention, and
- (d) Medical services.

4.5 Facilities utilizing volunteers provide an orientation program for the volunteers specifying duties and obligations and delineating lines of authority, responsibility and accountability.

**SECTION 5. TRAINING AND STAFF DEVELOPMENT**

Essential Elements.

5.1 An annually updated orientation and training program that documents prior and in-service training for personnel and volunteers.

5.2 New child care personnel receive during their first forty (40) hours of employment orientation/familiarization training that includes the items listed below. Additional training on specific items shall be completed as soon as possible, but within the first year of employment. Said orientation and training shall include:

- (a) Orientation to the overall philosophy, purpose and goals of the facility,
- (b) Working conditions and regulations,

- (c) Responsibilities and rights of employees,
- (d) Intake and booking,
- (e) Security and operations,
- (f) Emergency procedures,
- (g) Crisis intervention,
- (h) Communication skills,
- (i) Juveniles' rights, rules and discipline,
- (j) Use of force and/or restraints,
- (k) First aid, and
- (l) Handicapped and special needs youth.

5.3 Until all orientation and training requirements have been met, new child care workers are teamed with properly trained co-workers.

5.4 All child care personnel receive a minimum of twenty-four (24) hours of updated and specialized training per year to reinforce and enhance their ability to meet the requirements of their specific duties.

5.5 Volunteers and support staff receive orientation and updated training appropriate to their respective duties and obligations.

**SECTION 6. INTAKE AND ADMISSIONS**

Essential Elements.

6.1 Orientation for newly admitted juveniles at each stage of the intake and admission process. Orientation includes notification of rights, review of detention purpose and procedures, and advisory on rules and expectations of the facility.

6.2 Procedures governing the admission process for juveniles shall include:

- (a) Verification of authority to detain,
- (b) Complete search of juveniles and their possessions,
- (c) Notification of custodians,
- (d) Shower and visual inspection,
- (e) Issuance of freshly laundered clothing,
- (f) Securing of all personal clothing, possessions, and monies,
- (g) Initial medical screening,
- (h) Recording of personal data and information, and
- (i) Assignment to primary residential unit/room.

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6.3 Procedures that assure that all personal property and monies in the possession of each newly admitted juvenile is properly identified, receipt recorded, and secured until the juvenile is released or discharged for transfer.

6.4 Procedures that provide that each juvenile upon admission is properly screened for injuries or possible signs of abuse or neglect.

6.5 Juveniles suspected of being under the influence of alcohol or drugs may only be admitted to the facility after being medically examined by a qualified physician and cleared for admission.

6.6 Procedures that provide that every juvenile admitted is properly informed, from the point of intake and admission and throughout the detention experience, of their rights, responsibilities, and expectations, and of procedures for reporting any concern or complaint.

### SECTION 7. JUVENILE RIGHTS

Essential Elements.

7.1 Juveniles shall not be subject to discrimination based on race, color, national origin, sex, creed or handicap.

7.2 The provision of a safe and healthful environment includes:

- (a) Twenty-four (24) hour supervision by trained, professional staff and/or volunteers,
- (b) Clean and orderly surroundings,
- (c) Toilet, bathing, and hand washing facilities,
- (d) Lighting, ventilation, and heating, and
- (e) Clean clothing, bedding and mattresses.

7.3 Participation in educational and recreational activities.

7.4 Participation in religious services of the juvenile's choice on a voluntary basis, subject to the safety, security and control needs of the facility.

7.5 The right to determine the length and style of their own hair, including facial hair, if desired, except where such restrictions are deemed necessary for health or safety reasons.

7.6 Procedures for the possession and use of personal items.

7.7 Juveniles shall not be subject to corporal or unusual punishment, mental abuse, or the punitive restriction of daily living needs.

7.8 Procedures for the reporting of any allegation of child abuse or neglect to the state child abuse/neglect hot line for the independent investigation of any such complaints.

7.9 Written grievance procedures provided to the juvenile upon admission to the facility.

### SECTION 8. COMMUNICATION PROVISIONS

Essential Elements.

8.1 Procedures provided to juveniles and their custodians governing the right of communication between the juvenile, the juvenile's custodians, counsel and significant others.

8.2 A provision for contact visits between the juvenile and the juvenile's custodians consistent with the safety and security requirements of the facility. Visitors must be registered upon entry to the facility and may be subject to a security scan or search consistent with specific procedures.

8.3 Procedures for access and use of a telephone by newly admitted juveniles and residents of the facility.

8.4 Procedures to govern any necessary screening of correspondence or packages consistent with the well being of the juvenile, peers, personnel or the facility.

8.5 Juveniles may communicate without screening with counsel or the assigned officer of the court.

8.6 The provision of postage sufficient for weekly correspondence as indicated above.

8.7 Procedures for the forwarding of first class mail following the juveniles release or transfer.

### SECTION 9. RULES AND DISCIPLINE

Essential Elements.

9.1 Rules of conduct that specify prohibited activity within the facility and outline the possible range of disciplinary actions that can be taken when a rule is violated.

9.2 Rules of conduct specifying prohibited activity are to be made available to each new resident and posted conspicuously in the facility. Staff should help residents to understand each rule.

9.3 The use of written disciplinary reports when there is reason to believe a juvenile has committed a major violation of facility rules and regulations or has persistently engaged in minor violations. Disciplinary reports shall include:

- (a) Specific rules or regulations violated,
- (b) A formal statement of the offense,
- (c) A narrative report of the event, to include:
  - 1) who was involved,
  - 2) what occurred, and
  - 3) time and location,
- (d) Witnesses—personnel or other juveniles,
- (e) Disposition of any physical evidence,
- (f) Immediate action taken, including the use of any mechanical or physical restraint,
- (g) Date and time report is made, and
- (h) Signature of reporting personnel.

9.4 Discipline shall not include the use of corporal punishment, physical or mechanical restraint, mental abuse, or the loss of daily living needs.

9.5 Whenever room restriction or confinement is imposed, the juvenile shall not be restricted or confined in excess of twenty-four (24) hours unless the facility superintendent or the superintendent's designee has reviewed the juvenile's status. A review shall occur every twenty-four (24) hours to determine the continued need for room restriction or confinement. During such restriction or confinement:

- (a) Staff have personal contact with the juvenile at intervals not to exceed fifteen (15) minutes, with immediate staff availability at all times,
- (b) A counselor or the juvenile's deputy juvenile officer visits the juvenile as soon as possible but at least within twenty-four (24) hours after the juvenile's removal from the general program, and
- (c) A log is maintained recording the time restriction/confinement was authorized, persons visiting the juvenile, the person authorizing

release from restriction/confinement, and the time of such authorization.

9.6 Should room confinement in excess of twenty-four (24) hours be imposed, juveniles shall be informed of the reasons for such action, be allowed an appeal of such action before an independent authority, and given assistance in presenting his or her position, if requested.

9.7 Alleged law violations by a juvenile are to be reported to the juvenile office for their investigation or referral to the appropriate law enforcement agency.

## SECTION 10. JUVENILE RECORDS

Essential Elements.

10.1 Policy regarding juvenile records, related logs and reports to include procedures on content, access and use, confidentiality, preservation and security and destruction.

10.2 Admissions records completed on each juvenile entering the facility to include the following data:

- (a) Day, date and time of admission (and release),
- (b) Name (last, first, initial, nickname, alias, aka) and case number,
- (c) Date, place of birth and age, gender and race,
- (d) Address of resident and phone number,
- (e) Name, relation, address and phone number of custodians,
- (f) Reason for admission, specific offenses,
- (g) Name, ID, department of delivering agent,
- (h) Assigned juvenile officer or agency worker,
- (i) Legal counsel,
- (j) Inventory of all personal possessions and monies,
- (k) Medical screening history and condition of health, and
- (l) Date and signatures of individuals completing the admission.

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10.3 Responsible personnel shall enter, date, and sign all required data in the appropriate records, logs and reports.

10.4 Detention records to include:

- (a) A completed admission record,
- (b) Log of telephone calls — day, date, time, number, name and relation,
- (c) Log of visitors — day, date, name, relation,
- (d) Copies of case reports (medical, school, incidents, actions, grievances),
- (e) A log of current court appearances and relevant detention orders,
- (f) Copies of agency referrals, visits, and placements, and
- (g) A copy of current order for release or transfer.

10.5 Procedures to assure compliance with confidentiality for all records, and for regulating access and use to individuals only with authorized approval of court based on legitimate, clear need to know or as allowed by law.

### SECTION 11. SECURITY AND CONTROL

Essential Elements.

11.1 Security and control procedures to include:

- (a) Admission and exit through all security perimeter entrances, exterior doors, and interior doors,
- (b) A designation by the facility superintendent of doors to be kept locked,
- (c) Maintenance of a permanent, written log recording:
  - 1) significant and emergency situations,
  - 2) regular inspection and maintenance of security devices, and
  - 3) daily inspection by line staff and regular inspection by the facility's superintendent of every area in the facility to ensure security and safety for all personnel and juveniles,
- (d) Searches of the facility and juveniles to control contraband,
- (e) The control and use of keys,
- (f) The control and use of tools, medical implements and culinary equipment,

(g) Handling escapes, runaways, and unauthorized absences,

(h) Emergency procedures in the event of a fire, disturbance, or the taking of a hostage, and

(i) Transporting of juveniles outside the facility and from one jurisdiction to another.

11.2 An 8:1 juvenile to staff ratio, with at least two child care workers on duty at all times. During the day, adequate staffing should be available to provide programs in the facility.

11.3 All movement by juveniles is regulated by staff.

11.4 Explicit written procedures for the use of mechanical restraints. The use of mechanical restraints is limited to instances when a juvenile is uncontrollable and poses a serious and evident danger to him or herself and/or others, and during transportation when necessary to assure public safety. Except during transportation, mechanical restraints shall not be utilized for longer than thirty minutes, unless documented authorization is obtained from the facility administrator and follow-up is sought from a psychologist or medical personnel as indicated.

11.5 The use of physical restraint shall be limited to instances of self-protection, protection of others, prevention of property damage, or prevention of escapes.

11.6 The use of either mechanical or physical restraint shall never be applied as punishment.

11.7 Documentation shall be made of any situation requiring the use of any mechanical or physical restraint including: reason, persons involved, date and time, length, and authorization.

11.8 In searching the person of a juvenile, visual searches (visual observation of a juvenile without clothing) shall be done without specific authorization only upon entry to the facility. At all other times, such searches shall be based upon specific grounds.

11.9 A communication system both within the facility and between it and the community that is operational at all times.

11.10 An emergency power source that is regularly inspected and repaired or replaced as necessary.

11.11 A designated area for the securing of firearms. Firearms should not be permitted beyond this area except in emergency situations.

Juveniles shall not have access to this designated area.

## **SECTION 12. SAFETY AND EMERGENCY PROCEDURES**

Essential Elements.

12.1 Provisions for periodic inspections by qualified fire and safety inspectors. Administrative personnel should perform regular inspections of the facility.

12.2 Policy and procedures must be reviewed at least annually with qualified fire and safety inspectors to ensure their effectiveness and coordination with local emergency services.

12.3 An emergency power source to ensure maintenance of essential services in the event primary service is interrupted.

12.4 Procedures for the prompt release of juveniles from locked areas in the event of an emergency. An alternative system for release must be provided.

12.5 Personnel are to be thoroughly trained in emergency procedures.

12.6 All child care personnel shall be trained in basic first aid and cardiopulmonary resuscitation.

12.7 Procedures to control access to and use of flammable, toxic, and caustic materials.

12.8 The use of flame retardant, nontoxic materials and furnishings in the sleeping quarters.

## **SECTION 13. HYGIENE AND SANITATION**

Essential Elements.

13.1 Annual inspection of the facility by qualified health and sanitation professionals and for the regular inspection of the facility by staff and administration.

13.2 A housekeeping plan that provides for the control of vermin and pests.

13.3 Juveniles are to be showered upon admission and issued clean clothing to include: socks, underwear, and outerwear suitable to the sex of the juvenile.

13.4 Clean socks, underwear, and towels to be issued daily, and clean outerwear at least three (3) times per week.

13.5 Daily showers of juveniles.

13.6 Procedures to govern the distribution of all articles necessary to provide for proper personal hygiene.

13.7 Issuance of clean bedding and linens and sufficient blankets to provide comfort under existing temperatures. Linens shall be exchanged at least weekly or as often as may be directed by health reasons.

13.8 Bedding, linens, and clothing that exceeds that required when at maximum population.

13.9 Hair care services available to juveniles.

13.10 Juveniles' personal clothing is to be cleaned and, when necessary, disinfected after admission and before storage or before allowing the juvenile to retain and wear.

## **SECTION 14. MEDICAL SERVICES**

Essential Elements.

14.1 Medical and health care services coordinated by the facility's administrative authority and the designated medical personnel.

14.2 Procedures for the proper delivery of health care services to include medical, dental, and psychiatric services, subject to periodic review by the appropriate medical and health care professionals.

14.3 When provided within the facility, medical and health care services require the designation and availability of space, equipment, supplies, and materials. On a regular basis, such materials and supplies shall be regularly inspected and kept current by the designated medical and/or health care personnel.

14.4 A comprehensive physical and medical screening policy developed by the facility's administrative authority and the designated medical and health care personnel requiring the examination of newly admitted youth within five days of admission. Medical history and other significant background information shall be

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sought and obtained from the child, parents, and/or referring party upon admission.

14.5 Procedures for the identification of youth in need of special care who exhibit physical, medical, or emotional problems, including suicidal tendencies and/or contagious diseases; and detailed procedures outlining the appropriate course of action, including transfer to other medical and/or psychiatric facilities, if indicated.

14.6 Any employee suspected of having a communicable disease must have a medical examination prior to further contact with juveniles detained in the facility; the results of such examination to be kept in strict adherence to the confidentiality rules applicable to medical records.

14.7 Procedures requiring that every juvenile upon admission be properly informed, in writing, of the procedures to be followed to obtain medical services.

14.8 Procedures for the immediate notification of a juvenile's custodian and the detention superintendent of any serious illness, injury, surgery, or death.

14.9 Procedures for emergency 24-hour medical, dental, and psychiatric care as may be needed.

14.10 The proper training of facility staff in first aid, cardiopulmonary resuscitation, and emergency medical services as deemed appropriate by the facility's designated medical authority.

14.11 Procedures for the management, storage, and dispensing of all pharmaceuticals and medical supplies.

14.12 Use of any drugs and/or other pharmaceutical substance for the purpose of management and control juveniles shall be prohibited unless medically prescribed by a licensed physician. Use of such substances for experimentation and/or research is also strictly prohibited.

14.13 Procedures to assure that medical screening and/or services provided are properly documented and recorded in a medical health file for each juvenile that is under the control of the facility's supervising physician or health care consultant.

14.14 Obstetrical and gynecological services as indicated for female youth in residence.

14.15 Procedures for the transfer of copies of written medical instructions and/or records to the juvenile custodian or transfer authority, as applicable, upon release from the facility.

### SECTION 15. FOOD SERVICES

Essential Elements.

15.1 A system of dietary allowance that is reviewed on a regular basis by a qualified food specialist to ensure compliance with nationally recommended food allowances.

15.2 Menus that are planned in advance and substantially adhered to.

15.3 Accurate records maintained on all meals served, including menu and number.

15.4 Documented special diets prescribed by medical or dental personnel or clergy, must be provided as specified.

15.5 A minimum of three meals, at least one of which shall be hot, provided at designated times during each 24-hour period.

15.6 A single menu for each meal provided to juveniles and personnel eating within the facility except for special prescribed diets required by item 15.4 above.

15.7 The use of meals as a reward or punishment is prohibited.

### SECTION 16. RELEASE

Essential Elements.

16.1 Procedures for release of a juvenile including:

- (a) Verification of release authority,
- (b) Notification of custodian or transfer authority for purposes of release,
- (c) Return of personal property and cash, and
- (d) Instructions on forwarding of first class mail and packages.

16.2 Procedures for the transfer of copies of written medical instructions and/or records to the juvenile's custodian, or transfer authority, upon release from the facility.

Section B. Supreme court rule 117.01, is amended so that as amended it reads as follows:

**RULE 117.01 PRESENCE AND  
EXCLUSION OF PARTIES**

a. Except as provided in this Rule, the juvenile and his custodian shall have the right to be present at all times during any hearing.

b. In any hearing where after proper service or notice has been made the juvenile or his custodian fails to appear, the court may in its discretion commence the hearing without the presence of the juvenile or his custodian, except that the hearing may not be commenced without the presence of the juvenile:

(1) in a hearing under Rule 118 to determine whether the juvenile is a proper subject to be dealt with by the juvenile court; or

(2) in a hearing under Rule 119 upon a petition alleging that the behavior of the juvenile is injurious to his welfare or to the welfare of others, or that the juvenile has violated a state law or municipal ordinance.

c. In any hearing the court may in its discretion exclude the juvenile from any part of the hearing where it appears that exclusion is in the best interest of the juvenile, except:

(1) in a hearing under Rule 118 to determine whether the juvenile is a proper subject to be dealt with by the juvenile court; or

(2) in a hearing under Rule 119 upon a petition alleging that the juvenile has violated a state law or municipal ordinance at any time prior to a finding that the facts alleged in the petition have been established.

d. Except as otherwise provided by law, in any hearing the court may in its discretion exclude the juvenile's custodian from any part of the hearing where it appears that exclusion is in the best interests of the juvenile.

e. In determining whether to proceed without the presence of the juvenile or his custodian, the court shall consider, among other things, the age and emotional maturity of the juvenile, the relationship between the juvenile and his custodian, the nature and probable value of the evidence which may be presented, and whether the juvenile or his custodian has expressly requested to be present during the hearing or during the presentation of the evidence.

f. This Rule shall not restrict the power of the court to exclude an unruly or disruptive person from the hearing where such exclusion is neces-

sary to the orderly conduct of the court proceedings.

g. After the commencement of a hearing with the juvenile present the subsequent voluntary absence of the juvenile shall not prevent the court from conducting the hearing to a conclusion.

Section C. Supreme court rule 117.02, is amended, so that as amended it reads as follows:

**RULE 117.02 ADMISSION  
TO HEARINGS**

Except as otherwise provided by law, the court may in its discretion, consistent with the welfare of the juvenile and the objectives of the Juvenile Code, admit to hearings persons with a direct interest in a given case or in the work of the juvenile court.

Section D. Supreme court rule 118.01, is amended, so that as amended it reads as follows:

**RULE 118. DISMISSAL TO  
ALLOW PROSECUTION  
UNDER GENERAL LAW**

**RULE 118.01 ORDER FOR HEARING**

When the petition alleges that a juvenile has committed an act for which the juvenile may be transferred to the court of general jurisdiction and prosecuted under the general law as provided by law, the court, at any time prior to the commencement of a hearing on the allegations of the petition, may, upon its own motion or upon motion by the juvenile officer, the juvenile or the juvenile's custodian, order that a hearing be held for the purpose of determining, in the discretion of the court, whether the juvenile is a proper subject to be dealt with under the provisions of the Juvenile Code. When the order for a hearing is made, the court shall set the date, time and place thereof.

Section E. Supreme court rule 118.03, is amended, so that as amended it reads as follows:

**RULE 118.03 INVESTIGATION**

a. When the court orders a hearing under Rule 118.01, the juvenile officer shall make an investigation to aid the court in determining whether the

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juvenile is a proper subject to be dealt with under the provisions of the Juvenile Code.

b. A written report of the investigation, including all social records, shall be made to the court, and, prior to the hearing, may be made available to the parties and shall be made available to counsel and others as provided by law.

c. The court may order that a supplemental investigation be made by the juvenile officer and a written report thereof filed, and may continue or adjourn the hearing to afford opportunity to complete the supplemental investigation. Prior to the hearing the report of any supplemental investigation may be made available to the parties and shall be made available to counsel and others as provided by law.

Section F. Supreme court rule 122.01, is annulled.

Section G. Supreme court rule 122.04, is amended, so that as amended it reads as follows:

### **RULE 122.04 SEALING OF COURT FILE AND DESTRUCTION OF RECORDS**

The court may, either upon its own motion or upon application by the juvenile or his representative, or upon application by the juvenile officer, enter an order to destroy all social histories, records and information, other than the official court file, and may enter an order to seal the official court file, except as otherwise provided by law as well as to seal all law enforcement officers' records at any time after the juvenile has reached his seventeenth birthday, if the court finds that it is in the best interest of the juvenile that such action or any part thereof be taken, unless the jurisdiction of the court is continued beyond the juvenile's seventeenth birthday, in which event such action or any part thereof may be taken by the court at any time after the closing of the juvenile's case.

Section H. Supreme court rule 122.05, is amended so that as amended it reads as follows:

### **RULE 122.05 NOTIFICATION OF RIGHTS**

Prior to in-custody interrogation, the juvenile shall be advised by the juvenile officer or by a designee trained by the juvenile officer that he has the right to remain silent, that he has the right

to an attorney and if he is unable to afford an attorney that one will be provided for him, that whatever he says to the juvenile officer or juvenile court personnel can be used in certain later proceedings, that if he does talk he has the right to stop talking at any time and that whatever he says to the police or others than the juvenile officer or juvenile court personnel may be used against him in the event he is prosecuted as an adult.

Section I. Supreme court rule 128.06, is amended so that as amended it reads as follows:

### **RULE 128.06 NOTICE UPON ADMISSION TO DETENTION FACILITY**

You are hereby notified that when a juvenile is admitted to a detention facility he has the following rights under the law:

1. The juvenile has the right to remain silent.

This means that he does not have to answer any questions or make any statements unless he desires to do so. If he decides not to remain silent, he has the right to stop talking at any time.

2. The juvenile has the right to consult with and be represented by an attorney. An attorney may be requested at any time. If the juvenile wishes, he will be given the opportunity to telephone an attorney. If the juvenile is unable to hire an attorney, a court will appoint one to represent him without cost to the juvenile.

3. The juvenile has the right to a detention hearing before the court to determine whether detention is necessary. A detention hearing will be held within 3 days, excluding Saturdays, Sundays and legal holidays. At such hearing the juvenile may be represented by an attorney.

4. The juvenile may immediately make a telephone call to his custodian and his attorney. A juvenile may make further telephone calls to his custodian and his attorney at reasonable times.

5. The juvenile's custodian and his attorney may visit him. The first visit may be made at any time. After the first visit, his custodian may visit him during visiting hours, and his attorney may visit him at any reasonable time.

6. If the juvenile refuses to see his custodian, the custodian may visit him only if authorized by the juvenile judge or the juvenile officer.

7. No person other than a custodian, attorney, juvenile officer or member of the juvenile division staff may interview or question a juvenile in detention unless authorized by the juvenile judge or juvenile officer.

8. If the juvenile is represented by an attorney, no person may interview or question a juvenile unless agreed to by the juvenile's attorney or unless his attorney is present.

9. If the juvenile has committed an act for which a juvenile may be transferred to the court of general jurisdiction and prosecuted under the general law or which is a violation of a traffic law, the court may permit the juvenile to be prosecuted as an adult. In such a case, anything he says may be used against him in a criminal proceeding.

Section J. Supreme court rule 128.11, is amended so that as amended it reads as follows:

**RULE 128.11 CIRCUIT COURT, JUVENILE DIVISION, SUMMONS**

In the Circuit Court, Juvenile Division, of ..... County, Missouri

In the Interest of )  
..... ) No. ....  
Male\Female, Age ..... )

**SUMMONS**

To .....

You are hereby notified that a petition has been filed in the Circuit Court, Juvenile Division, of ..... County, Missouri, alleging that the above-named juvenile is subject to the jurisdiction of the court for the reasons set forth in the petition, a copy of which is attached hereto.

You are ordered to appear before this court at ..... on ....., the .... day of ....., 19..., at ... o'clock ...m., for a hearing on the petition, and to have said juvenile with you then and there.

Witness my hand and the seal of said court this .... day of ....., 19....

.....  
Clerk of the Court

**ORDER TO TAKE JUVENILE INTO CUSTODY**

To the Person Serving This Summons:

You are hereby directed to take into your custody immediately the above-named juvenile, ....., and to deliver said juvenile without delay to the juvenile officer of ..... County, Missouri, so that the juvenile may be placed in detention at ..... pending further order of the court.

Witness my hand and the seal of this court this .... day of ....., 19....

.....  
Judge of the Circuit Court,  
Juvenile Division

**TO THE JUVENILE OR CUSTODIAN**

You are to be present with the said juvenile at all hearings in this case, as your right to the custody and control of the juvenile will then be determined.

This summons must be served upon you at least twenty-four hours before the time set for the hearing, unless you have signed a waiver of service.

The hearing may be set over to a later time at your request, if the court finds you have a good reason for the request.

If at the first hearing the allegations in the petition are denied, the court may set this case for trial at a later date.

You have the following rights:

(1) The allegations in the petition are not assumed to be true, but must be proved by competent evidence presented to the court.

(2) You have a right to have an attorney present to assist you at all juvenile court hearings, or you may waive your right to an attorney. If you do desire to be represented by an attorney, you should begin now to obtain his services. If you cannot afford to pay an attorney and you wish to have an attorney to represent you, the court has the power to appoint an attorney to represent you, without charge. However, in the event the court does appoint a public defender or other appointed counsel for the juvenile, the court may, after notice and hearing, order the

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custodian to make reimbursement for all or part of the cost of representation of the juvenile. You should make known to the court your desire to have an attorney appointed for you.

(3) When a petition is filed, the court is required to give you written notice of the date of hearing by summons, unless you have signed a waiver of service, in which case you may be notified by mail of the time and place of the hearing.

(4) If a statement or testimony is given by you, it may be used against you in court. You have a right to question any witness who appears at the hearing and to bring with you any witnesses. If you request, the court shall order persons to be present as your witnesses.

(5) At the end of the hearing when the court has reached a decision, you have the right to appeal the court's decision to a Missouri appellate court.

(6) If the petition alleges an offense which would be a traffic offense or an offense for which the juvenile may be transferred to the court of general jurisdiction and prosecuted under the general law, the court may conduct a hearing to determine whether the juvenile should be dealt with by the juvenile division, or whether he should be proceeded against as an adult, under the general law. If the juvenile is seventeen years or older and already under the jurisdiction of the juvenile division, and the petition alleges an offense which would be a violation of any criminal law or ordinance if the juvenile were an adult, the division may conduct such a hearing.

(7) If the division finds the facts in the petition to be true, it may make orders affecting the juvenile and his custodian concerning the care, custody and control of the juvenile, and the division may commit the juvenile to an institution.

RETURN OF SERVICE

I certify that I have duly executed this summons by serving a copy of the same upon ..... at ....., Missouri, at .....o'clock .....m. the ..... day of ....., 19....

Section K. Supreme court rule 128.15, is amended so that as amended it reads as follows:

RULE 128.15 COURT ORDER OF DISPOSITION COMMITTING JUVENILE TO CUSTODY OF DIVISION OF YOUTH SERVICES

In The Circuit Court, Juvenile Division, of ..... County, Missouri

In the Interest of ) ..... ) No. .... Male/Female, Age .....

ORDER OF DISPOSITION COMMITTING JUVENILE TO CUSTODY OF DIVISION OF YOUTH SERVICES

Now on this ..... day of ....., 19...., there being present ....., juvenile officer of ..... County and ....., attorney for the juvenile officer and ....., the juvenile, ..... and ....., the juvenile's custodian, and ..... attorney for the juvenile, and the court receiving evidence having found that the allegations of the petition were established in that ..... and that therefore it had jurisdiction over the said juvenile, and the court having received further evidence concerning the need of said juvenile for care and treatment, and it being found that said juvenile is in need of care and treatment which cannot be furnished by placing the juvenile in his own home, but which requires the care, custody and discipline of a facility of the division of youth services;

IT IS ORDERED that the said juvenile be committed to the custody of the division of youth services, there to remain until discharged by law, to be dealt with in all respects as provided by law, and that the said juvenile forthwith be delivered to the custody of the division of youth services.

..... Judge of the Circuit Court, Juvenile Division

Section L. Supreme court rule 128.16, is amended so that as amended it reads as follows:

**RULE 128.16 COMMITMENT TO CUSTODY OF DIVISION OF YOUTH SERVICES**

In The Circuit Court,  
Juvenile Division, of .....  
County, Missouri

In The Interest of )  
..... )  
Male/Female, Age ..... )

**COMMITMENT TO CUSTODY OF DIVISION OF YOUTH SERVICES**

The State of Missouri to ....., juvenile officer of ..... County, Missouri:

WHEREAS, in a proceeding in the Circuit Court, Juvenile Division, of ..... County, Missouri, on the ..... day of ....., 19...., the court having inquired into the need for care and treatment of ....., a juvenile over whom the court had previously assumed jurisdiction, who was then and there present, and the court having found the said juvenile to be in need of training, school care, custody and discipline; and

WHEREAS, the court entered an order of disposition committing the said juvenile, ....., to the custody of the division of youth services, there to remain until discharged by law;

THEREFORE, you are hereby commanded to take the said ..... and deliver ..... to the custody of the division of youth services, there to remain in compliance with said order of this court, and to make a return thereof to this court.

.....  
Judge of the Circuit Court,  
Juvenile Division

Section M. Supreme court rule 128.19, is amended so that as amended it reads as follows:

**RULE 128.19 MOTION TO DISMISS PETITION TO ALLOW PROSECUTION OF JUVENILE UNDER GENERAL LAW — FELONY**

In The Circuit Court,  
Juvenile Division, of .....  
County, Missouri

In the Interest of )  
..... ) No. ....  
Male/Female, Age .....)

**MOTION TO DISMISS PETITION TO ALLOW PROSECUTION OF JUVENILE UNDER GENERAL LAW —FELONY**

Now comes ....., juvenile officer of ..... County, Missouri, and moves that the court dismiss the petition heretofore filed in this case to allow the juvenile, ....., to be prosecuted under the general law of this State for commission of a felony, and in support thereof states:

1. The petition filed in this cause alleges that the said juvenile did on the ..... day of ....., 19....., at ....., Missouri, .....

2. The alleged acts by the juvenile constitute an offense for which the juvenile may be transferred to the court of general jurisdiction and prosecuted under the general law as provided by law, to-wit: ....., a violation of Section ....., RSMo.

3. The said juvenile was born on the ..... day of ....., 19... .

4. The said juvenile is not a proper subject to be dealt with under the provisions of the Juvenile Code, for the reason that ....., and that therefore said juvenile is beyond the rehabilitative care, treatment and services available to this court, and cannot benefit further therefrom.

WHEREFORE, petitioner prays that the court receive the report of the investigation required by Section 211.071, RSMo, hear evidence, and find that the juvenile is not a proper subject to be dealt with under the provisions of the Juvenile Code, and thereupon order that the petition be dismissed and that said juvenile may be prosecuted under the general law for the aforesaid felony.

.....  
Juvenile Officer of .....  
County, Missouri.

Section N. Supreme court rule 128.21, is amended so that as amended it reads as follows:

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**RULE 128.21 ORDER DISMISSING  
PETITION TO ALLOW  
PROSECUTION UNDER  
GENERAL LAW**

In the Circuit Court,  
Juvenile Division, of .....  
County, Missouri

In the Interest of ( )  
....., ) No. ....  
Male/Female, Age .....)

**ORDER DISMISSING  
PETITION TO  
ALLOW PROSECUTION  
UNDER GENERAL LAW**

Now on this .... day of ....., 19..., there being present ....., juvenile officer of ..... County, Missouri and ....., attorney for the juvenile officer, and ....., the juvenile, and ..... and ....., the juvenile's custodian, and ....., attorney for the juvenile, and the court hearing the motion of the juvenile officer to dismiss the petition heretofore filed in the interest of the juvenile, to allow the juvenile to be prosecuted under the general law, and the court receiving testimony and other evidence upon said motion, and the report of the

investigation required by Section 211.071, RSMo, and being fully advised in the premises, the court finds:

1. The petition filed in this cause alleges that the juvenile has committed an offense which would be a violation of a state traffic law/municipal traffic offense/felony if committed by an adult, to-wit:

.....  
....., a violation of Section ..... RSMo/Municipal Ordinance.

2. The juvenile is ..... years of age, having been born on the ..... day of ....., 19....

3. The juvenile is not a proper subject to be dealt with under the provisions of the Juvenile Code for the reasons that .....

.....  
.....

WHEREFORE, it is ordered that the petition filed in this case be and the same is hereby dismissed, and that the juvenile may be prosecuted under the general law for the offense alleged in said petition.

.....  
Judge of the Circuit Court,  
Juvenile Division