

POLICE JUVENILE OFFICERS TRAINING BOOKLET

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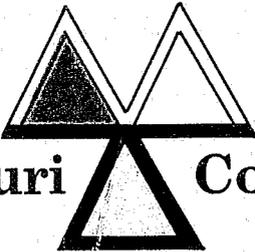


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ACQUISITIONS

1. Police-School Guidelines: The Juvenile at School

POLICE-SCHOOL PROCEDURES

Law enforcement officers are generally called to schools to assist school officials, rather than coming of their own initiative. However, their authority to enter school property is in no way conditioned upon their being summoned. On the other hand, the police officer must be sensitive to the school official's responsibilities. There should be a concerted effort to develop and maintain a cooperative atmosphere. Generally, this will be easier when the same police officer(s) make contacts in any given school and where certain guidelines are agreed upon by both the school district and local police agencies.

The following are suggested guidelines when a police investigation involving juveniles, necessitates a visit to the school. Input from school administrators in your jurisdiction should be sought. A joint meeting with the local juvenile court judge or his representative is also advisable. The court can help to ensure safeguarding of civil rights and due process guarantees.

I. POLICE-SCHOOL PROCEDURES

A. Definitions

1. PJO — Police Juvenile Officer
2. DJO — Deputy Juvenile Officer of the local juvenile court
3. Interview — (Pre-accusatory stage of an investigation) An attempt to gain information or obtain facts regarding an alleged offense in order to clear up same; to discover who was involved; to learn significant facts about those involved.
4. Interrogation — (accusatory stage of an investigation) a technique for the purpose of determining that person's involvement in an offense and eliciting a confession.

B. Policy

1. Interviewing of juveniles during school hours and at school is not recommended as good practice. It should be avoided whenever possible. However, should it become necessary to visit

a school for the purpose of interviewing a juvenile, the following procedures should be followed by the PJO:

- a. Unless in "Hot Pursuit" a police officer should avoid visiting a school in uniform and in a marked car, whenever possible. (Unless requested to do so by school officials or teachers)

Comment:

This is not to suggest that a uniformed officer is "persona non grata" in the schools. There are many positive situations when an officer can visit the school in uniform. Bicycle and traffic safety talks, officer friendly type programs, talks to various classes at the request of individual teachers, etc. However, when an officer visits a school for the purpose of interviewing or taking a student into custody, it can and does have a disruptive affect. This is not to defend the student involved in a criminal or delinquent act. Although some consideration should be given to stigmatizing children who may have been falsely or erroneously accused. On the other hand, we do not want to give a student certain "status" by having the police "put the arm" on him in school. One of the most common complaints by classroom teachers is the disruption that occurs when students know the police are in the school and do not know why. They wonder why they are there and who they are after. This makes it difficult for the teacher to continue with the lesson at hand. Therefore, when a uniformed officer enters a school unannounced, discreetness is suggested. If there is a police liaison officer assigned to the school, contact him and ask for his assistance.

- b. When a visit to a school is necessary, the PJO will first contact by telephone,

— the building principal or assistant principal (This is to ascertain that the student in question is in school.)

— contact the parent(s) or guardian(s) of the student. (the school principal will usually do this, so let local policy dictate)

— whenever possible, (the seriousness of the investigation and local police flexibility will determine this) attempt to make the visit when it will not disrupt normal schedules. (It is better to arrange an interview during a student's study hall than during a class he can least afford to miss. This author realizes many jurisdictions have a heavy investigative case load that precludes much scheduling flexibility. However, when ever possible consideration of a student's schedule is recommended)

Comment:

"There have been some rather serious differences of opinion regarding whether school officials have authority or should permit or deny interviewing students at school. On the other hand, it is logical to assume an officer is acting in the best interest of all concerned to pursue the questioning or interviewing of a child at school when this is reasonable and necessary in the best interest of the child, the community, or the school."¹

The interviewing or questioning of a student while in school is not a normal activity of the local police. It is presumed that only in extraordinary cases would this be necessary. When absolutely necessary, the police officer should be required to secure cooperation from the parents and school officials before the interview. If there is a police-school liaison/counselor type program in the school, that officer can be contacted and can make all necessary aforementioned arrangements.

Interviews must be held in a room secured from casual visitors or curious students. A school official, counselor or parent should be present during the interview.

As police officers, we should understand the school authority's position. Any abuse of police authority or any violation of a student's constitutional rights will make it extremely difficult for him. He would have a problem in justifying his actions to the Board of Education. Community pressures will also be brought to bear. Whether we want to admit it or not, community pressures are a political fact of life. To ensure cooperation from local school authorities, we must be sensitive to their problems.

They are interested in the welfare and proper treatment of children under their supervision. They are in a position of responsibility toward the child in school and have a legitimate reason to determine the need for such interviewing.

c. If the interview reaches a point where it appears the situation will possibly result in the juvenile being referred to juvenile court

— cease the interview (you have reached the accusatory stage)

— advise the juvenile of his constitutional rights (Miranda Warnings)

— notify the parent/guardian and/or juvenile court that you have taken the juvenile into custody and will take him to the police station for completion of necessary forms and then to the detention facility of the juvenile court. ("Dicta" of the local juvenile court will apply)

d. Removing a juvenile from school during regular school hours should be avoided unless absolutely necessary and then only after parents, guardians or custodians have been properly notified of the decision. If such a decision has been reached, the PJO must:

— be prepared to make a formal charge against the juvenile to the juvenile court.

— take the juvenile to the police station and fill out necessary court form. (The juvenile could be taken directly to the juvenile court detention facility and the proper form completed there)

— take the juvenile to the juvenile detention facility

— under no circumstances should a juvenile be removed from school during regular

school hours for a minor offense, unless the juvenile court so orders.

Comment:

Removing a child from school (taking into custody) is a serious matter and the police officer's authority to do so is well defined. To justify the taking into custody of a juvenile, the following must be remembered:

Misdemeanor — The commission of the act must have been committed in the officer's presence.

Felony — There must be probable cause to believe that the person being taken into custody committed the crime, and there must, in fact, have been a crime committed. Probable cause is a complex legal concept and the courts and police sometimes have a difficult time in determining whether probable cause did exist. Taking into custody without probable cause is illegal.

When an officer has reasonable ground (probable cause) to lawfully take a juvenile into custody, he can do so with or without a warrant in felony cases, or when so authorized by the juvenile court. When taking a juvenile into custody for probable cause, it would be wise, time permitting, to obtain a warrant and then take the juvenile into custody outside the school setting. In case of a major crime or emergency situation, you might not be able to follow this procedure. In that case be as discreet as possible. (If there is a "Police-School-Liaison Officers" program in your jurisdiction, contact that officer for assistance.)

It must be remembered that the term "Felony" covers a great many offenses. (some of which are harmful to the individual and some of which are harmful to the community) Some felonies are minor in nature and should be considered in that light. For instance, taking money from a cash register till would be considered in a different light than a child stealing a candy bar from a candy counter. They both constitute a felony — larceny from a building. In making a determination of whether a child shall be removed from school for further investigation the officer should give consideration to the following:

- 1) Is the nature of the offense such that the juvenile is delinquent to the extent that juvenile court action is required immediately?
- 2) Is the nature of the offense such that the community is in need of protection from the child?

If the officer cannot answer affirmatively to both questions, removal from school is not really necessary.

e. Possible Problems

It must be remembered that school principals are understandably cautious and protective of a child. A willingness to cooperate can be maintained by a mutual understanding of the other's concern. When met with a refusal by the principal to speak with a juvenile while in school, it is better to wait until the juvenile is out of school. If the matter is of such importance, a request for a court order may be necessary. This may be inconvenient but the wisest course. In many cases, the lack of cooperation is generally fostered by abuses of authority. It is not good judgement to create a situation of tension between the police officer and the school if it can be avoided.

Comment:

When there is a lack of cooperation between the local police and the school, efforts must be made to improve the situation. Under such circumstances, it should be the responsibility of the designated police officer to contact school authorities and discuss the problems involved. Schools have a great deal to offer in terms of assistance to the police officer. In many instances, they are much better acquainted with the juvenile than the police. The schools occupy a strategic position in prevention and control of delinquency. They, too, are concerned with the growth and development of all children and are an integral part of community life.

We are all concerned with the welfare and discipline of the problem children in the community. Whatever coopera-

tion extended to each other (police and school officials) will be returned many-fold in the benefits that the children derive from such an association.

POLICE-SCHOOL LIAISON PROGRAMS

Many communities in the United States have established "school liaison" or "police-counselor" programs. The police officer is assigned to a particular school(s) in his jurisdiction. There has been much debate as to whether or not the police should be in the schools. Two consultants to the United States Children's Bureau wrote:

"The school liaison policeman's purpose is five-fold: (1) to establish collaboration between the police and school in preventing crime and delinquency; (2) to encourage understanding between police and young people; (3) to improve police team work with teachers in handling problem youth; (4) to improve the attitudes of students toward police; and (5) to build better police community relations by improving the police image."²

It is apparent that a highly experienced and/or trained police officer would be needed to accomplish the aforementioned goals. Where these police-school programs have been successful, careful selection has been the rule. Where there has been initial community resistance, competent officers in cooperation with school authorities have eventually received the endorsement of the community. Generally, where programs have failed it was due to lack of planning and poor selection of officers assigned. The City of St. Louis is an example of a successful Police-School Liaison Program.

Juvenile crime can be greatly reduced by early detection. The police liaison program is one way of reaching a pre-delinquent child before he develops an attitude vulnerable to delinquency.

The child has to attend school. What better place to reach them with preventive measures? What better team than police and schools?

"Three major benefits accrue from having a plain-clothes detective in the school: (1) Good communications are developed between the schools and the police department, and a cooperative program for the guidance of young people is available; (2) When the detective becomes a friend of the youth of a community, a greater

respect for law enforcement is created; (3) Preventive work gives a partial solution to the problem of juvenile anti-social behavior."³

In those communities unable to afford such a program, consideration should be given to assigning at least one officer to make the school contacts. This officer should be sensitive to school problems, to students, and be a positive representative for the police chief and the police agency.

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1. "Law Enforcement and Youth," Michigan State Police, October, 1973
 2. George Shepherd and Jesse James, "Police-Do They Belong in Schools?"
 3. Paul H. Hahn, "The Juvenile Offender and the Law," W. H. Anderson Company, Cincinnati

2. Supreme Court of Missouri

RULES OF PRACTICE AND PROCEDURE IN JUVENILE COURTS

ORDER

Effective August 1, 1976

The Rules of Practice and Procedure in Juvenile Courts submitted to the court by its committee on Rules of Practice and Procedure in Juvenile Courts, as modified by the court, being Rules 110-128 inclusive are hereby approved and adopted. In addition, the court authorizes promulgation of the committee's source and comment material as it pertains to the rules adopted herein.

It is ordered that said Rules of Practice and Procedure in Juvenile Courts shall become effective August 1, 1976 and that the said Rules and the accompanying source and comment material shall be published in the January-February 1976 issue of the Journal of The Missouri Bar.

It is further ordered that this order and the Rules of Practice and Procedure in Juvenile Courts hereby adopted, together with the source and comment material, shall be spread on the record of the court en banc by attaching thereto a certified copy of the same.

Day-to-Day

Robert E. Seiler
Chief Justice

Rule

- 110. General Provisions.
- 111. Custody and Detention.
- 112. Preliminary Inquiry.
- 113. Informal Adjustment.
- 114. Petition.
- 115. Service of Process and Subpoena.
- 116. Representation by Counsel.
- 117. Rules Applicable to All Hearings.
- 118. Dismissal to Allow Prosecution Under General Law.

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Rule

- 119. Hearing on Petition.
- 120. Appeals.
- 121. Modification of Judgment.
- 122. Rights of Juveniles.
- 123. Physical and Mental Examination.
- 124. Search Warrants.
- 125. Transfer of Supervision.
- 126. Disqualification of Judge.
- 127. Juvenile Court Commissioners.
- 128. Forms.

RULE 110. GENERAL PROVISIONS

Rule

- 110.01 Applicability of Rules.
- 110.02 Authority for Rules.
- 110.03 Local Rules of Court.
- 110.04 Procedure When Rules Not Applicable.
- 110.05 Definitions.

110.01 Applicability of Rules

Rules 110 through 128 shall govern practice and procedure in the juvenile courts under Sections 211.011 through 211.431 RSMo.

Source: Compare Rule 41.01(a). See also Rules 36.01 and 37.01.

110.02 Authority for Rules

Rules 110 through 128 are promulgated pursuant to the authority granted this Court by Section 5 of Article V of the Constitution of Missouri and supersede all statutes and existing court rules inconsistent therewith. They are intended to provide for the just determination of proceedings in the juvenile courts. These Rules shall be construed to assure simplicity and uniformity in judicial procedure and fairness in the administration of justice and to conduce to the welfare of the juvenile and the best interests of the state.

Source: Rules 41.02 and 41.03; compare Rules 36.02 and 37.02. See also Section 211.011 RSMo.

Comment: The rule-making power of the Supreme Court is granted by Article V, Section 5 of the Missouri Constitution, which provides:

The supreme court may establish rules of practice and procedure for all courts. The rules shall not change substantive rights, or the law relating to evidence, the oral examination of witnesses, juries, the right of trial by jury, or the right of appeal. The court shall publish the rules and fix the day on which they take effect, but no rule shall take effect before six months after its publication. Any rule may be annulled or amended by a law limited to the purpose.

These Rules are to be construed to achieve the purposes of the Juvenile Code, Sections 211.011 through 211.431 RSMo, as set forth in Section 211.011.

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110.03 Local Rules of Court

The circuit court may adopt rules of practice and procedure governing proceedings in the juvenile court if the rules are not inconsistent with the rules of this Court, the Constitution or statutory law in force. Upon their adoption, copies of any such rules shall be filed with the office of the Clerk of the Supreme Court and of the Clerk of the Court of Appeals for the district in which the circuit court may be, said rules to become effective not sooner than 30 days after their filing. The clerk of the circuit court shall from time to time compile all of the current rules respecting proceedings in the juvenile court and shall maintain copies thereof for distribution to members of the Bar and to the general public upon request.

Source: Compare Rule 50.01; see also Rules 36.03 and 37.03.

Comment: This Rule provides for adoption of local rules by the circuit court, and not by the juvenile division of the circuit court.

110.04 Procedure When Rules Not Applicable

If no procedure is specifically provided in these Rules, the juvenile court shall be governed by the practice and procedure customary in proceedings in equity, and by Rules 41 through 101 to the extent not inconsistent therewith.

Source: Section 211.271.6 RSMo. Compare Rule 41.04; see also Rules 36.04 and 37.04.

Comment: Section 211.171.6 RSMo provides: "The practice and procedure customary in proceedings in equity shall govern all proceedings in the juvenile court."

110.05 Definitions

a. As used in Rules 110 through 128, unless the context requires a different meaning:

(1) "adult" means a person twenty-one years of age or older;

(2) "commissioner" means commissioner of the juvenile court;

(3) "court" or "juvenile court" means the circuit court, except that in judicial circuits of more than one judge the term means a juvenile division of the circuit court;

(4) "custodian" means parent, step-parent, adult spouse of a juvenile, guardian, guardian *ad litem*, or a person having legal or actual custody of a juvenile or standing *in loco parentis* to the juvenile;

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(5) "detention" means the temporary taking and retention of the person of a juvenile in judicial custody in connection with proceedings under the Juvenile Code;

(6) "detention facility" means a place of temporary care for juveniles in judicial custody pending court disposition, and includes facilities which are physically confining and those which provide care for juveniles;

(7) "judge" means the judge of the juvenile court;

(8) "judicial custody" means the taking or retention of custody of the person of a juvenile over whom the court has the power to act;

(9) "juvenile" means a person under twenty-one years of age who is subject to the jurisdiction of the juvenile court;

(10) "Juvenile Code" means Section 211.011 through 211.431 of the Revised Statutes of Missouri, including any amendments or revisions thereof which may hereafter be made;

(11) "juvenile officer" includes deputy juvenile officer and other court personnel the court has authorized to exercise the powers of a juvenile officer;

(12) "law enforcement officer" includes sheriff, deputy sheriff, highway patrol officer, police officer, and marshal;

(13) "legal custody" means the right to the care, custody and control of a juvenile and the duty to provide food, clothing, shelter, ordinary medical care, education, treatment and discipline to a juvenile;

(14) "municipal ordinance" means an ordinance duly adopted by any city, town, village or county of this state;

(15) "parent" means either a natural parent or a parent by adoption, whose parental rights have not been terminated;

(16) "party" means a juvenile who is the subject of a court proceeding, the custodian of the juvenile, the juvenile officer, and any other person denominated by statute as a party in the proceeding; and

(17) "person" includes natural persons, corporations, and agencies of government.

b. The singular includes the plural, the plural the singular, and the masculine the feminine, when otherwise consistent with these Rules.

Source: Section 211.021 RSMo; Standard Juvenile Court Act Section 2(k); Legislative Guide for Drafting Family and Juvenile Court Acts Section 1(s); Model Juvenile Court Rule 1. Compare Section 1.030 RSMo.

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Comment: 1. The definitions set forth in this Rule differ somewhat from those employed in the Juvenile Code. These changes have been made in the interest of consistency and ease of understanding.

The definition of "adult" to include persons over twenty-one years of age differs from Section 211.021(1) RSMo, which defines an adult as a person seventeen years of age or older. However, there is no conflict between the use of adult as defined in these Rules and as used in the Juvenile Code, where it appears in only four Sections: 211.071, 211.151.1(4), 211.171.3 and 211.331.2.

"Child" is not defined in these Rules. Instead, the term "juvenile" is used. While the Juvenile Code employs the term "child" defining it in Section 211.021(2) to mean a person under seventeen years of age, the term itself is not consistently so used in the Juvenile Code; in many instances it also necessarily includes a person over the age of seventeen years. The definition of "juvenile" is used consistently in these Rules.

"Parent" differs from the Section 211.021(5) definition in that the clause "and if the child is illegitimate, 'parent' means the mother," has been deleted. The reasons for the deletion are that the rights and obligations of the father of an illegitimate child have been recognized both by statute and by court decision in Missouri. See Sections 452.150, 452.160 RSMo, and *R_____ v. R_____*, 431 S.W.2d 152 (Mo., 1968).

2. The definition of "court" is derived from Section 211.021(3) RSMo.

3. The definition of "legal custody" is derived from Section 211.021(4) RSMo.

RULE 111. CUSTODY AND DETENTION

Rule

- 111.01 When Juvenile May Be Taken Into Judicial Custody.
- 111.02 Procedure Upon Taking Juvenile Into Judicial Custody.
- 111.03 Designation of Detention Facility.
- 111.04 Presentation of Juvenile to Juvenile Officer or Detention Facility.
- 111.05 Notice Upon Admission to Detention Facility.
- 111.06 Temporary Detention.
- 111.07 Court Action Upon Notice That Juvenile is in Detention.
- 111.08 Detention Hearing.
- 111.09 Release From Detention Upon Change of Circumstances.
- 111.10 Rights During Detention.

111.01 When Juvenile may be Taken into Judicial Custody

- a. A juvenile may be taken into judicial custody
 - (1) pursuant to an order of the court;
 - (2) pursuant to the laws of arrest applicable to adults; or
 - (3) by a law enforcement officer or juvenile officer if there are reasonable grounds to believe that the juvenile is suffering from illness or injury or is in danger of personal harm by reason of his surroundings, and that his immediate removal is necessary.

b. The taking of a juvenile into judicial custody shall not be considered an arrest.

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c. The jurisdiction of the court attaches from the time the juvenile is taken into judicial custody.

Source: New. Compare Sections 211.131.1, .3 RSMo. The substance of the Rule is derived from Uniform Juvenile Court Act Section 13, and Standard Juvenile Court Act Section 16.

Comment: Section 211.101.3 RSMo authorizes the court, after a petition has been filed, to order that the juvenile be taken into custody at once. Section 211.121 provides that the court may issue a *capias* if the juvenile fails to appear in response to a summons. Section 211.131.1 states that when a juvenile is taken into custody for various specified causes, the taking into custody shall not be deemed an arrest.

This Rule states the circumstances under which a juvenile may be taken into custody. Its provisions are consistent with Section 211.131.1, and are intended to clarify the present law.

111.02 Procedure upon Taking Juvenile into Judicial Custody

a. A law enforcement officer or other person taking a juvenile into judicial custody shall immediately make a reasonable effort to notify the juvenile's custodian.

b. When a juvenile is taken into judicial custody he shall not be detained but shall be released at once to his custodian or some other suitable adult

(1) unless the court has ordered the juvenile to be detained, or temporary detention has been ordered pursuant to Rule 111.06; or

(2) unless detention is required to protect the juvenile or the person or property of others, or because the juvenile may flee or be removed from the jurisdiction of the courts or because the juvenile has no custodian or other suitable adult to provide care and supervision for him and return him to the court when required.

c. The person to whom a juvenile is released may be required to sign a written promise to produce the juvenile when ordered by the court.

d. If the juvenile is released in accordance with this Rule, the person who took the juvenile into judicial custody shall promptly notify the juvenile officer in writing of the juvenile's name and address and the reason for taking the juvenile into custody.

e. If the juvenile is not released, he shall immediately be taken to the juvenile officer or a person acting for the juvenile officer or to a detention facility designated by court order pursuant to

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Rule 111.03, and a written report shall be made to the juvenile officer stating why the juvenile was taken into judicial custody and why he was not released.

Source: Sections 211.061.1 and 211.141.1 RSMo. Compare Standard Juvenile Court Act Section 16; Uniform Juvenile Court Act Sections 14, 15; Model Rules 12 and 13.

Comment: Rule 111.02 follows the present statute by requiring immediate notice to a juvenile's custodian when a juvenile is taken into custody. The Rule is likewise consistent with present statutory language requiring that the juvenile be immediately taken to the juvenile officer or a person acting for him.

The Rule is in accord with the declared statutory purpose that the juvenile should be released to his custodian unless substantial reasons exist for detaining him, but clarifies the somewhat vague language of the statute which directs release unless "impracticable" or "undesirable." Section 211.141.1 RSMo. Further, the Rule adds the requirement that a report be made to the juvenile officer if the juvenile is released. The present statute has no such requirement, and the result may be that the juvenile officer and through him the court may not be apprised of a juvenile's having been taken into custody and subsequently released.

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 detention home provided by the county;
- (2) a foster home, 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) a jail or other facility for the detention of adults, if the juvenile's habits or conduct are such as to constitute a menace to himself or others and then only if he is placed in a room or ward entirely separate from persons 17 years of age or older confined therein; or
- (5) such other suitable custody as the court may direct.

Source: Subsection a: New. Compare Standard Juvenile Court Act Section 17; Uniform Juvenile Court Act Sections 15, 16. Subsection b: Section 211.151.1 RSMo.

Comment: Subsection a of this Rule authorizes the court by order to specify the detention facilities to which juveniles shall be taken, and is consistent with current practice. The order should distinguish between juveniles who

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are taken into custody because neglected or dependent and who represent no danger to themselves or others, and juveniles who require secure custody because of the existence of such danger. The purpose of the order is to provide guidance and direction to juvenile court staff and others concerning where a juvenile shall be held pending a specific detention order of the court. Subsection b restates the content of Section 211.151.1 RSMo.

111.04 Presentation of Juvenile to Juvenile Officer or Detention Facility

a. When a juvenile in judicial custody is presented to the juvenile officer, the juvenile officer may, unless the court has ordered detention of the juvenile, release him pursuant to Rule 111.02 or may take the juvenile to a detention facility and there authorize his detention in accordance with Rule 111.06.

b. When a person other than the juvenile officer presents a juvenile in judicial custody to a detention facility operated by the juvenile court exclusively for the detention of juveniles, the person in charge of the detention facility may release the juvenile pursuant to Rule 111.02, unless the court or the juvenile officer has ordered or shall order that the juvenile be detained.

c. When a juvenile in judicial custody is presented to a detention facility, the person in charge of the detention facility shall promptly inform the juvenile officer that the juvenile has been received by the facility and why the juvenile was taken into judicial custody.

d. If the person in charge of the detention facility is unable to locate the juvenile officer within a reasonable time, he shall inform the judge of the juvenile court that the juvenile has been presented to the facility and why the juvenile was taken into judicial custody.

e. Upon being informed that a juvenile is in judicial custody the juvenile officer or judge shall consider the circumstances and shall thereupon either direct the juvenile to be released or authorize the juvenile to be held in the detention facility or some other appropriate facility in accordance with Rules 111.06 and 111.07.

Source: New. Compare Model Rule 12; Standard Juvenile Court Act Section 17; Uniform Juvenile Court Act Section 16.

Comment: This Rule states the procedure to be followed when a juvenile has been taken into custody and is delivered to the juvenile officer or to a detention facility. It permits the juvenile officer or detention staff to release the juvenile to his custodian, and provides for notice to the juvenile officer or judge.

Subsection e empowers the juvenile officer, as well as the court, to order continued detention of the juvenile.

Cross Reference: Section 211.141 RSMo.

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111.05 Notice upon Admission to Detention Facility

a. When a juvenile is admitted to a detention facility, he shall immediately be informed by the juvenile officer or the person in charge of the facility of:

- (1) the reason for his detention;
- (2) his right to a detention hearing under Rules 111.07 and 111.08; and
- (3) his rights during detention under Rule 111.10.

b. The juvenile officer or the person in charge of the detention facility shall as soon as practicable notify the juvenile's custodian that the juvenile is held in the detention facility, and inform him of the reason for the juvenile's detention and the juvenile's rights set forth in subsection a of this Rule. Such communication shall if practicable be made in person or by telephone or otherwise.

c. A written notice substantially in the form set forth in Rule 128.06, setting forth the right to remain silent, the right to counsel, the right to a detention hearing, and the rights during detention shall be given by the juvenile officer or the person in charge of the detention facility to the juvenile in person and to his custodian in person or by mail.

d. Waiver by the juvenile of his rights to counsel and to remain silent may be effected only in accordance with Rules 116.01h and 122.01b.

Source: New. Subsection b is derived from Section 211.141.2 RSMo. Compare Model Rule 13.

Comment: This Rule sets forth the procedure to be followed when it is determined that a juvenile should be held in a detention facility. It requires notice to the juvenile of the reason for his detention, his right to a detention hearing, his right to counsel, his right to remain silent, and the rights accorded him during detention under Rule 111.10. In addition, this notice must also be given to the juvenile's custodian. The Rule provides both oral and written notice of the right to a detention hearing and the juvenile's rights during detention.

111.06 Temporary Detention

a. A juvenile who has been taken into judicial custody other than pursuant to an order of the court shall not be held in custody or in a detention facility for a period of more than twelve hours unless temporary detention has been authorized pursuant to this Rule or unless the court has authorized detention pursuant to Rule 111.07; provided that a juvenile in judicial custody or in a detention facility shall be released only to his custodian or other suitable adult.

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b. Temporary detention of a juvenile for a period not to exceed forty-eight hours may be authorized by the juvenile officer, and, if the detention is in a facility operated by the juvenile court exclusively for the detention of juveniles, by the person in charge of the detention facility. The authorization may be in writing or given orally, and if given orally shall be reduced to writing as soon as practicable.

c. When the juvenile officer or person in charge of a detention facility has authorized temporary detention, he shall as soon as practicable notify the judge of the juvenile court that the juvenile is being detained.

d. Temporary detention of a juvenile for a period beyond forty-eight hours may be authorized only by order of the court under Rule 111.07. If upon expiration of the period of temporary detention no court order for detention of the juvenile has been made, the juvenile shall be released.

Source: New. Compare Section 211.141 RSMo; Model Rule 12; Standard Juvenile Court Act Section 17.

Comment: This Rule permits the juvenile officer to authorize temporary detention for a period not to exceed forty-eight hours, while limiting to twelve hours the maximum time a juvenile may be detained without such authority. This power to order temporary detention is also given to a person in charge of a detention facility operated by the juvenile court exclusively for the detention of juveniles.

111.07 Court Action upon Notice that Juvenile is in Detention

a. When the court is informed that a juvenile has been admitted to a detention facility, it shall without a hearing examine the reasons therefor and shall either:

(1) order the juvenile released pursuant to Rule 111.02;

or

(2) order the continued detention of the juvenile.

b. The court may at any time, on its own motion, order a hearing to determine whether the juvenile is to be continued in detention or released.

c. Upon receipt of a written request therefor from the juvenile or his custodian, the court shall order a hearing to determine whether the juvenile is to be continued in detention or released; and if such hearing is not held within four days after receipt of the request, the juvenile shall be released from detention unless the court for good cause shall have ordered the hearing continued.

d. The detention hearing shall be held after request at a date, time and place within the judicial circuit as shall be convenient to the court.

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e. Notice of the date, time and place of a detention hearing shall be given to the juvenile and his custodian in person, by telephone, or by such other expeditious method as is available.

f. No juvenile shall be held in a detention facility for more than seven days following his admission to such facility unless within that period a petition shall have been filed pursuant to Rule 114.01. If no petition is so filed, the juvenile shall be released forthwith.

Source: New. Compare Model Rule 15. Paragraph f is derived from modern statutes and rules which require that when a juvenile is held in detention, a petition must be filed within a short period of time. See, e. g., Standard Juvenile Court Act Section 17 (24 hours, excluding Sundays and holidays); New Mexico Children's Code Section 24 (48 hours, excluding Saturdays, Sundays and legal holidays).

Comment: The Rule is not intended to affect the practice in those juvenile courts which have by local rule provided for a mandatory detention hearing in each case in which a child is detained.

111.08 Detention Hearing

a. Prior to a detention hearing the juvenile officer shall file a petition pursuant to Rule 114.01, except where the juvenile is already under the supervision of the juvenile court under a prior judgment of the court.

b. At the detention hearing the court shall receive testimony and other evidence relevant only to the necessity for detention of the juvenile. Any written reports or social records offered to the court at the detention hearing shall be made available to all parties at or prior to the hearing.

c. The detention hearing may in the discretion of the court be held in the absence of the juvenile's custodian, and without the presence of the juvenile in a case in which the court's power to act is based upon neglect of the juvenile or absence of proper care, custody or support. In any case the court may appoint a guardian *ad litem* for the juvenile for the purposes of the hearing.

d. At the conclusion of the hearing the court shall order the juvenile released from detention to his custodian or other suitable person pursuant to Rule 111.02, or shall order the juvenile continued in the detention facility, giving reasons therefor, pending further proceedings.

Source: New. Compare Model Rule 17; Uniform Juvenile Court Act Section 17.

Comment: The detention hearing is to determine only whether a juvenile should be continued in detention, or released to his custodian. Only if further detention is necessary should the juvenile continue to be held. The Rule requires that a petition be filed prior to a detention hearing, on the ground

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that only if the matter is serious enough to bring to the attention of the juvenile court should further detention be contemplated. In addition, the purpose of detention is only to ensure the presence of the juvenile at the hearing upon the petition, or to safeguard the juvenile or other persons pending such hearing.

111.09 Release from Detention upon Change of Circumstances

a. A juvenile held in a detention facility under order of the court may be released upon a showing that a change of circumstances makes continued detention unnecessary.

b. A written request for the release of the juvenile from detention, setting forth the changed circumstances, may be filed by the juvenile, by a responsible adult in the juvenile's behalf, by the juvenile's custodian, or by the juvenile officer.

c. Based upon the facts stated in the request, the court may grant or deny the request without a hearing, or may order that a hearing be held at a date, time and place as determined by the court. Notice of the hearing shall be given to the juvenile and his custodian or counsel prior to the hearing. At the hearing, upon receiving evidence, the court may grant the request and release the juvenile to his custodian or other suitable person, or may deny the request and remand the juvenile to the detention facility.

Source: New. Compare Model Rule 18.

Comment: This Rule recognizes that, following an order for detention, the circumstances which originally justified detention may change so that the juvenile can safely be released. The Rule provides a mechanism for calling to the attention of the court such change in circumstances.

111.10 Rights During Detention

a. When a juvenile is taken to a detention facility or delivered to a juvenile officer he may immediately telephone his custodian and his counsel. Thereafter he shall be allowed to telephone his custodian and his counsel at reasonable intervals. The court may establish rules regulating the time and frequency of such subsequent telephone calls.

b. When a juvenile is admitted to a detention facility, his custodian and his counsel may make an initial visit at any time. After the initial visit, the juvenile may be visited by his counsel at any reasonable time, and by his custodian during the visiting hours of the detention facility, which shall be regularly scheduled at least three days per week unless otherwise ordered by the court. The court may establish rules permitting visits by other persons.

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c. If the juvenile refuses to see his custodian, no visits by the custodian shall be allowed unless authorized by the court or the juvenile officer.

d. Except for the juvenile's custodian, the juvenile's counsel, the juvenile officer, and other authorized personnel of the juvenile court, no person shall interview or interrogate a juvenile held in a detention facility unless approval therefor has first been obtained from the juvenile court or the juvenile officer pursuant to a rule of the local juvenile court authorizing such interrogation on approval by the juvenile officer.

e. When a juvenile in custody is represented by counsel no person may interview or interrogate the juvenile concerning the violation of a state law or municipal ordinance by the juvenile unless in the presence of counsel or with the consent of counsel.

Source: New. Compare Model Rule 14.

Comment: This Rule sets forth the rights of a juvenile during the time he is held in a detention facility. It recognizes that the juvenile should be allowed to telephone his custodian and his counsel, and that they should be permitted to visit him at reasonable times.

Since the purpose of holding a juvenile in detention is merely to safeguard the juvenile or others pending adjudication of the petition filed in his interest, the Rule limits interviews or interrogations of the juvenile while he is in detention. The Rule is not intended, however, to permit uncontrolled interrogation of the juvenile by the juvenile officer or other court staff concerning the allegations of the petition.

Whether statements made by a juvenile are admissible against the juvenile in either juvenile court or in circuit court in an adult criminal proceeding is controlled by the general statutory and decisional law on the subject.

RULE 112. INITIATION OF PROCEEDINGS

Rule

112.01 Preliminary Inquiry.

112.01 Preliminary Inquiry

a. Information that could bring a juvenile within the jurisdiction of the juvenile court shall be referred to the juvenile officer. Such information including the name and address of the informant shall be in writing and unless impracticable shall be signed by the informant.

b. The juvenile officer shall make a preliminary inquiry and if it appears therefrom that the juvenile is within the jurisdiction of the juvenile court the juvenile officer shall either:

(1) make informal adjustment of the matter under Rule 113; or

(2) file a petition pursuant to Rule 114.01.

c. If it does not appear to the juvenile officer that the juvenile is within the jurisdiction of the juvenile court, he shall if

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practicable so notify the informant. Thereupon the informant or any other person may bring the matter directly to the attention of the judge of the juvenile court, by presenting to him the information in writing; and if it appears to the judge that the information could bring the juvenile within the jurisdiction of the juvenile court, the judge may order the juvenile officer to take further action, including making a further preliminary inquiry, or making informal adjustment, or filing a petition.

Source: Model Rule 2.

Cf. Section 211.081 RSMo.

Comment: Under this Rule it is not necessary that the court approve the filing of a petition. See also Rule 114.01. Under the Juvenile Code, only the juvenile officer may file a petition. *State v. Taylor*, 323 S.W.2d 534 (Spr. Mo.App.1959). This Rule is not intended to modify the result of the Taylor decision.

Paragraph b of this Rule empowers the juvenile officer to make an informal adjustment or to file a petition. While this provision may appear to depart from a literal interpretation of Section 211.081, which states that the juvenile court may make an informal adjustment or authorize the filing of a petition, the Rule adopts what in fact has long been the practice in Missouri.

Furthermore, the statutory procedure if followed literally to mean participation by the judge in both informal adjustment and in authorizing the filing of a petition would impose a far greater burden upon the judge of the juvenile court than he presently seems to have, since it would require his active intervention in virtually every case. Also serious questions are raised as to whether the judge should be required to evaluate and prejudge the facts in order to determine whether a petition should be filed, and then subsequently sit in judgment upon those same facts at the hearing on the petition.

RULE 113. INFORMAL ADJUSTMENT

Rule

- 113.01 Informal Adjustment.
- 113.02 Notice to Parties.
- 113.03 Informal Adjustment Conference.
- 113.04 Termination of Informal Adjustment.

113.01 Informal Adjustment

Informal adjustment shall include the giving of counsel and advice to the juvenile and his custodian by the juvenile officer and other appropriate persons and may include, with the consent of the juvenile if fourteen years of age or older and with the consent of his custodian, supervision by the juvenile officer and the temporary placement of the juvenile with persons other than his custodian in a manner consistent with Section 453.110.2 RSMo. Referrals may be made to public and private agencies which may provide beneficial guidance or services to the juvenile and his custodian.

Source: New. Compare Alaska Juvenile Court Rule 2(b)(1).

Comment: Authority for informal adjustment in the juvenile court is found in Section 211.081 RSMo, which provides that upon receipt of information

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which appears to bring a juvenile within the jurisdiction of the court, "the court shall make or cause to be made a preliminary inquiry," and

On the basis of this inquiry the juvenile court may make such informal adjustment as is practicable without a petition.

113.02 Notice to Parties

a. When it is determined to make an informal adjustment, the juvenile officer shall request the juvenile and his custodian, by letter, telephone or otherwise, to attend a conference at a designated date, time and place.

b. At the time the request to attend the conference is made, the juvenile and his custodian shall be informed that attendance at the conference is voluntary and that they may be represented by counsel at the conference.

Source: New. Compare Model Rule 3.

Comment: The purpose of paragraph b is to make clear to the juvenile and his custodian that the informal adjustment process does not constitute "official" action by the juvenile court which commands obedience on their part, but is merely an offer of advice and counsel to the juvenile and his custodian by the juvenile officer.

113.03 Informal Adjustment Conference

a. If the juvenile and his custodian appear at the informal adjustment conference without counsel, the juvenile officer shall at the commencement of the conference inform them of their right to counsel under Rule 116.01 and the right of the juvenile to remain silent under Rule 122.01. After being informed under Rule 113.03b if either the juvenile or his custodian indicates a desire to be represented by counsel the juvenile officer shall adjourn the conference to afford opportunity to secure counsel.

b. The informal adjustment conference shall proceed substantially in the following manner. The juvenile officer shall inform the juvenile and his custodian:

(1) that information has been received concerning the juvenile which appears to establish the jurisdiction of the juvenile court to act under the Juvenile Code;

(2) that he intends to discuss with them (A) recommendations for action or conduct in the interests of the juvenile to correct the conditions of behavior or environment which may exist; (B) continuing conferences and contacts with the juvenile and his custodian by the juvenile officer or other authorized persons; and (C) the juvenile's general behavior, his home and school environment, and other factors bearing upon the proposed informal adjustment;

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(3) that during the informal adjustment process no petition will be filed;

(4) that the informal adjustment process is voluntary with the juvenile and his custodian, and that they may withdraw from informal adjustment at any time;

(5) that if the juvenile or his custodian denies that the juvenile court has jurisdiction to act under the Juvenile Code, or wishes the facts to be determined by the court at a hearing, no further effort will be made to arrive at informal adjustment; and

(6) that the juvenile officer may terminate the effort at informal adjustment at any time and thereupon may dismiss the juvenile without further proceedings, or may file a petition in the juvenile court.

c. Following the initial conference, subsequent conferences may be scheduled by the juvenile officer during the informal adjustment process.

Source: New. Compare Model Rules 3 and 4.

Comment: While Section 211.081 RSMo provides that the juvenile court may "make such informal adjustment as is practicable," the Juvenile Code nowhere describes how informal adjustment is to be accomplished. This Rule recognizes that the informal adjustment process is voluntary on the part of the juvenile and his parents, and that the court has no power to compel submission to the process or to order any particular course of conduct on the part of either juvenile or parent. The content of the Rule expresses currently accepted practice by juvenile court personnel within the informal adjustment process.

113.04 Termination of Informal Adjustment

a. The juvenile officer may either terminate the informal adjustment process and dismiss the juvenile without further proceedings or terminate the informal adjustment process and file a petition in the juvenile court if at any time:

(1) it appears that the juvenile and his custodian have received the maximum benefit from the informal adjustment process;

(2) the juvenile or his custodian declines to participate further in the informal adjustment process;

(3) the juvenile or his custodian denies the jurisdiction of the court to act under the Juvenile Code;

(4) the juvenile or his custodian expresses his desire that the facts be determined by the court;

(5) the juvenile or his custodian fails without reasonable excuse to attend scheduled conferences;

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(6) the juvenile or his custodian appears unable or unwilling to benefit from the informal adjustment process;

(7) the juvenile officer becomes apprised of new or additional information which makes it appear that further efforts at informal adjustment would not be in the best interests of the juvenile or of society; or

(8) other sufficient reasons exist for terminating the informal adjustment process.

b. The informal adjustment process shall not continue beyond a period of six months from its commencement unless extended by the court for an additional period not to exceed six months by an order entered prior to the expiration of the original six-month period.

c. Upon termination of the informal adjustment process and dismissal of the juvenile without further proceedings, the juvenile officer shall notify the juvenile and his custodian thereof and report such action to the court.

Source: Generally new. Section 211.081 RSMo authorizes the juvenile court to "make such informal adjustment as is practicable without a petition." Compare Model Rules 4 and 5.

Comment: Under this Rule the informal adjustment process may not in any event continue beyond a period of twelve months from its inception.

The placing of a time limit upon the informal adjustment process is both to reduce the possibility of abuse and to require any long-range program for the child to be approved by the court. That the process may be subject to abuse is recognized in the comment to Section 10 of the Uniform Juvenile Court Act: "There is, however, danger that, unless controlled, the prospect that court proceedings will be commenced and the fear of their consequences may make the participation of the parties an involuntary one, and their agreeing to prescribed terms a product of compulsion."

The informal adjustment process does not authorize detention of the juvenile if not otherwise permitted by the Juvenile Code or by these Rules.

RULE 114. PETITION

Rule

114.01 Style and Content of Petition.

114.02 Amendment of Petition.

114.03 Responsive Pleadings and Motions.

114.01 Style and Content of Petition

a. The petition shall be entitled "In the Interest of _____, Male/Female, Age ____."

b. The petition may be filed upon information and belief, and shall set forth plainly and concisely, with reasonable particularity:

(1) the full name, birth date, and residence of the juvenile in whose interest the petition is filed;

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(2) the name and residence of (A) the juvenile's parents; (B) the juvenile's legal guardian if there be one; (C) any person or agency in whose custody the juvenile may be; and (D) the juvenile's nearest relative if no parent or guardian be known.

(3) the facts which bring the juvenile within the jurisdiction of the juvenile court, including the date, place and manner of the acts alleged and the law or standard of conduct, if any, allegedly violated by the acts; and

(4) any other pertinent data or information.

c. The petition shall be filed in the office of the clerk of the juvenile court.

Source: Section 211.091 RSMo. Compare Model Rule 6.

Comment: This Rule generally follows Section 211.091 RSMo in specifying the form and content of the petition. Several relatively minor modifications are introduced in the interest of clarity: the age and sex of the juvenile must appear in the caption, and the facts which bring the juvenile within the jurisdiction of the court are more clearly specified than in Section 211.091. In addition, the Rule provides that the petition may be filed upon the information and belief of the juvenile officer who files it, thereby obviating the requirement of Section 211.091.3.

114.02 Amendment of Petition

The petition may be amended by leave of court at any time. When the petition is amended the court shall grant the parties such additional time to prepare as may be necessary to provide a full and fair hearing.

Source: New. Compare Model Rule 8; Civil Rules 55.53, 55.54.

Comment: When the petition alleges violation by the juvenile of a state statute or municipal ordinance, care must be taken to comply with the requirements of due process of law if the petition is amended at any time after the hearing on the petition has commenced.

114.03 Responsive Pleadings and Motions

No party shall be required to file a responsive pleading. A party may file

(1) a pleading responsive to the petition at any time prior to the hearing or at the commencement thereof; and

(2) a motion at any appropriate time.

Source: New. Compare Model Rule 7.

Comment: A party filing a pleading or motion must effect service thereof upon other parties pursuant to Rule 115.04.

RULE 115. SERVICE OF PROCESS AND SUBPOENAS

Rule

115.01 Summons and Service of Petition.

115.02 Form and Content of Summons.

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Rule

- 115.03 Summons May Order Juvenile Taken into Judicial Custody.
- 115.04 Service and Filing of Other Pleadings, Motions and Notices.
- 115.05 Service Upon Juvenile Under Twelve Years of Age.
- 115.06 Waiver of Service by Custodian.
- 115.07 Witness—Subpoena.

115.01 Summons and Service of Petition

a. When a petition is filed and a date for hearing has been set pursuant to Rule 119.01, the clerk of the court shall issue a summons directing the juvenile to be present at the hearing and, unless the court orders otherwise, requiring the custodian of the juvenile to appear at the hearing and to bring the juvenile with him. If the juvenile is in a detention facility, the court shall direct that the juvenile be brought to the hearing.

b. Service of summons shall be made personally upon a juvenile over twelve years of age. Service upon a juvenile less than twelve years of age shall be made pursuant to Rule 115.05.

c. Service of summons shall be made personally upon the parents of the juvenile and upon the person having actual custody of the juvenile, provided that if personal service cannot be had upon such persons, service of summons shall be made by registered or certified mail to their last known address. Service of summons upon other parties may be made personally or by registered or certified mail to their last known address. Personal service under this paragraph shall be made in the manner provided in Rule 54.13. The inability to serve any party under this paragraph shall not deprive the court of jurisdiction to proceed.

d. Personal service shall be effected upon the juvenile and, when required, upon his custodian at least twenty-four hours before the time set for the hearing. Registered or certified mail shall be mailed at least five days before the time of the hearing.

e. Service of summons may be made by the sheriff or the juvenile officer or, if ordered by the court, by any other suitable adult.

Source: Sections 211.101, 211.111 RSMo. Compare Model Rule 20.

Comment: Because it is sometimes necessary to conduct a juvenile court hearing at the earliest possible time, paragraph d of this Rule retains the statutory provision of Section 211.111.2 requiring a minimum of only twenty-four hours' notice of the hearing. However, in most cases the circumstances will permit earlier notice to be given, and this should be done.

The constitutional standard of adequate notice of the charges contained in the petition is set forth in *In the Matter of Gault*, 387 U.S. 1, 33, 87 S.Ct. 1428, 18 L.Ed.2d 527 (1967):

Notice, to comply with due process requirements, must be given sufficiently in advance of scheduled court proceedings so that reasonable op-

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portunity to prepare will be afforded * * * [S]uch written notice [must] be given at the earliest practicable time, and in any event sufficiently in advance of the hearing to permit preparation. * * * [Due process] does not allow a hearing to be held in which a youth's freedom and his parents' right to his custody are at stake without giving them timely notice, in advance of the hearing, of the specific issues that they must meet.

115.02 Form and Content of Summons

The summons shall state the date, time and place of the hearing. It shall be substantially in the form set forth in Rule 128.12. A copy of the petition shall be served with the summons.

Source: New.

115.03 Summons may Order Juvenile Taken into Judicial Custody

If it appears that the juvenile is in such condition or surroundings that his welfare or the welfare of others requires that he be taken into judicial custody immediately and placed in a detention facility pending the hearing, the judge may order by endorsement upon the summons that the person serving the summons take the juvenile into judicial custody at once and that the juvenile be immediately delivered to the juvenile officer to be placed in a designated detention facility.

Source: Compare Model Rule 21 Section 211.101.3 RSMo.

Cross-Reference: Judicial custody is defined in Rule 110.05.a(8). Rule 111.01 specifies when a juvenile may be taken into judicial custody without a court order.

115.04 Service and Filing of Other Pleadings, Motions and Notices

All written pleadings subsequent to the original petition, all motions other than those which may be heard ex parte, and all notices and other papers which are required to be served upon the parties shall be served upon each of the other parties affected thereby and filed with the court, in the manner set forth in Rule 43.01.

Source: New.

Comment: Juvenile court proceedings are civil in nature. Accordingly, pleadings subsequent to the original petition, and motions and notices should be served in the same manner as in other civil proceedings.

115.05 Service Upon Juvenile Under Twelve Years of Age

a. Service of the petition, motions, notices and other papers upon a juvenile less than twelve years of age shall be effected by making such service upon his custodian.

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b. If the interests of a juvenile less than twelve years of age appear to conflict with those of his custodian, the court shall appoint a guardian *ad litem* to represent the interests of the juvenile and to receive service.

Source: New. Compare Model Rule 37.

Comment: This Rule recognizes that a child below the age of twelve may not comprehend the nature of process which might be served upon him in a juvenile proceeding, and provides that service upon his custodian is adequate.

115.06 Waiver of Service by Custodian

a. A custodian may waive service of summons on himself by executing a written waiver. At the time of waiver a copy of the petition shall be given to the custodian.

b. Appearance at the hearing by a custodian shall constitute a waiver by the custodian of service of summons.

Source: Compare Rule 54.66(e).

Comment: The custodian may waive his right to service of summons, but may not waive the right of the juvenile to such service.

115.07 Witness—Subpoena

A party is entitled to compulsory process for any necessary witness and, upon request of a party or the judge, the clerk of the court shall issue a subpoena stating the date, time and place of appearance.

Source: Compare Sections 211.101.4, 491.090 and 491.100 RSMo. See also Uniform Juvenile Court Act Section 18:

[Subpoena] Upon application of a party the court or the clerk of the court shall issue, or the court on its own motion may issue, subpoenas requiring attendance and testimony of witnesses and production of papers at any hearing under this Act.

Comment: Rule 115.07 is broader in scope than Section 211.101.4, which states that: "Subpoena may be issued requiring the appearance of any other person whose presence, in the opinion of the judge, is necessary."

This Rule gives a party a right to subpoena witnesses that he deems necessary without being first required to convince the judge of the necessity of the witness' presence at the hearing. This change is made for three reasons: First, the broadening of the statutory language is probably necessary to accord due process of law to the parties. Second, to require the judge to make a pre-hearing determination as to whether a particular witness may be called is inconsistent with the judge's subsequent function of hearing the evidence and determining the facts of the case. Third, to require all parties to secure judicial approval before subpoenas will be issued impinges severely, even in a routine case, upon the limited and valuable time of the judge.

Any abuse of the power to request subpoenas may be dealt with by the court in the same manner as in other civil cases, or in criminal cases.

RULE 116. REPRESENTATION BY COUNSEL

Rule

116.01 Right to Counsel.

116.02 Appearance by Counsel.

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116.01 Right to Counsel

a. A party is entitled to be represented by counsel in all proceedings.

b. The court shall appoint counsel for a juvenile prior to the filing of a petition if a request is made therefor to the court and the court finds that the juvenile is the subject of a juvenile court proceeding and that the juvenile making the request is indigent.

c. When a petition has been filed the court shall appoint counsel for the juvenile when necessary to assure a full and fair hearing.

d. When a petition has been filed and the juvenile's custodian appears before the court without counsel the court shall appoint counsel for the custodian if it finds:

(1) that the custodian is indigent; and

(2) that the custodian desires the appointment of counsel; and

(3) that a full and fair hearing requires appointment of counsel for the custodian.

e. Counsel shall be allowed a reasonable time in which to prepare to represent his client.

f. Counsel shall serve for all stages of the proceeding, including appeal, unless relieved by the court for good cause shown.

g. The juvenile and his custodian may be represented by the same counsel except where a conflict of interest exists. Where it appears to the court that a conflict exists, it shall order that the juvenile and his custodian be represented by separate counsel, and it shall appoint counsel if required by paragraph c or d of this Rule.

h. When a petition has been filed, a juvenile may waive his right to counsel only with the approval of the court.

i. Waiver of counsel by a juvenile may be withdrawn at any stage of the proceeding, in which event the court shall appoint counsel for the juvenile if required by paragraph c of this Rule.

Source: New. Compare Model Rule 39; Uniform Juvenile Court Act Section 26.

Comment: Rule 116.01 makes full provision for counsel for the juvenile and his custodian.

116.02 Appearance by Counsel

a. Counsel shall enter his appearance on behalf of a party in the proceeding by filing a written notice of appearance with the

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court, by filing a pleading, motion or notice signed by counsel, or by appearing in open court and advising the court that he is representing a party.

b. After counsel has entered his appearance, he shall be served with copies of all subsequent pleadings, motions, and notices required by rule or statute to be served on the party he represents.

c. Counsel may withdraw only with leave of court, and in a manner consistent with Rule 113 and any applicable local court rules.

Source: New. Compare Model Rule 40.

Comment: This Rule provides the procedure whereby an attorney enters his appearance in a juvenile cause, and whereby he may withdraw from further representation.

RULE 117. PROVISIONS APPLICABLE TO ALL HEARINGS

Rule

- 117.01 Presence and Exclusion of Parties.
- 117.02 Admission to Hearings.
- 117.03 Record of Proceedings.
- 117.04 Rules of Evidence.
- 117.05 Standard of Proof.

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:

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(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. 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 necessary 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.

Source: New. Compare Model Rule 36.

Comment: Section 211.171.2 RSMo provides that "The hearing may, in the discretion of the court, proceed in the absence of the child and may be adjourned from time to time." This section followed similar juvenile code philosophy current at the time of its adoption. See, e. g., Standard Juvenile Court Act Section 19 (6th ed. 1959): "The child may be excluded from the hearing at any time in the discretion of the judge."

Following the *Gault* decision (387 U.S. 1, 87 S.Ct. 1428, 18 L.Ed.2d 527 [1967]), however, it has been recognized that at least in those juvenile court proceedings in which the conduct of the juvenile is in question the court's power to proceed without the presence of the juvenile is restricted. The Comment to Model Rule 36 is instructive:

Section 19 of the Standard Juvenile and Family Court Acts permits the child to be excluded from the hearing at any time. *Standards for Juvenile and Family Courts* holds (p. 75) that the child should not be excluded during the adjudicatory hearing of a delinquency petition. This position, adopted in the rule, seems to be required by the *Gault* case, which establishes the right to confrontation in a disputed juvenile court adjudication.

In general, children should not be excluded from any hearing and may not be excluded if the testimony concerns their own acts. However, the airing of allegations regarding a child's parents and home life may be traumatic and disruptive of the family relationship. Such material may

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be elicited in neglect proceedings, in which the parents' acts or omissions, hurtful to the child, are the subject of the court's inquiry. In many such cases, the child need not be present at the hearing at all or may be excluded while particular testimony is being given, and his interests can be protected by counsel. If the child is not represented by counsel, it may be appropriate to appoint a guardian *ad litem* to protect him while he is excluded from the courtroom.

A similar position is taken by Section 24 of the Uniform Juvenile Court Act:

The court may temporarily exclude the child from the hearing except while allegations of his delinquency or unruly conduct are being heard.

Section 29 of the Children's Bureau Legislative Guide is similar:

If the court finds that it is in the best interest of the child, his presence may be temporarily excluded from the hearings except while allegations of delinquency or need of supervision are being heard.

117.02 Admission to Hearings

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.

Source: This Rule is a restatement of Section 211.171.5 RSMo.

Comment: This Rule permits the juvenile court to protect the confidentiality of the proceeding by excluding the general public, but allows the admission to hearings of persons interested in a given case or interested in the work of the court.

117.03 Record of Proceedings

A complete record of all testimony shall be kept by stenographic reporting, by mechanical or electronic device, or by some combination thereof. Exhibits and other tangible evidence shall be preserved by the party offering the same unless otherwise directed by the court.

Source: New. Compare Model Rule 42.

Compare Section 211.171.4 RSMo: "Stenographic notes or an authorized recording of the hearing shall be required if the court so orders or if requested by any party interested in the proceeding."

See Uniform Juvenile Court Act Section 24(c): "If requested by a party or ordered by the court the proceedings shall be recorded by stenographic notes or by electronic, mechanical, or other appropriate means. If not so recorded full minutes of the proceedings shall be kept by the court."

See also Standard Juvenile Court Act Section 19; Children's Bureau Legislative Guide Section 29(b).

Comment: The Juvenile Court in Missouri, as a division of the Circuit Court, has available to it the services of a full-time court reporter. Consequently there is no good reason why a complete record of all testimony cannot be secured in any hearing in the Juvenile Court. Thereby a record is provided for purposes of appeal, and, as noted in *Gault*, the judge will be spared "the unseemly duty of testifying under cross-examination as to the events that transpired in the hearings before him." 387 U.S. 1, 58, 87 S.Ct. 1428, 18 L.Ed.2d 527 (1967).

This rule is not applicable to informal adjustment conferences under Rule 113.

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117.04 Rules of Evidence

At all hearings involving adjudication of the allegations of a petition the rules of evidence applicable to proceedings in equity shall govern.

Source: Section 211.171.6 RSMo. Compare Article V, Section 5 of the Constitution of Missouri.

117.05 Standard of Proof

a. In all hearings upon a petition alleging as a basis for jurisdiction that the juvenile has committed an act or acts which would be a crime if committed by an adult, such act or acts shall be proved beyond a reasonable doubt.

b. In all other hearings the facts alleged shall be proved by clear and convincing evidence.

Source: New. Compare Section 211.171.6 RSMo; Model Rule 26.

Comment: Paragraph a of this Rule follows the holding of the Supreme Court of the United States in *In re Winship*, 397 U.S. 358, 90 S.Ct. 1068, 25 L.Ed.2d 368 (1970), and of the Supreme Court of Missouri in *In re Fisher*, 468 S.W.2d 198 (Mo.Div. 2, 1971).

RULE 118. DISMISSAL TO ALLOW PROSECUTION UNDER GENERAL LAW

Rule

- 118.01 Order for Hearing.
- 118.02 Notice of Hearing.
- 118.03 Investigation.
- 118.04 Dismissal Hearing.

118.01 Order for Hearing

When the petition alleges:

(1) that a juvenile between the ages of fourteen and seventeen years has committed an act which would be a felony if committed by an adult or which constitutes a violation of a state or municipal traffic law or ordinance; or

(2) that a juvenile between the ages of seventeen and twenty-one years over whom the court has jurisdiction has violated any state law or municipal ordinance;

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

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Juvenile Code. When the order for a hearing is made, the court shall set the date, time and place thereof.

Source: Section 211.071 RSMo.

Comment: Rule 118.01 makes clear that the juvenile or his custodian may move that a hearing be held to determine whether the juvenile is a proper subject to be dealt with by the juvenile court, but leaves to the discretion of the court whether a hearing is to be held.

The juvenile court may dismiss a traffic charge against a juvenile, to permit prosecution under the general law. Under Section 211.071 RSMo, however, such a dismissal may only be made after a judicial hearing, and the procedures followed must be similar to those involved when a felony or other crime is charged.

118.02 Notice of Hearing

a. When a hearing is ordered under Rule 118.01, written notice thereof shall be given to the juvenile and his custodian in the same manner as provided for service of summons in Rule 115.01. Notice of the hearing may be waived by the custodian in accordance with Rule 115.06.

b. Notice shall be substantially in the form set forth in Rule 128.21, and shall contain a statement that the purpose of the hearing is to determine whether the juvenile is a proper subject to be dealt with under the provisions of the Juvenile Code, and that if the court finds that the juvenile is not a proper subject the petition will be dismissed to allow prosecution of the juvenile under the general law.

Source: New. Compare Model Rule 10.

Comment: Section 211.071 RSMo is silent as to the giving of notice concerning the hearing to be held under the section. *Kent v. United States*, 383 U.S. 541, 86 S.Ct. 1045, 16 L.Ed.2d 84 (1966), and *In re Gault*, 387 U.S. 1, 87 S.Ct. 1428, 18 L.Ed.2d 527 (1967), hold that adequate prior notice of a hearing is essential. This Rule makes provision for notice to the juvenile and his custodian. Compare Rule 44.01(d), which requires five days' notice of any hearing upon a motion.

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 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.

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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.

Source: Section 211.071 RSMo.

Comment: Section 211.071 RSMo requires that an investigation be made and the report thereof be received by the court before the court may dismiss the petition.

Kent v. United States, 383 U.S. 541, 86 S.Ct. 1045, 16 L.Ed.2d 84 (1966), requires that counsel for the child be afforded access to social records which are to be considered by the court in deciding whether to relinquish jurisdiction over the juvenile. *Kent*, however, while apparently recognizing that the right to counsel in a hearing of this kind might be waived, does not specify whether, in the absence of counsel, the parties are to be given access to the records.

118.04 Dismissal Hearing

a. If after a hearing has been ordered under Rule 118.01 it shall appear to the court that the juvenile is not represented by counsel, counsel shall be appointed for the juvenile if required by Rule 116.01.

b. At the hearing the court shall receive evidence relating to whether the juvenile is a proper subject to be dealt with under the provisions of the Juvenile Code. The juvenile officer who prepared the report of investigation may be examined by counsel, and other witnesses may be examined and other evidence received.

c. In reaching its decision the court shall consider all evidence relevant to whether the juvenile is a proper subject to be dealt with under the provisions of the Juvenile Code, including but not limited to:

(1) whether the offense alleged involved viciousness, force or violence; and

(2) whether the offense alleged is part of a repetitive pattern of offenses which indicates that the juvenile may be beyond rehabilitation under the Juvenile Code; and

(3) the record of the juvenile; and

(4) the programs and facilities available to the juvenile courts.

d. After the conclusion of the hearing if the court finds that the juvenile is not a proper subject to be dealt with under the

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provisions of the Juvenile Code, it shall order the petition dismissed to permit the juvenile to be prosecuted under the general law, and shall include in its order the reasons for its decision. A copy of the petition and order of the dismissal shall be sent to the prosecuting attorney.

e. If the court does not dismiss the petition to permit the juvenile to be prosecuted under the general law, it shall set a date for the hearing upon the petition, in accordance with Rule 119.01.

Source: New. Compare Section 211.071 RSMo; Model Rule 11. Paragraph e is derived from Minnesota Juvenile Court Rule 8-7(2).

Comment: This Rule sets forth procedures to be followed at the dismissal hearing. Paragraph e states matters which should be considered by the court in making its determination as to whether the juvenile is a proper subject to be dealt with under the provisions of the Juvenile Code. The enumeration of these specific considerations is not intended to enlarge upon or modify the basic test of Section 211.071 RSMo, which has been upheld in *State v. Williams*, 473 S.W.2d 382 (Mo.1971). Nor is it intended that paragraph c(1) require a full hearing into the facts of the alleged offense. Paragraph d follows *Kent v. United States*, 383 U.S. 541, 86 S.Ct. 1045, 16 L.Ed.2d 84 (1966), and *State ex rel. T. J. H. v. Bills*, 504 S.W.2d 76 (Mo. banc 1974), which mandate that the court state its reasons for dismissing a juvenile court petition to permit a juvenile to be prosecuted criminally.

RULE 119. HEARING ON PETITION

Rule

- 119.01 Scheduling the Hearing.
- 119.02 Order of Proceedings.
- 119.03 Presentation of Evidence.
- 119.04 Order Terminating Proceedings.
- 119.05 Social Study.
- 119.06 Judgment.
- 119.07 Amendment of Judgment.

119.01 Scheduling the Hearing

a. As soon as practicable after the petition is filed, the date for the hearing on the petition shall be set. If the juvenile who is the subject of the petition is in detention, the hearing shall be scheduled for the earliest possible date.

b. The hearing may be held before the scheduled date if the juvenile and his custodian, or if the juvenile is less than twelve years of age the juvenile's custodian alone, consent in writing or in open court that the hearing be held at a specified earlier date.

Source: New. Compare Model Rule 19.

Comment: Delay in adjudication is inimical to the purposes of the Juvenile Code. Particularly is this true when the juvenile is in detention awaiting a hearing upon the petition.

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119.02 Order of Proceedings

a. The order of proceedings should be as follows:

(1) First, the court shall determine that the juvenile and his custodian have been informed of the substance of the petition.

(2) Second, if the juvenile has appeared without counsel the court shall explain to him the right to counsel under Rule 116.01, and shall assign counsel if required by Rule 116.01.

(3) Third, if the petition alleges that the juvenile has violated a state law or municipal ordinance and the juvenile is not represented by counsel, the court shall explain to the juvenile his right to remain silent.

(4) Fourth, the court may inquire: (A) of the juvenile as to whether he admits or denies any of the allegations in the petition 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; or (B) of the juvenile and his custodian in any other case, whether they admit or deny any or all of the allegations of the petition.

(5) Fifth, if the facts admitted are sufficient to authorize the court to act under the Juvenile Code, the court may make a finding that the allegations of the petition have been established by the admissions, or may in its discretion receive evidence to corroborate the admissions.

(6) Sixth, if no allegations are admitted or those admitted are insufficient to authorize the court to act under the Juvenile Code, the court shall receive evidence upon the allegations of the petition.

(7) Seventh, when the evidence has been received upon the allegations of the petition the court shall determine whether the allegations of the petition have been established in accordance with the standard of proof set forth in Rule 117.05. (A) If the allegations of the petition have not been so established, the court shall enter a judgment dismissing the petition. (B) If the allegations have been established, the court shall make a finding upon which it exercises its jurisdiction over the juvenile.

(8) Eighth, when the court finds that the allegations of the petition have been established the court may order the submission of a social study or supplemental social study

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pursuant to Rule 119.05. The court may continue the hearing until a later date pending receipt of the social study, provided that when the juvenile is in detention the court may not continue the hearing for more than thirty days unless a further continuance is agreed to by counsel for the juvenile.

(9) Ninth, the court shall receive evidence and other relevant data offered by any interested party concerning disposition or treatment which should be ordered for the juvenile.

(10) Tenth, the court shall enter a judgment directing the action that shall be taken regarding the juvenile.

b. The parties shall in all proceedings under this Rule be afforded the opportunity to cross-examine witnesses, to testify, to present evidence, and to present arguments to the court concerning the weight, credibility, and effect of the evidence.

Source: New. Compare Model Rule 23; Section 211.171.1 RSMo.

Comment: This Rule provides that evidence is first heard upon the allegations of the petition to determine whether the court has authority to act under the Juvenile Code, and when this finding is made evidence may then be received upon the issue of disposition or treatment. While the first, or adjudicatory, phase is to be kept separate from the second, or dispositional, phase, there is no requirement that any period of time elapse between the completion of the first phase and the initiation of the second. Thus, the dispositional phase may immediately follow the adjudicatory phase unless the court determines for cause to continue the dispositional phase until a later date, as it would do if it wished to order a new or supplemental social study.

119.03 Presentation of Evidence

In all cases under Rule 119 in which the allegations of the petition are denied, the evidence shall be elicited by counsel for the juvenile officer. If the juvenile officer has no court-appointed counsel, the court shall if practicable designate counsel, who may be the prosecuting attorney or his assistant.

Source: New. Compare Section 211.411.1 RSMo.

Comment: With the increased representation of juveniles by counsel, it is evident that some provision is necessary whereby the juvenile officer may have counsel to elicit the evidence in support of the petition. Juvenile courts may retain counsel as a part of the juvenile court staff authorized under Section 211.351.1 RSMo. Compare *Mashak v. Poelker*, 367 S.W.2d 625 (Mo. En Banc 1963), which found authority in Section 211.161.3 for the appointment of an administrative assistant to the juvenile court. However, in less populous circuits where contested cases may not frequently arise, the cost of retained counsel may not be justified. Accordingly, this Rule provides for the designation of the prosecuting attorney or his assistant under the authority of Section 211.411.1 RSMo:

It is the duty of circuit, prosecuting and city attorneys, and county counselors representing the state or a city in any court, to give the juvenile officer such aid and cooperation as may not be inconsistent with the duties of their offices.

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119.04 Order Terminating Proceedings

The court may at any time terminate the proceeding and dismiss the petition if it finds such action to be conducive to the welfare of the juvenile and in the best interests of the state.

Source: New. Compare Model Rule 28.

Comment: This Rule embodies the underlying philosophy of the Juvenile Code as stated in Section 211.011 RSMo.

119.05 Social Study

a. The court may order that in any case or in any class of cases a social study be made including an investigation and evaluation of the habits, surroundings, conditions and tendencies of the juvenile. The study shall be made by the juvenile officer or other person designated by the court.

b. When not otherwise provided, the court may upon its own motion or upon the request of any party order that a social study be prepared. The order may specify the time within which the social study shall be completed and submitted to the court.

c. At any time the court may order a supplemental social study to be made.

d. If the allegations of the petition are denied, the social study shall not be considered by the court prior to the determination whether the allegations of the petition have been established as prescribed by Rule 119.02.a(7).

e. The social study and any supplements thereto may be made available to the parties and shall be made available to counsel.

Source: New. Compare Model Rule 29. See Sections 211.081, 211.171 RSMo.

Comment: This Rule recognizes the practice of preparation of a social study concerning the juvenile by the court staff. The present Missouri Juvenile Code makes no provision for a social study as such, but does provide in Section 211.081 RSMo for a "preliminary inquiry to determine the facts," and, in Section 211.171.1 RSMo for the court at the hearing upon the petition to "inquire into the habits, surroundings, conditions and tendencies of the child."

This Rule makes it clear that the court should use the social study only in connection with the dispositional phase of the proceeding, and should neither read nor consider the social study until a finding has been made under Rule 119.02a(7)(B) that the allegations of the petition have been established.

119.06 Judgment

a. The judgment shall include the disposition or treatment of the juvenile.

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b. When a judgment is entered, the clerk shall serve a copy of the judgment entry by mail in the manner prescribed in Rule 43.01 upon every party affected thereby who was not present in court in person or by counsel at the time of the entry of such judgment.

c. If the judgment orders placement of the juvenile outside of his home, the court may order that the juvenile be taken into custody for the purpose of making such placement.

Source: New. Compare Model Rule 32; Rule 74.78.

Comment: This Rule recognizes that the parties may not be present at the time the court enters its judgment, and provides for giving notice thereof to the parties.

119.07 Amendment of Judgment

a. Upon motion of any party made not later than fifteen days after entry of judgment the court may amend or correct the judgment.

b. The court retains control over judgments during the thirty-day period after entry of judgment and may vacate, reopen, correct or amend its judgment for good cause within that time. After the filing of notice of appeal and before the filing of the transcript on appeal in the appellate court, the juvenile court, after the expiration of such thirty-day period, may in its discretion vacate or amend the judgment upon stipulation of the parties accompanied by a withdrawal of the appeal.

Source: Compare Rules 73.01(c); 75.01; 78.02.

Comment: The purpose of this Rule is to enable the court to amend or correct the judgment after entry, to make the judgment conform to the pleadings and evidence, and to enable the court to reopen the judgment if it feels that additional evidence is necessary, or additional considerations exist which the court did not take adequately into consideration when it originally entered the judgment. Court action under this Rule generally relates to matters existing or occurring prior to the hearing on the petition. This Rule does not apply to later modification of the judgment based upon facts occurring subsequent to the original judgment. Modification is dealt with in Rule 121.

RULE 120. APPEALS

Rule

120.01 Appeals.

120.01 Appeals

a. An appeal shall be allowed to the juvenile from any final judgment made under the Juvenile Code and may be taken on the part of the juvenile by his parent, guardian, legal custodian, spouse, relative or next friend.

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b. An appeal shall be allowed to a parent from any final judgment made under the Juvenile Code which adversely affects him.

c. Notice of appeal shall be filed within thirty days after entry of final judgment.

d. Neither the filing of a notice of appeal nor the filing of any motion subsequent to the judgment shall act to stay the execution of a judgment unless the court enters an order staying execution.

Source: Section 211.261 RSMo. Compare Missouri Civil Rule 81.01: "The right of appeal shall be as provided by law."

Comment: Under Article V, Section 5 of the Constitution of Missouri, Supreme Court "rules shall not change * * * the right of appeal." Accordingly, this Rule merely restates the Juvenile Code provision relating to appeals. It should be noted that the Missouri Supreme Court has held that an order dismissing a petition to allow prosecution of a juvenile as an adult, under Section 211.071 RSMo (Juvenile Rule 118) is not appealable under Section 211.261. *In the Interest of T. J. H.*, 479 S.W.2d 433 (En Banc 1972).

RULE 121. MODIFICATION OF JUDGMENT

Rule

121.01 Modification and Termination of Jurisdiction.

121.01 Modification and Termination of Jurisdiction

a. A judgment of the juvenile court made under Rule 119.06 under which the court retains jurisdiction over the juvenile may be modified or such jurisdiction over the juvenile terminated at any time on the court's own motion.

b. A juvenile who is under the jurisdiction of the juvenile court by reason of a judgment made under Rule 119.06, or the custodian of such a juvenile, may at any time petition the court in writing for a modification of the judgment or for termination of jurisdiction. The court may deny the petition without hearing or may, in its discretion, conduct a hearing upon the issues raised by the motion and may make any orders relative to the issues as it deems proper.

Source: New. Compare Section 211.251 RSMo.

Comment: This Rule is not intended to suggest that the court without a hearing may modify a judgment so as to impose additional restraints upon the juvenile or upon the custodian, or to deprive the custodian of custody, or to commit the juvenile to a state training school.

Further, under Section 211.041 RSMo, once a juvenile has been committed to and received by the state board of training schools, the court loses jurisdiction over him unless he is returned to the court pursuant to Section 219.220.

Under provisions of Section 211.181(6), RSMo (1974 Supp.), Laws 1974, the court may suspend execution of its order of commitment, subject to such conditions as the court deems reasonable.

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RULE 122. RIGHTS OF JUVENILES

Rule

- 122.01 Fingerprinting and Photographing.
- 122.02 Juvenile Court Records to be Confidential.
- 122.03 Law Enforcement Records of Juveniles to be Kept Separate.
- 122.04 Sealing of Court Files and Destruction of Records.

122.01 Fingerprinting and Photographing

a. When a juvenile has been taken into judicial custody no law enforcement officer or juvenile officer shall take or authorize the taking of fingerprints or photographs of the juvenile without the prior oral or written consent of the court.

b. The court may at any time order the destruction of all originals and copies of fingerprints or photographs taken of the juvenile.

Source: Section 211.151.2 RSMo. Compare Model Rule 43.

Comment: In the event that the court gives oral consent to the taking of fingerprints or photographs, the consent should be promptly reduced to writing in order to avoid future uncertainty.

No apparent reason exists why the court cannot, in granting consent to fingerprint or photograph a juvenile, impose limiting conditions upon its consent, such as that neither the originals nor copies of the fingerprints or photographs be released to other municipal, state or federal agencies without express consent of the court.

Paragraph b refers only to fingerprints and photographs taken in connection with a juvenile proceeding, by law enforcement officers or the juvenile officer.

122.02 Juvenile Court Records to be Confidential

The records of the juvenile court as well as all information obtained and social records prepared in the discharge of official duty for the court shall be kept confidential and shall be open to inspection only by order of the judge of the juvenile court.

Source: Section 211.321.1 RSMo.

Comment: This Rule restates the substance of Section 211.321.1 RSMo, which represents a public policy decision by the General Assembly to ensure the confidential, nonpublic nature of juvenile court records.

122.03 Law Enforcement Records of Juveniles to be Kept Separate

All records of juveniles made and retained by law enforcement officers and agencies shall be kept separate from the records of other persons and shall not be open to inspection or their contents disclosed or distributed, except by order of the judge of

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the juvenile court. This Rule shall not apply to all such records of a juvenile in a case in which the court has dismissed the petition under Rule 118.04 to permit prosecution under the general law. The term "records", as used in this Rule, shall include but is not limited to fingerprints and photographs of the juvenile.

Source: Section 211.321.2 RSMo.

Comment: This Rule restates the substance of Section 211.321.2 RSMo.

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, 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.

Source: Section 211.321.3 RSMo.

Comment: This Rule restates the substance of Section 211.321.3.

RULE 123. PHYSICAL AND MENTAL EXAMINATION

Rule

123.01 Physical and Mental Examination of Juvenile.

123.02 Physical and Mental Examination of Custodian.

123.01 Physical and Mental Examination of Juvenile

a. At any time after a petition has been filed, the court may order that the juvenile be examined by a physician, psychiatrist or psychologist appointed by the court to aid the court in determining:

(1) any allegation in the petition relating to the juvenile's mental or physical condition;

(2) the juvenile's competence to participate in the proceedings;

(3) whether the juvenile is a proper subject to be dealt with by the juvenile court; or

(4) any other matter relating to the adjudication or disposition of the case, including the proper disposition or treatment of the juvenile.

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b. The services of a public or private hospital, institution, or psychiatric or health clinic may be used for the purpose of examination under this Rule.

Source: Section 211.161 RSMo. Compare Civil Rule 60.01. See also Standard Juvenile Court Act Section 22; Model Rule 41; Uniform Juvenile Court Act Section 28(b).

Comment: Many cases coming before the juvenile court involve the issue of the mental or physical condition of the juvenile. This Rule empowers the court to order an examination of the juvenile at any time after a petition has been filed. Thus, a pre-adjudication examination may be made to aid in determining such issues as whether the juvenile has been subjected to neglect or abuse, or whether the juvenile is mentally responsible for his actions or is in a fit condition to proceed. Where the court has determined that the juvenile is within its jurisdiction, an examination may be of substantial aid in deciding the proper disposition of the juvenile.

Under Section 211.161 RSMo, the juvenile court may cause a juvenile to be examined "in order that the condition of the child may be given consideration in the disposition of his case." This Rule makes clear that the court may order an examination in connection with any aspect of the proceeding, provided that a petition has first been filed. Until a petition is filed, there is no case before the court, and there is no sufficient ground for requiring the juvenile to submit to an examination.

Where the examination is made prior to the adjudicatory phase of the hearing, in a case in which the petition alleges a violation of state law or municipal ordinance, the right of the juvenile not to incriminate himself is not meant to be violated by this Rule. The juvenile should be afforded protection similar to that given adults by Section 552.020.9 RSMo.

123.02 Physical and Mental Examination of Custodian

The court after hearing may order examination by a physician, surgeon, psychiatrist or psychologist of a parent or guardian whose ability to care for a juvenile before the court is in question.

Source: Standard Juvenile Court Act Section 22. Compare Rule 60.01: Minnesota Juvenile Court Rule 10-2(3).

Comment: A physical or mental examination of the juvenile's custodian may be necessary to the full and proper adjudication of the allegations of a petition charging parental neglect or that the juvenile is subject to injurious environment or associations. Further, in the dispositional stage of any proceeding, the court may need information concerning the physical or mental condition of the custodian in determining whether to place the juvenile in the custody of his parent or guardian, or to place the juvenile elsewhere. Authority for this Rule is derived in part from the fact that the parent or guardian is a party to a juvenile court proceeding. *Cf. In re J. _____ O. _____*, 372 S.W.2d 512 (St.L.Mo.App.1963).

RULE 124. SEARCH WARRANTS

Rule

124.01 Search Warrants.

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124.01 Search Warrants

Application for a search warrant in connection with a juvenile court proceeding may be made to the juvenile court.

Source: New. Compare Model Rule 44.

Comment: The circuit court, of which the juvenile court is a division, has authority to issue search warrants. Rule 33.01. This Rule is permissive, in that the application may, but need not, be made to the juvenile court.

RULE 125. TRANSFER OF SUPERVISION

Rule

125.01 Transfer of Supervision.

125.01 Transfer of Supervision

At any time following a judgment of disposition or treatment the court having jurisdiction of the cause may upon the motion of any party or upon its own motion place the juvenile under the supervision of another juvenile court within or without the state with the consent of the receiving court.

Source: New.

Comment: This Rule provides only for transfer of supervision of the juvenile following the entry of a judgment of the juvenile court assuming jurisdiction over the juvenile. Interstate placement of juveniles for supervision is governed by Article VII of the Interstate Compact on Juveniles, Section 210.570 RSMo.

RULE 126. DISQUALIFICATION OF JUDGE

Rule

126.01 Change of Judge.

126.02 Powers and Duties of Special Judge.

126.01 Change of Judge

A change of judge of the juvenile court shall be ordered:

1. When the judge of the juvenile court is interested, related to a party, or otherwise disqualified under Rule 51.07; or

2. Upon application of an interested party under Rule 51.05, provided, that when one application has been made by a party other than the juvenile officer, no further application shall be permitted except an application by a party whose interests conflict with the interest of the party making the prior application.

Source: Rules 51.07, 51.05, 51.06 (Effective September, 1973).

Comment: This Rule follows the holding of the Missouri Supreme Court in *State ex rel. R. L. W. v. Billings*, 451 S.W.2d 125 (En Banc 1970), which held juvenile court proceedings are under the Rules of Civil Procedure for the purposes of disqualification of the juvenile court judge.

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126.02 Powers and Duties of Special Judge

A judge sitting in the juvenile court in place of a disqualified judge shall, throughout the proceeding and until termination of the case, possess all the powers and perform all the duties of the regular judge. If it is found that the allegations of the petition have been established, further hearings in the case may be held at such place convenient to the parties within or without the circuit as the special judge may determine.

Source: Compare Civil Rule 51.15.

Comment: This Rule sets forth the customary powers of the judge who is called in to sit in the place of a judge who has been disqualified. Under this Rule, the adjudicatory phase of the proceeding shall be conducted within the county or city where venue lies under Section 211.031, but subsequent hearings, which may be numerous if it is found that the juvenile is within the jurisdiction of the juvenile court, may be conducted at a place convenient to the special judge and the parties.

RULE 127. JUVENILE COURT COMMISSIONERS

Rule

- 127.01 Qualifications and Appointment of Commissioner.
- 127.02 Functions and Powers of Commissioner.
- 127.03 Assignment of Cases to Commissioner.
- 127.04 Notice of Findings and Recommendations.
- 127.05 Request for Hearing by Judge.
- 127.06 Temporary Placement Pending Receipt of Request for Rehearing; Entry of Order.
- 127.07 Rejection or Modification of Findings and Recommendations.
- 127.08 Rehearing Before Commissioner.
- 127.09 Designation of Location of Hearings.

127.01 Qualifications and Appointment of Commissioner

a. The commissioner shall be appointed by a majority of the circuit court judges, en banc, to serve a term of four years.

b. The commissioner shall have the same qualifications as a circuit judge and shall conduct himself at all times befitting a member of the bench, shall devote full time to his duties as commissioner, and shall not engage in the private practice of law.

c. The commissioner may be removed from office during his term by a majority of the circuit court judges, en banc, upon proof at a hearing before said judges of crime, misconduct, habitual drunkenness, willful neglect of duty, corruption in office, incompetency, or any offense involving moral turpitude or oppression in office, or unsatisfactory performance of duties.

Source: Section 211.023 RSMo, Missouri Constitution Art. VII, Section 1.

Comment: Section 211.023 RSMo authorizes the appointment of a commissioner by a majority of the circuit court judges, en banc, in each county of the first class and in the City of St. Louis.

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The language of paragraph c is derived from Article VIII, Section 1 of the Constitution of Missouri, with the addition of the final phrase, "or unsatisfactory performance of duties."

127.02 Functions and Powers of Commissioner

The functions and powers of the commissioner shall be to hear and make findings and recommendations in such proceedings within the jurisdiction of the juvenile court as may be assigned to the commissioner by general or special order of the juvenile court. The commissioner shall have no administrative functions, unless such functions are assigned to him by the judge of the juvenile court.

Source: Compare Section 211.025, RSMo.

Comment: This Rule makes clear that the commissioner has only such authority as may be delegated or assigned to him by the judge of the juvenile court.

127.03 Assignment of Cases to Commissioner

The judge of the juvenile court may direct that detention hearings, informal hearings, hearings upon a petition and other proceedings under the Juvenile Code shall be heard in the first instance by the commissioner, on a case by case basis or by a general order directing the appropriate designated employee of the juvenile court to assign matters to the commissioner for hearing in accordance with a general plan established by the judge of the juvenile court or by any other appropriate method determined by the judge that tends to facilitate the operation of the juvenile court.

Source: Compare Section 211.025 RSMo: "The judge of the juvenile court may direct that any case shall be heard in the first instance by the commissioner in the manner provided for the hearing of cases by the court."

Comment: This Rule is intended to explain and implement the statutory language of Section 211.025 RSMo, and authorizes the adoption of a general procedure whereby cases of certain types may be assigned directly to the commissioner as a matter of course.

127.04 Notice of Findings and Recommendations

a. In each case heard by the commissioner notice of the findings and recommendations of the commissioner, together with a statement of the right of rehearing, shall be given to the juvenile, the juvenile's custodian, and to any other person that the court may direct, in an appropriate manner directed by the judge of the juvenile court. Such notice shall be given in writing unless given to the parties in person at the hearing.

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b. Upon the conclusion of the hearing in each case the commissioner shall transmit to the judge all papers relating to the case, together with his findings and recommendations in writing.

Source: Section 211.027 RSMo.

Comment: It would appear advisable in every case for the juvenile and his custodian to be given in writing a statement of the right of rehearing.

127.05 Request for Hearing by Judge

The juvenile or his custodian is entitled to a hearing by the judge of the juvenile court if within ten days after receiving notice of the findings and recommendations of the commissioner any of them files a request in writing with the court for a hearing. Such written request shall designate the style of the case and the date of the commissioner's findings and recommendations and shall be signed by or on behalf of the person filing such request.

Source: Section 211.029 RSMo.

127.06 Temporary Placement Pending Receipt of Request for Rehearing; Entry of Order

Upon receipt of the commissioner's findings and recommendations the judge of the juvenile court may make a temporary order in accordance with the recommendations of the commissioner placing the juvenile in his home or in any other facility or institution authorized by Section 211.151 RSMo, pending the expiration of the time during which a request for rehearing may be made. If a request for rehearing is made, the temporary order may remain in effect until a rehearing is held by the court.

Source: New.

Comment: Under the decision of the Court of Appeals, St. Louis District, in *In re K_____ W_____ H_____*, 477 S.W.2d 433 (1972), the findings and recommendations of the commissioner cannot be adopted and confirmed by order of the judge until the expiration of the time during which a request for rehearing may be made. This Rule authorizes the court to make a temporary order for placement of the juvenile pending the expiration of this period.

127.07 Rejection or Modification of Findings and Recommendations

The judge of the juvenile court may reject the findings and recommendations of the commissioner, or he may amend or modify the findings and recommendations provided the amendment or modification does not substantially affect the rights of the parties. If the commissioner's findings and recommendations are rejected, the parties shall have a hearing *de novo* be-

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fore the judge. If the commissioner's findings and recommendations are amended or modified, notice thereof shall be given to the parties in the same manner provided for notice of the original findings and recommendations of the commissioner. The right of the parties to a hearing on such amended or modified commissioner's recommendations shall be the same as provided for the original findings and recommendations of the commissioner, and said amended or modified findings or recommendations shall become the decree of the court if no hearing before the judge is requested within ten days after the parties have received notice of the amendment or modification.

Source: New.

Comment: This Rule permits the judge of the juvenile court to reject, amend or modify the findings and recommendations of the commissioner even when no request for hearing has been made under Rule 127.05. It recognizes the power of the judge to deal with findings and recommendations which are on their face invalid, incomplete, or inconsistent, which power is inherent in Section 211.029 RSMo. Where rejection, modification or amendment occurs, the parties have a right to rehearing.

127.08 Rehearing Before Commissioner

Upon request of any party or upon his own motion, the judge of the juvenile court may in his discretion order a rehearing before the commissioner in any case, with such directions to the commissioner as the judge may deem appropriate. The findings and recommendations of the commissioner upon such rehearing shall be subject to the provisions of Rules 127.04 and 127.05 in the same manner as original findings and recommendations of the commissioner.

Source: New.

Comment: Where the findings and recommendations of the commissioner are incomplete or otherwise invalid, optimum use of judicial resources may dictate that the matter be returned to the commissioner for rehearing. This Rule authorizes the judge of the juvenile court to direct a rehearing of any matter before the commissioner.

127.09 Designation of Location of Hearings

The judge of the juvenile court may designate by order the location within the geographical jurisdiction of the court where the commissioner shall conduct hearings.

Source: New.

Comment: This Rule provides authority for the judge of the juvenile court to designate a location other than the courthouse for the commissioner to hold hearings.

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USE OF JUVENILE PROCEDURE FORMS

The forms set forth in this Rule are recommended forms for use in the juvenile court. These forms or forms substantially similar may be used in juvenile court proceedings. The use of any form set forth in this Rule shall not be mandatory.

Source: New.

RULE 128. JUVENILE PROCEDURE FORMS PROMULGATED BY THE SUPREME COURT OF MISSOURI

Form

- 128.01 Order to Take Juvenile into Judicial Custody.
- 128.02 Authorization for Temporary Detention.
- 128.03 Notice to Judge That Juvenile Is in Detention.
- 128.04 Order for Detention of Juvenile.
- 128.05 Notice of Detention Hearing.
- 128.06 Notice Upon Admission to Detention Facility.
- 128.07 Notification by Law Enforcement Officer That Juvenile Was Taken Into Custody and Released.
- 128.08 Notice of Informal Adjustment Conference.
- 128.09 Notice of Termination of Informal Adjustment.
- 128.10 Juvenile Court Petition.
- 128.11 Juvenile Court Summons.
- 128.12 Waiver of Service of Summons.
- 128.13 Juvenile Court Finding of Jurisdiction.
- 128.14 Juvenile Court Order of Disposition.
- 128.15 Juvenile Court Order of Disposition Committing Juvenile to Custody of State Board of Training Schools.
- 128.16 Commitment to Custody of State Board of Training Schools.
- 128.17 Notice of Entry of Judgment.
- 128.18 Motion to Dismiss Petition to Allow Prosecution of Juvenile Under General Law—Traffic Violation.
- 128.19 Motion to Dismiss Petition to Allow Prosecution of Juvenile Under General Law—Felony.
- 128.20 Notice of Hearing on Motion to Dismiss Petition to Allow Prosecution of Juvenile Under General Law.
- 128.21 Order Dismissing Petition to Allow Prosecution Under General Law.
- 128.22 Motion to Modify Previous Order of Disposition.
- 128.23 Notice of Hearing Upon Motion to Modify Previous Order of Disposition.
- 128.24 Order Modifying Previous Order of Disposition.
- 128.25 Order Transferring Jurisdiction.
- 128.26 Order Terminating Jurisdiction.
- 128.27 Motion to Disqualify Judge.
- 128.28 Order to Destroy Records.

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128.01 Order to Take Juvenile into Judicial Custody

STATE OF MISSOURI }
COUNTY OF _____ } SS.

IN THE JUVENILE COURT OF _____ COUNTY,
MISSOURI

THE STATE OF MISSOURI TO ANY PEACE OFFICER
OR JUVENILE OFFICER IN THE STATE OF
MISSOURI:

You are hereby ordered to take into judicial custody _____,
a person subject to the jurisdiction of the juvenile court, who is
alleged to be within the jurisdiction of this court, for the rea-
son that: _____

and to bring him forthwith before this court to be here dealt
with in accordance with law, and pending his appearance in this
court he shall be detained in _____

and you, the officer serving this order, shall forthwith make
return hereof to this court.

WITNESS THE HONORABLE _____,
Judge of said court and the seal thereof, issued in the county and
state aforesaid on this _____ day of _____, 19____.

Judge of the Juvenile Court

RETURN

Served the within order in my County of _____ and
in the State of Missouri on this _____ day of _____, 19____, by
taking the within named _____ into judicial custody

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and producing him before said court [delivering him into detention as aforesaid] on the _____ day of _____, 19____.

Cross-Reference: Rules 111.01, 111.07.

Note on Use: When an order is made to take a juvenile into custody, an entry thereof should be made in the minutes of the court.

128.02 Authorization for Temporary Detention

IN THE JUVENILE COURT OF _____ COUNTY,
MISSOURI

IN THE INTEREST OF

_____,
Male/Female, Age _____.

AUTHORIZATION FOR TEMPORARY DETENTION

Date: _____

Time: _____

_____, Juvenile Officer of _____ County,
Missouri [Supervisor of _____ County Detention Facility]
hereby authorizes the temporary detention of _____
in the authorized detention facility of the Juvenile Court at _____

for the reason that _____

Juvenile Officer [Supervisor]

Cross-Reference: Rule 111.06b.

128.03 Notice to Judge That Juvenile is in Detention

NOTICE THAT JUVENILE IS IN DETENTION

To The Honorable _____, Judge of the Juvenile
Court of _____ County, Missouri:

_____, male/female, age _____, a juvenile, was
taken into custody at _____, Missouri, at _____ o'clock

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_____ m. on the _____ day of _____, 19____, for the reason that

and is now being held in detention at the juvenile detention facility at _____.

The juvenile's address is _____,
and the name and address of the juvenile's custodian is _____

Date: _____, 19____.

Juvenile Officer/Detention Center
Supervisor

Cross-Reference: Rule 111.06c.

128.04 Order for Detention of Juvenile

IN THE JUVENILE COURT OF _____ COUNTY,
MISSOURI

IN THE INTEREST OF

_____, } No. _____
Male/Female, Age _____.

ORDER OF DETENTION

Now on this _____ day of _____, 19____, it appearing to the Court [based upon information furnished the Court by the Juvenile Officer] [after hearing the evidence offered in connection therewith at a detention hearing held this day] that the detention of _____ is required pending the hearing upon [a] petition [filed] [to be filed] in this cause, for the reason that _____

and it further appearing that said juvenile should be detained under the custody of this Court at _____

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THEREFORE it is ordered that _____ be detained at _____ pending further orders of the Court.

Judge of the Juvenile Court

Cross-Reference: Rules 111.07a, 111.08.

Note on Use: When an order of detention is made, an entry thereof should be made in the minutes of the court.

128.05 Notice of Detention Hearing

IN THE JUVENILE COURT OF _____ COUNTY,
MISSOURI

IN THE INTEREST OF

_____,
Male/Female, Age _____.

} No. _____

NOTICE OF DETENTION HEARING

To _____, Juvenile
_____, Parent/Guardian

Notice is hereby given that on the _____ day of _____, 19____, at _____ o'clock ____ m., in the Courtroom of the Juvenile Court of _____ County, Missouri, located at _____, a hearing will be held to determine whether _____ should be continued in Juvenile Court detention pending a hearing by the Court upon the petition filed in his interest.

You are requested to attend this detention hearing and to present evidence concerning the necessity for continued detention of the juvenile. You have a right to be represented by an attorney at the hearing.

Judge of the Juvenile Court
Clerk of the Juvenile Court
Juvenile Officer

Cross-Reference: Rules 111.07c, 111.08.

Note on Use: Notice of the detention hearing should be served upon both the juvenile and his custodian.

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128.06 Notice Upon Admission to Detention Facility

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.
2. THE JUVENILE HAS THE RIGHT TO CONSULT WITH AND BE REPRESENTED BY AN ATTORNEY. 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.
3. THE JUVENILE HAS THE RIGHT TO A DETENTION HEARING BEFORE THE JUVENILE COURT TO DETERMINE WHETHER DETENTION IS NECESSARY. TO HAVE A DETENTION HEARING, THE JUVENILE OR HIS PARENT MUST MAKE A WRITTEN REQUEST TO THE JUVENILE COURT JUDGE.
4. WHEN A JUVENILE IS PLACED IN DETENTION, HE MAY IMMEDIATELY MAKE A TELEPHONE CALL TO HIS PARENT AND HIS ATTORNEY. WHILE HE IS IN DETENTION, A JUVENILE MAY MAKE FURTHER TELEPHONE CALLS TO HIS PARENT AND HIS ATTORNEY AT REASONABLE TIMES.
5. WHEN A JUVENILE IS ADMITTED TO A DETENTION FACILITY, HIS PARENT AND HIS ATTORNEY MAY VISIT HIM. THE FIRST VISIT MAY BE MADE AT ANY TIME. AFTER THE FIRST VISIT, HIS PARENT MAY VISIT HIM DURING VISITING HOURS, AND HIS ATTORNEY MAY VISIT HIM AT ANY REASONABLE TIME.
6. IF THE JUVENILE REFUSES TO SEE HIS PARENT, THE PARENT MAY VISIT HIM ONLY IF AUTHORIZED BY THE JUVENILE JUDGE OR THE JUVENILE OFFICER.

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7. NO PERSON OTHER THAN A PARENT, ATTORNEY, JUVENILE OFFICER OR MEMBER OF THE JUVENILE COURT STAFF MAY INTERVIEW OR QUESTION A JUVENILE IN DETENTION UNLESS AUTHORIZED BY THE JUVENILE JUDGE OR AUTHORIZED JUVENILE OFFICER, OR UNLESS AGREED TO BY THE JUVENILE'S ATTORNEY, OR UNLESS HIS ATTORNEY OR PARENT IS PRESENT.

Cross-Reference: Rule 111.05.

128.07 Notification by Law Enforcement Officer That Juvenile Was Taken into Custody and Released

NOTIFICATION THAT JUVENILE WAS TAKEN INTO CUSTODY AND RELEASED

_____, 19____
To _____, Juvenile Officer of _____
County, Missouri:
_____, male/female, age _____, a juvenile
of _____, _____, Missouri, was taken into
custody by the undersigned at _____, Missouri, at
_____ o'clock ____m. on the _____ day of _____, 19____, for
the reason that _____
_____,
and was thereafter released to the juvenile's custodian, _____
_____, of _____, _____, Missouri.

Cross-Reference: Rule 111.02d.

Note on Use: Whenever a juvenile is taken into custody and released without being turned over to the juvenile officer, juvenile detention facility or juvenile court, notice must be given in writing to the juvenile officer, stating the name and address of the juvenile and the reason he was taken into custody.

128.08 Notice of Informal Adjustment Conference

Notice of Informal Adjustment Conference

Date: _____

To: _____

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Parent/Custodian of _____:

You and the above-named juvenile are requested to appear for an Informal Adjustment Conference before _____, Juvenile Officer of _____ County, at _____ on _____, _____, 19____, at _____ o'clock ____m.

The purpose of the Conference is to discuss _____

which is alleged to bring the juvenile, _____ within the jurisdiction of the Juvenile Court.

Attendance at this Conference is voluntary. You and the juvenile may be represented by an attorney at the Conference.

At the Conference the Juvenile Officer will discuss with you (i) recommendations for action or conduct in the interests of the juvenile to correct the conditions of behavior or environment which may exist; (ii) continuing conferences and contacts with the juvenile by the Juvenile Officer or other authorized persons; and (iii) the juvenile's general behavior, his home and school environment, and other factors which have a bearing upon the correction of the behavior or environment of the juvenile.

Juvenile Officer

Cross-Reference: Rule 113.02.

Note on Use: Rule 113.02 does not require written notice of an informal adjustment conference, but if such notice is given this form is suggested.

128.09 Notice of Termination of Informal Adjustment

IN THE JUVENILE COURT OF _____ COUNTY,
MISSOURI

IN THE INTEREST OF

_____,
Male/Female, Age _____.

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NOTICE OF TERMINATION OF INFORMAL ADJUSTMENT

_____, 19__

To: _____, Juvenile
_____, Parent/Custodian

You are hereby notified that the informal adjustment process of the Juvenile Court of _____ County, Missouri, which began on _____, 19__, has been terminated by the Juvenile Officer for the reason that: _____

Juvenile Officer

Cross-Reference: Rule 113.04.

Note on Use: The notice of termination should state the reason for termination as set forth in Rule 113.04, and should state whether the termination is final, or whether further action is contemplated.

128.10 Juvenile Court Petition

IN THE JUVENILE COURT OF _____ COUNTY,
MISSOURI

IN THE INTEREST OF

Male/Female, Age _____

} No. _____

PETITION

Now comes the Juvenile Officer of _____ County, Missouri, and states to the Court:

1. This petition is filed in the interest of _____, a juvenile born on _____, 19__, and who resides at _____

2. The name of the juvenile's father is _____, who resides at _____
The name of the juvenile's mother is _____, who resides at _____

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The name of the juvenile's legal guardian or nearest known relative is _____, who resides at _____.

3. The juvenile is in the custody of _____, whose address is _____.

4. The juvenile, _____, is within _____ County, Missouri, and is in need of care and treatment because: _____

[5. The juvenile is in such condition or surroundings that his welfare requires that his custody be immediately assumed by the court, for the reason that _____]

[6. The juvenile is [is not] now in detention.]

WHEREFORE, petitioner prays that the Court make and enter such judgment as the Court shall find to be necessary in the interests of the juvenile.

Juvenile Officer of _____ County

Cross-Reference: Rule 114.01.

Note on Use: The petition should set out in detail and with particularity the facts constituting the basis for juvenile court jurisdiction under Section 211.031 RSMo.

128.11 Juvenile Court Summons

IN THE JUVENILE COURT OF _____ COUNTY,
MISSOURI

In The Interest of

Male/Female, Age _____.

} No. _____

SUMMONS

To _____:

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

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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 Juvenile Court

TO THE JUVENILE, PARENTS, GUARDIAN OR OTHER RESPONDENT

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.

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(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. 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 juvenile is fourteen years or older and the petition alleges an offense which would be a traffic offense or which would be a felony if the juvenile were an adult, the Court may conduct a hearing to determine whether the juvenile should be dealt with by the juvenile court, 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 court, and the petition alleges an offense which would be a violation of any criminal law or ordinance if the juvenile were an adult, the Court may conduct such a hearing.

(7) If the Court finds the facts in the petition to be true, it may make orders affecting the juvenile and his parents, guardian or other custodian concerning the care, custody and control of the juvenile, and the Court 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__.

[I certify further that on the _____ day of _____, 19__, I did take into custody the above-named juvenile,

JUVENILE COURT RULES

_____, and did deliver him to the Juvenile Officer of _____ County, Missouri.]

Cross-Reference: Rules 115.01, 115.02, 115.03.

Note on Use: If the Court orders that the juvenile be taken into custody immediately, or if the juvenile is already in detention, the last phrase of the second paragraph of the Summons should be stricken.

128.12 Waiver of Service of Summons

IN THE JUVENILE COURT OF _____ COUNTY,
MISSOURI

In the Interest of

_____ }
Male/Female, Age _____ } No. _____

WAIVER OF SERVICE OF SUMMONS

I, _____ hereby waive service of summons as required by law in this cause, acknowledge receipt of a copy of the petition which has been filed in the Juvenile Court herein, enter my appearance as a party to this cause, and consent that a hearing be held by the Court on the _____ day of _____, 19____, at _____ o'clock ____m., or any date and time to which the hearing may be continued by the Court. I further acknowledge that I have been informed of my right to be represented by an attorney in this case.

Cross-Reference: Rule 115.06.

Note on Use: Only the custodian of the juvenile may waive service of summons. The juvenile may not waive service, nor may the custodian waive service for the juvenile.

128.13 Juvenile Court Finding of Jurisdiction

IN THE JUVENILE COURT OF _____ COUNTY,
MISSOURI

In the Interest of

_____ }
Male/Female, Age _____ } No. _____

FINDING OF JURISDICTION

Now on this _____ day of _____, 19____, there being present _____, Juvenile Officer of _____ County,

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and _____, attorney for the Juvenile Officer, and _____, the juvenile, _____ and _____, the juvenile's parents, and _____, attorney for the juvenile, and testimony being heard and other evidence received by the Court, the Court finds that the allegations of the petition have been established, in that _____

and that the Court has jurisdiction over the juvenile pursuant to the provisions of Section 211.031 _____, RSMo.

Judge of the Juvenile Court

Cross-Reference: Rule 119.02a(5), (7).

Note on Use: Rule 119.02a requires the juvenile court, after receiving admissions or other sufficient evidence, to make a finding upon which it exercises its jurisdiction over the juvenile, or to dismiss the petition if the allegations thereof are not established. Preferably, this finding should not simply reiterate the allegations of the petition, but should state concisely the facts as found by the court. The finding will normally appear as an entry in the judge's minute book. Only when a finding of jurisdiction is made may the court receive evidence and make its determination concerning the disposition to be made in the case.

128.14 Juvenile Court Order of Disposition

IN THE JUVENILE COURT OF _____ COUNTY,
MISSOURI

In the Interest of

_____,
Male/Female, Age _____ } No. _____

ORDER OF DISPOSITION

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 parents, and _____, attorney for the juvenile, and the Court after receiving evidence

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having found [on the _____ day of _____, 19__] 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 can be furnished by placing him in the custody of his parents in his own home under the supervision of the Court,

IT IS ORDERED that said juvenile be placed in the custody of his parents in his own home at _____, Missouri, under the supervision of this Court until further order of the Court, and that while under such supervision he shall be subject to the Rules of Supervision established by this Court.

Judge of the Juvenile Court

Cross-Reference: Rules 119.06, 119.02.

128.15 Juvenile Court Order of Disposition Committing Juvenile to Custody of State Board of Training Schools

IN THE JUVENILE COURT OF _____ COUNTY,
MISSOURI

In the Interest of

_____,
Male/Female, Age _____. } No. _____

ORDER OF DISPOSITION COMMITTING JUVENILE TO
CUSTODY OF STATE BOARD OF TRAINING
SCHOOLS

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 parents, and _____, attorney for the juvenile, and the Court after receiving evidence having found [on the

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_____ day of _____, 19__] 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 training school,

IT IS ORDERED that the said juvenile be committed to the custody of the State Board of Training Schools, there to remain until discharged by law or until reaching the age of twenty-one years, to be dealt with in all respects as provided by law, and that the said juvenile forthwith be delivered to the custody of the State Board of Training Schools at the Training School for _____, at _____, Missouri.

Judge of the Juvenile Court

Cross-Reference: Rules 119.06, 119.02.

128.16 Commitment to Custody of State Board of Training Schools

IN THE JUVENILE COURT OF _____ COUNTY,
MISSOURI

In the Interest of

_____,
Male/Female, Age _____.

} No. _____

COMMITMENT TO CUSTODY OF STATE BOARD
OF TRAINING SCHOOLS

The State of Missouri to _____, Juvenile Officer of _____ County, Missouri:

WHEREAS, in a proceeding in the Juvenile Court 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 previous-

JUVENILE COURT RULES

ly assumed jurisdiction, who as 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 State Board of Training Schools, there to remain until discharged by law or until reaching the age of twenty-one years;

THEREFORE, you are hereby commanded to take the said _____ and deliver _____ to the custody of the State Board of Training Schools at the Training School for _____ at _____, Missouri, there to remain in compliance with said order of this Court, and to make a return thereof to this Court.

128.17 Notice of Entry of Judgment

IN THE JUVENILE COURT OF _____ COUNTY,
MISSOURI

In the Interest of

_____ }
Male/Female, Age _____ } No. _____

NOTICE OF ENTRY OF JUDGMENT

To _____:

You are hereby notified that on the _____ day of _____, 19____, the Juvenile Court of _____ County, Missouri, made and entered the following judgment in this cause:

You are further notified that you may have a right of appeal from this judgment under Section 211.261 RSMo, which provides:

An appeal shall be allowed to the child from any final judgment, order or decree made under the provisions of this chapter and may be taken on the part of the child by its parent, guardian, legal custodian, spouse, relative or next friend. An appeal shall be allowed to a parent from any final judgment, order or decree made under

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the provisions of this chapter which adversely affects him. Notice of appeal shall be filed within thirty days after the final judgment, order or decree has been entered but neither the notice of appeal nor any motion filed subsequent to the final judgment acts as a super-seedeas unless the court so orders.

Clerk of the Court

Cross-Reference: Rule 119.06b.

Note on Use: Rule 119.06b requires that the clerk of the court serve a copy of the court's judgment by mail upon every party affected thereby who was not present in court in person or by counsel at the time of the entry of the judgment.

128.18 Motion to Dismiss Petition to Allow Prosecution of Juvenile Under General Law—Traffic Violation

IN THE JUVENILE COURT OF _____ COUNTY,
MISSOURI

In the Interest of

_____,
Male/Female, Age _____.

} No. _____

MOTION TO DISMISS PETITION TO ALLOW PROSECUTION OF JUVENILE UNDER GENERAL LAW

Now comes _____, Juvenile Officer of _____ County, Missouri, and moves that the Court dismiss the petition heretofore filed in this cause to allow the juvenile, _____, to be prosecuted under the general law for a violation of a state traffic law [municipal traffic ordinance], 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, if committed by an adult, constitute a violation of a state traffic law [municipal traffic ordinance], to-wit Section _____ RSMo.

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3. The said juvenile was at the time of the alleged acts over fourteen years of age, having been 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 Sections 211.011 to 211.431 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 traffic violation.

Juvenile Officer of _____ County,
Missouri

Cross-Reference: Rule 118.01.

Note on Use: The allegations in paragraphs 1 and 4 should be stated with definiteness and in sufficient detail to inform the juvenile and the court of the grounds for the motion.

128.19 Motion to Dismiss Petition to Allow Prosecution of Juvenile Under General Law—Felony

IN THE JUVENILE COURT OF _____ COUNTY,
MISSOURI

In the Interest of

_____,
Male/Female, Age _____ } No. _____

MOTION TO DISMISS PETITION TO ALLOW PROSECUTION OF JUVENILE UNDER GENERAL LAW

Now comes _____, Juvenile Officer of _____ County, Missouri, and moves that the Court dismiss the petition heretofore filed in this cause to allow the juvenile, _____,

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to be prosecuted under the general law of this State for commis-
sion of a felony, and in support thereof states :

1. The petition filed in this cause alleges that the said juve-
nile did on the _____ day of _____, 19____, at _____,
Missouri, _____

2. The alleged acts by the juvenile constitute an offense
which would be a felony if committed by an adult, to-wit: _____

a violation of Section _____ RSMo.

3. The said juvenile was at the time of the alleged acts
over fourteen years of age, having been 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 bene-
fit further therefrom.

WHEREFORE, petitioner prays that the Court receive the
report of the investigation required by Sections 211.011 to
211.431 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

Cross-Reference: Rule 118.01.

Note on Use: The allegations in paragraphs 1 and 4 should be stated with
definiteness and in sufficient detail to inform the juvenile and the court of
the grounds for the motion.

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128.20 Notice of Hearing on Motion to Dismiss Petition to Allow Prosecution of Juvenile Under General Law

IN THE JUVENILE COURT OF _____ COUNTY,
MISSOURI

In the Interest of

_____,
Male/Female, Age _____.

} No. _____

NOTICE OF HEARING UPON MOTION TO DISMISS
PETITION TO ALLOW PROSECUTION OF JUVENILE UNDER GENERAL LAW

To _____

Notice is hereby given that a motion has been filed in the Juvenile Court to dismiss the petition heretofore filed in the interest of _____, a juvenile, to allow said juvenile to be prosecuted under the general law. A copy of the motion to dismiss is attached hereto.

The Court has ordered that a hearing be held on said motion to dismiss, on _____, the _____ day of _____, 19____, at _____ o'clock, at _____, Missouri.

The purpose of the hearing is to determine whether the juvenile is a proper subject to be dealt with under the provisions of the Juvenile Code, and if the Court finds that the juvenile is not a proper subject, the petition will be dismissed to allow prosecution of the juvenile under the general law.

You have a right to have an attorney present to assist you at the hearing, 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 wish to have an attorney to represent you, the Court has the power to appoint an attorney to represent you, without charge.

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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 will order persons to be present as your witnesses.

Judge/Clerk of the Court

Cross-Reference: Rule 118.02.

128.21 Order Dismissing Petition to Allow Prosecution Under General Law

IN THE JUVENILE COURT OF _____ COUNTY,
MISSOURI

In the Interest of

_____,
Male/Female, Age _____.

} No. _____

ORDER DISMISSING PETITION TO ALLOW PROSECUTION OF JUVENILE UNDER GENERAL LAW

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 parents, 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 Sections 211.011 to 211.431 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 felony if committed by an adult, to-wit: _____

_____ ,
a violation of Section _____ RSMo.

2. The juvenile is _____ years of age, having been born on the _____ day of _____, 19____, and the alleged offense was committed after the juvenile became fourteen years of age.

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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 cause 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 Juvenile Court

Cross-Reference: Rule 118.04.

Note on Use: The order dismissing the juvenile court petition must state the reasons for the decision. A copy of the order, together with the juvenile court petition, must be sent to the prosecuting attorney.

128.22 Motion to Modify Previous Order of Disposition

IN THE JUVENILE COURT OF _____ COUNTY,
MISSOURI

In the Interest of

Male/Female, Age _____

} No. _____

MOTION TO MODIFY PREVIOUS ORDER OF
DISPOSITION

Now comes _____, Juvenile Officer of _____ County, Missouri, and moves that the Court modify its previous order of disposition entered in this cause, and in support thereof states to the Court:

1. On the _____ day of _____, 19____, the juvenile, _____, was found to be within the jurisdiction of the Court, and the Court [on the _____ day of _____, 19____] entered an order of disposition that _____

2. The aforesaid order of disposition should now be modified for the reason that _____

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3. For the foregoing reason, this Court should modify its previous dispositional order to provide that _____

WHEREFORE, petitioner prays that the Court order that a hearing be held upon this motion, and that the Court make and enter an order modifying its previous order of disposition in such manner as it shall find to be in the welfare of the juvenile and the best interests of the state.

Juvenile Officer of _____ County,
Missouri

Cross-Reference: Rule 121.01.

Note on Use: A motion to modify a previous dispositional order may also be filed by the juvenile or the juvenile's custodian.

128.23 Notice of Hearing Upon Motion to Modify Previous Order of Disposition

IN THE JUVENILE COURT OF _____ COUNTY,
MISSOURI

In the Interest of

_____,
Male/Female, Age _____

}

No. _____

NOTICE OF HEARING UPON MOTION TO MODIFY
PREVIOUS ORDER OF DISPOSITION

To _____

You are hereby notified that a motion has been filed in this Court by _____, Juvenile Officer of _____ County, Missouri, praying for a modification of the order of disposition heretofore entered by the Court in the interest of _____, juvenile, on the _____ day of _____, 19____. A copy of said motion is attached hereto.

The Court has ordered that a hearing be held on said motion on _____, the _____ day of _____, 19____, at _____

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o'clock ____m., at _____, Missouri, to determine whether the order of disposition should be modified.

You are required to be present at the hearing and also to have the juvenile present if the juvenile is in your custody.

You have a right to have an attorney present to assist you at the hearing, 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 wish to have an attorney to represent you, the Court has the power to appoint an attorney to represent you, without charge.

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 will order persons to be present as your witnesses.

Judge/Clerk of the Court

Cross-Reference: Rule 121.01.

128.24 Order Modifying Previous Order of Disposition

IN THE JUVENILE COURT OF _____ COUNTY,
MISSOURI

In the Interest of

Male/Female, Age _____

} No. _____

ORDER MODIFYING PREVIOUS ORDER OF
DISPOSITION

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 parents, and _____, attorney for the juvenile, and the Court hearing the motion of _____ to modify the previous order of disposition made and entered by the Court on the _____ day of _____, 19____, and the Court receiv-

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ing testimony and other evidence upon said motion and being fully advised in the premises, the Court finds that said order of disposition should be modified for the reason that _____

WHEREFORE, it is ordered that the order of disposition in this cause be, and the same is modified to provide that _____

Judge of the Juvenile Court

Cross-Reference: Rule 121.01.

128.25 Order Transferring Supervision

IN THE JUVENILE COURT OF _____ COUNTY,
MISSOURI

In the Interest of

_____,
Male/Female, Age _____.

} No. _____

ORDER TRANSFERRING SUPERVISION

Now on this _____ day of _____, 19____, the motion of _____, Juvenile Officer of _____ County, Missouri, for an order transferring supervision of _____, a juvenile over whom this Court has jurisdiction under the Juvenile Code, Chapter 211 RSMo, from this Court to the Juvenile Court of _____ County, Missouri, being presented to the Court and evidence received thereupon, and it appearing to the Court that the welfare of the juvenile and the best interests of the state would be served by said transfer of supervision, and that the Juvenile Court of _____ County, Missouri, has consented to assume supervision of the juvenile,

IT IS ORDERED that the supervision of _____, juvenile, be transferred to and placed with the Juvenile Court of _____ County, Missouri, and that the Juvenile Officer and the Clerk of this Court shall furnish to the Juvenile Court of _____ County, Missouri, such records and other infor-

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mation concerning the juvenile as shall be requested by said Juvenile Court.

Judge of the Juvenile Court

Cross-Reference: Rule 125.01.

128.26 Order Terminating Jurisdiction

IN THE JUVENILE COURT OF _____ COUNTY,
MISSOURI

In the Interest of

_____,
Male/Female, Age _____ } No. _____

ORDER TERMINATING JURISDICTION

Now on this _____ day of _____, 19____, it being found by the Court that _____, juvenile, has reached the age of _____, and is no longer in need of the care and treatment which this Court may provide,

IT IS ORDERED that the jurisdiction of this Court over _____ be terminated, and that _____ be discharged from further supervision by this Court.

Judge of the Juvenile Court

Cross-Reference: Rule 121.01.

128.27 Motion to Disqualify Judge

IN THE JUVENILE COURT OF _____ COUNTY,
MISSOURI

In the Interest of

_____,
Male/Female, Age _____ } No. _____

APPLICATION FOR CHANGE OF JUDGE

Now comes _____, and applies to the Court for a change of judge in this cause pursuant to Supreme Court Rule 51.05.

Dated: _____, 19____.

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CERTIFICATE OF SERVICE

I certify that on this _____ day of _____, 19____, I did serve by regular mail upon _____ and _____, being all other parties to this cause, a copy of the foregoing application together with notice that the application would be presented to the Court on the _____ day of _____, 19____.

Cross-Reference: Rule 126.01.

Note on Use: Rule 51.05 provides that an application for change of judge need not allege or prove any cause for the change of judge. The application must be filed at least thirty days before the trial date or within five days after a trial setting has been made, whichever date is later.

128.28 Order to Destroy Records

IN THE JUVENILE COURT OF _____ COUNTY,
MISSOURI

In the Interest of

_____,
Male/Female, Age _____.

} No. _____

ORDER TO DESTROY RECORDS

Now on this _____ day of _____, 19____, there being presented to the Court the application of _____, Juvenile Officer of _____ County, to seal the official court file and law enforcement officers' records and to destroy all social histories, records and information relating to _____, juvenile, and it appearing to the Court that _____, juvenile, has reached his seventeenth birthday, that the jurisdiction of this Court over _____ has been terminated, and that it is in the best interest of _____ that such action be taken.

IT IS ORDERED that the official court file and law enforcement officers' records of _____, juvenile, be sealed and that all social histories, records and information in the custody or possession of the court relating to _____, juvenile, be destroyed.

Judge of the Juvenile Court

Cross-Reference: Rule 122.04.

3. Police Juvenile Officer Certification

1. The Need

The importance of the professionally trained Police-Juvenile Officer cannot be over emphasized. The unique and special problems faced by youth today require equally special efforts on behalf of law enforcement to detect and resolve situations and conditions that are conducive to delinquent behavior.

Efforts in prevention must be made, and the P.J.O. is ideally suited to work with his department, juvenile court, and community agencies in this regard. He may proceed with prevention efforts in this manner:

1. Influencing youth, parents, and the general public to meet the basic needs of youth, to conform to all laws and regulations made for their protection, and to make maximum use of community resources.
2. Participation in community organization planning with other agencies and citizens to improve the total community.
3. Providing overall effective police operations which contribute to the creation of a community environment which reduces the desire on the part of individuals to commit unlawful acts."¹

Realizing the need within law enforcement agencies for specially trained Police-Juvenile Specialists, the National Advisory Commission on Criminal Justice Standards and Goals made the following recommendation in their report on police:

"Every agency with over 15 employees should have specific juvenile investigative capabilities. The extent of these capabilities will depend upon the extent of the juvenile problems within the community and the resources available to the agency. The conditions and resources may indicate a part time capability, a regional capability, or assignment of full-time personnel to juvenile operations."²

In addition to the responsibilities previously outlined, the Police Juvenile Officer is expected to investigate as many juvenile cases as possible as well as providing follow-

¹Kenney, John P., Ph.D. and Pursuit, Dan G., M.S.S.A. *Police Work with Juveniles and The Administration of Juvenile Justice*, pg. 29. Charles Thomas, Publisher.

²National Advisory Commission on Criminal Justice Standards & Goals, Report on Police, Standard 9.5 - Juvenile Operations, U.S. Government Printing Office, 1974, page 223.

up to initial investigations made by patrol officers within his department. He must advise and assist the patrol officer in the proper procedures to be used in handling juvenile offenders, and maintain communication with the juvenile court in this regard.

Certainly it is desirable for every police officer to receive some training in juvenile procedures at the entry level and to participate in in-service training programs to insure his development as a well rounded officer. It has, however, been demonstrated that the need for a Police Juvenile Specialist exists.³ The problem then becomes how to insure that professionally qualified Police Juvenile Specialists are developed to function in the demanding role outlined previously. The obvious answer is the development of a program or procedure requiring minimum standards of training and professional competence for any law enforcement officer who has been or will be assigned the duties of Police Juvenile Specialist.

2. The Plan - Police Juvenile Officer Certification

"Missouri is one of five states which does not have a statewide requirement that a police officer be trained. Even in St. Louis and Jackson Counties, where minimum levels of training are required, the curriculum offered contains only four to five hours in police juvenile procedures. (St. Louis has recently increased that training to 20 hours.) In general, sufficient training opportunities are not available to properly train law enforcement officers in juvenile procedures and, when they are available, they are not coordinated with other juvenile justice training programs."⁴

Since the State of Missouri has no minimum training standards, the lack of a mechanism to provide training incentives to officers assigned to the Police Juvenile Specialty has become a problem to police administrators and the police juvenile officers themselves.

Through the consultive services provided by the Police Juvenile Specialist Project, a voluntary program of

³Additional readings related to establishment of a Police Juvenile Specialty may be found in Training Booklets, Volume 1, Nos. 8 & 9 in this series.

⁴*Missouri Action Plan for Public Safety, Juvenile Delinquency Goal #5, Missouri Department of Public Safety, February 1976, page 15.*

professional training and education was developed by the Missouri Police Juvenile Officers Association. It was the opinion of the M.P.J.O.A. that a program of certification administered through the police juvenile officers own professional association could provide the incentives that we so sadly lack in Missouri. Since only professionally qualified officers would be able to attain certification and recognition, it was felt that the quality of police juvenile officers and services to juveniles would be greatly enhanced.

The Missouri Police Juvenile Officers Association's Professional Certification Program was designed in the following manner.

Certification of a Police Juvenile Officer would be based on three criteria which were to be:

1. Education and Specialized Training
2. Experience in Police Juvenile Work
3. Approval of the M.P.J.O.A. Professional Standards Committee based on evaluation of the application submitted and supportive data.

In formulating their requirements for certification, the M.P.J.O.A. created a Professional Standards Advisory Committee to assist their regular committee in determining desirable requirements. Members of the Advisory Committee were:

Vincent Burke, Executive Director, International Juvenile Officers Assn. Inc.

Normand G. Gomolak, Police Juvenile Services Officer, Missouri Council on Criminal Justice

Richard M. Kobetz, Professional Standards Division, International Assn. of Chiefs of Police

Louis W. McHardy, Executive Director & Dean, National College of Juvenile Justice, Reno, Nevada

Richard D. Ruddle, Executive Director, Mo. Police Juvenile Officers Assn. Inc.

Milton M. Varsos, Chief Psychologist, Division of Family Services, Madison, Wisconsin

It was determined that three categories of certification would be created, each having its own attendant requirements.

1. *Police Juvenile Specialist*

B.S. Degree in Police Science, Corrections, or a related field with a minimum of two years service as a full-time police juvenile officer. Completion of

Police Juvenile Specialist 16 Hour Training Program on police juvenile procedures or the M.P.J.O.A. Annual Training Institute.

2. *Police Juvenile Practitioner*

A.A. Degree in Police Science, Corrections, or related field with a minimum of one full year of service as a full-time police juvenile officer. Completion of the Police Juvenile Specialist 16 Hour Training Program on police juvenile procedures or the M.P.J.O.A. Annual Training Institute.

3. *Police Juvenile Internist*

Applicant must be currently assigned as a full or part time police juvenile officer and must have completed the Police Juvenile Specialist 16 Hour Training Program on police juvenile procedures or the M.P.J.O.A. Annual Training Institute.

To facilitate certification and promote increased desire for available training for police juvenile officers, an alternate selective process was established for officers already in juvenile work who have had no opportunity for college training. This process is based on a system of training points awarded for education and training programs completed with a minimum number of training points being necessary for each level of certification. It was noted that the training point system used as an alternative to the desired qualifications for certification is temporary and will be terminated in the near future.

Training Points are awarded as follows:

M.A. Degree	500 points
B.S. Degree	400 points
A.A. Degree	200 points
Delinquency Control Institute, Univ. of Southern Calif.	200 points
National College of Juvenile Justice	150 points
Police Juvenile Specialist 16 Hour Training Program	100 points
M.P.J.O.A. Annual Training Institute	100 points
Short Courses in Juvenile Work (per clock hour)	5 points
Police Academy Juvenile Training (per clock hour)	5 points
Experience	100 points
for each full year as full-time Police Juvenile Officer	
Experience (less than one year full-time) ...	25 points

International Juvenile Officers Assn.

Annual Conference100 points

Juvenile Justice Institute, U.M.S.L.150 points

Point totals required for each level of certification are as follows:

700 Pts. for Specialist

400 Pts. for Practitioner

200 Pts. for Internist

Each application is to be thoroughly investigated, with the M.P.J.O.A. Professional Standards Committee having the final word regarding the approval or disapproval of each application. Other juvenile training programs not listed will be assigned the appropriate number of training points by the Professional Standards Committee. Applications not approved will be returned to the applicant with an explanation of the grounds for refusal. Once an officer is certified, he may attain a higher level of certification by supplying proof of additional training or education to the M.P.J.O.A.

Each successful applicant shall be assigned a file number and all data secured relative to his application will be maintained in that file. This data will be supplied to the applicant or his designee upon written request by the applicant.

A certificate shall be awarded to each successful applicant which certifies the level of professional competence and training he has acquired. Once certified, additional annual training will be required to maintain certification at a rate to be set by the M.P.J.O.A. Names of recipients of certificates are published in the M.P.J.O.A. Magazine and the Police Juvenile Specialist Project Newsletter. A letter of verification is also sent to his/her employer confirming certification by the M.P.J.O.A. A fee for certification will be charged by the M.P.J.O.A. to cover costs incurred by them in investigating, processing and storing the applications.

Applications may be obtained from the M.P.J.O.A. Professional Standards Committee, P. O. Box 13944 - Baden Station, St. Louis, Missouri, 63147.

The program of certification has received the support of the Missouri Action Plan for Public Safety (M.A.P.P.S.) which recommends "Every law enforcement officer assigned to specific duties as a full or part time juvenile officer should complete additional training requirements

in that specialty and obtain certification as a police juvenile specialist. (1) The certification process should be developed and administered by the Missouri Police Juvenile Officers Association or coordinated through the University of Missouri-Columbia with M.P.J.O.A. serving in an advisory capacity. (2) Continued annual supplemental training should be required to maintain certification. through specialized training programs, seminars, or in-service programs.”⁵

The Result

As a result of the program of certification, cases involving juveniles will be handled by officers with special training and experience. These officers will know the law, the proper procedures to be used in investigating a juvenile case, and will also understand and relate to the youthful offender.

The long-term result should be reduction in the number of court referrals as officers gain the expertise to divert the youthful offender from the system, more accurate data on the scope of delinquency through the keeping of proper police records and increased support for his department and police in general through the professional manner in which juveniles are handled.

The program will also promote the desire for increased professional training among those who desire initial certification or elevation to a higher level of certification. The individual departments will be assured of a highly trained efficient officer who will continue to receive annual supplemental training to maintain his certified status. Such an officer would be a source of training for the other members of the department by virtue of the expertise he has developed.

It should be apparent to every police agency that the assignment and certification of Police Juvenile Specialists, whether full time or part time, is not only desirable but essential.

⁵Ibid., Goal #5, Action Plan 5.2, page 16.

4. Police Juvenile Division: Annual Report Utilization and Evaluation

The alarming increase in crime and delinquency is causing increased public awareness and concern. Police efforts in combating crime and delinquency reflect that concern. Unfortunately, before public awareness and concern can result in meaningful community action, greater documentation is necessary.

"Progress is being made in adapting new technology to meet the needs in this area. However, it must be again stressed that proper and accurate recording of data is vital. We all share a most important responsibility to constantly improve on identification, communication, information collecting and processing techniques, if we expect to derive from these systems more meaningful and rewarding results."¹

Statistics provide a "Crime/Delinquency picture" and provide statistical information on trends, types of offenses and offenders. Unfortunately, many police jurisdictions keep *inadequate* records on juveniles while maintaining adequate records on adult offenders. This may be a reflection of past attitudes regarding the importance of cases in which a juvenile is involved.

Adequate records involving juveniles must be maintained to:

1. Evaluate departmental police and procedures;
2. Evaluate Police Juvenile Officer performance;
3. Determine the extent of juvenile delinquency in the community;
4. Determine conditions in the community which contributes to juvenile delinquency;
5. Identify specific areas and at what time (date, month, time of day) juvenile delinquency is most likely to occur.

If the above is followed, sufficient information will be available to learn the following:

1. Incidence and kind of delinquent acts that occur;
2. Number of delinquent acts cleared by taking the offender into custody;

¹Crime in the United States, Uniform Crime Report, 1970, Preface, p. vi

3. Personal characteristics concerning juvenile taken into custody;
4. Disposition of the complaint/petition filed against juvenile(s);
5. Disposition of the complaint when no petition was filed against juvenile.

Police contact with juveniles generally occurs in the following situations:

1. Juvenile Delinquency

- a) When the juvenile is alleged to have committed acts which would be violations of state or local ordinances, if committed by an adult.
- b) When the juvenile is alleged to have committed violations of the law that are within the jurisdiction of the juvenile court but would not be considered as such were the juvenile an adult. (These are the STATUS VIOLATIONS, i.e., truancy, curfew violations, incorrigibility, etc.)

2. Neglected and Dependent Children

This generally concerns juveniles whose parents or other persons legally responsible for their care and support have abandoned them or are neglecting or refusing to provide proper care, including medical care, education, or a fit environment. (See Ch. 211, Sec. 211.031, RS Mo. 1969)

3. Offenses Committed Against Juveniles

Typical examples of offenses committed against or upon juvenile children are as follows:

- a) Intentional/Willful abuse and/or injury to the person or health of a child;
- b) Corporal injury to a child;
- c) Immoral practices in the presence of children;
- d) Furnishing alcohol to minors; narcotics, drugs;
- e) Custody of child; concealment or removal without consent.

Exclusive jurisdiction of those individuals who as adults commit offenses or contribute to a juvenile's delinquency come under the jurisdiction of the adult court.

It would seem prudent to measure the extent of the above contacts, taking into account:

1. The number of complaints recorded in each of these three categories;

2. The number of cases in each situation in which investigation shows that a basis for juvenile court jurisdiction exists; criminal court jurisdiction exists;
3. The number of cases in each situation in which the police decide to refer the case to court:
 - a) by taking the child into physical custody,
 - b) by the citation process.

"When further broken down by sex, age group, and, in the case of violations of the criminal law, by the violation alleged, such a reporting system would give an accurate picture of the magnitude of the police problem and the manner in which the police are attacking it. This reporting system could then be supplemented by a similar system for picturing the court and institutional aspects of the juvenile delinquency problem."²

So that a clear "Crime/Delinquency Picture" is painted, it is first necessary to maintain a complete juvenile file. That would include the following:

1. Master Juvenile file (alphabetical index - alpha file)
2. Complaint file (chronological)
3. Nickname file (alphabetical)
4. Sex offenders (adults)
5. Offense category file
6. Individual case file (alphabetical or numerical)
7. Annual spot map (kept current)
8. Business establishments (dance halls, poolrooms, hoagie shops, etc.)
9. Social agencies (schools, churches, etc.)
10. Juvenile on probation or parole (if it can be obtained)
11. Curfew file
12. Missing persons (juvenile)
13. Grouping or gang file
14. Stop orders (on juveniles wanted, missing, etc.)
15. Adult arrest file when adult is involved with juvenile(s)
16. Volume of cases by wards, police districts, or census tracts"³

What data is needed for monthly and annual reports? It is suggested that it should reflect the volume of police work with juveniles and that information be presented so as to be easily

²*Police Records Administration*, William H. Hewitt, Aqueduct Books, pp. 320-321.
³*Ibid.*

understood by the general public. (Explanation of terminology and procedures used)

Information that should be included when developing a monthly, and particularly a yearly, report should include:

1. Size of the police department
2. Number of police juvenile officers
3. Number of youths interviewed
4. Number of youths interviewed found to be not involved
5. Number of youths warned and released
6. Official contacts (referred to juvenile court)
(dispositions made on youths referred to juvenile court)
 - a) warned and released
 - b) referred to an agency
 - c) petition to juvenile court
 - d) police witness
 - e) insufficient evidence
 - f) another jurisdiction
 - g) certification requested
7. New offenders
8. Repeaters
9. Out of jurisdiction youth committing offenses in jurisdiction.
10. Juveniles from jurisdiction committing offenses outside of jurisdiction
11. Official contact by race
12. Official contact by age group
 - a) official contacts detained
 - b) official contacts not detained
13. Adult arrests
14. Cases closed
15. Property recovered (by police-juvenile division)
16. Violation citations issued juveniles by other members of police department
 - a) traffic
 - b) loitering (this could also be presented by
 - c) curfew (age and sex and race if desired)
 - d) miscellaneous
17. Ordinance violation citations issued by police juvenile officers
 - a) violations
 - b) warnings

18. Missing reports
 - a) number missing previous month/year (end of month/year)
 - b) number of missing received in month/year
 - c) number of missing cancelled previous year
 - d) number of missing cancelled present year to date
19. Number of public appearances and where
 - a) parent groups
 - b) teen-age groups
 - c) schools
 - d) visits to home
20. Supervision of places where juveniles congregate
21. Types of offenses
22. Current school census figures (juvenile age)
23. Percentage of juvenile offenders in various offense categories
24. Time of occurrence of juvenile offenses
25. Comparative data from one year to another
26. Time spent in juvenile court (hours)
27. Schools, training programs, and institutes attended
28. Percentage of police officers to population
29. Percentage of *police juvenile officers* to population
30. Mileage traveled in performance of PJO duties

The following information should also be included in an annual report:

1. **Juvenile Division - A Brief History**
 - a) when established
 - b) number of personnel
 - c) kinds of programs instituted and when
2. **Functions and Responsibilities**
 (The size of the police department, philosophy of the chief, and organizational structure will dictate function and responsibility)
 - a) Headquarters section (multi-district departments)
 - b) training
 - number of hours
 - academy
 - in-service
 - c) special assignments
 - school liaison
 - traffic, bicycle safety
 - youth action type programs

- boy scouts
- girl scouts
- youth advising/counseling
- others

3. The Report

The annual report should contain statistics which have been compiled from monthly reports. It should be presented in a format consistent with uniform crime and/or juvenile delinquency reports. It should be left to the chief, command officers, supervisors, other units in the department, and various other agencies using the report to establish any desired rates or correlation in accordance with their needs. The information and statistics published should be considered as the rate and frequency of delinquency in the community and a factual report of the extent of "Official Contact" that the Police-Juvenile Officer/Division has had with juvenile misbehavior problems.

The following is a "how-to format" in preparing an annual report.

ANNUAL REPORT FOR THE YEAR 1975

1. Number of Youths INTERVIEWED by officers of the Juvenile Division

	<i>Boys</i>	<i>Girls</i>	<i>Total</i>
--	-------------	--------------	--------------

.....

During 1975 officers of the Juvenile Division interviewed (number) youths under 17 years of age who were involved, were witness(es) to, participated in, were part of, or had knowledge of the offenses during or after it was committed.

2. From those (number) youths interviewed, (number) were found NOT INVOLVED:

	<i>Boys</i>	<i>Girls</i>	<i>Total</i>
--	-------------	--------------	--------------

.....

After investigation of a complaint, the juvenile officer believed that the youth was not involved, proof for court was not sufficient or the youth was present or had knowledge of the crime, but delinquent/criminal intent could not be proven.

3. Warned and Released:

	<i>Boys</i>	<i>Girls</i>	<i>Total</i>
--	-------------	--------------	--------------

The Juvenile Division Officer after investigation found the juvenile involved in the offense for which he/she was inter-

viewed; however, after talking to the youth and his/her parents the officer felt that the department contact with the youth was sufficient action at this time. The youths were then warned and released to their parents or referred to Youth Advising/Counseling (referral to youth serving/counseling agencies if available)

4. Referred to Youth Counseling *Boys* *Girls* *Total*

This would be included in those jurisdictions where such a program is available. The youth counselor could be from an agency established for such a purpose. The counselor should be someone knowledgeable about public and private resources to which they can refer the juvenile and the family if such referral seems indicated.

5. Official Contacts: *Boys* *Girls* *Total*

An official contact is when a youth is referred to the (jurisdiction) Juvenile Court.

The following dispositions were made on these youths *Boys* *Girls* *Total*

- a) warned and released
- b) referred to an agency
- c) petition to juvenile court
- d) police witness
- e) insufficient evidence
- f) out of city jurisdiction
- g) certification requested

6. New Offenders:
Repeaters

New Offender—means the youth's first "Official Contact" (paper work). It does not mean the first contact with the police department. Youths may have had previous contacts at the division level which at that time were cleared and youth was released to his/her parent(s) for disciplinary action. A youth committing a serious offense may be classified in this category on his first offense contact with police.

Repeaters—means previous "Official Contact" with the Juvenile Division or other police agencies, but does not mean this year only. A youth may have had contact with the Division once in several preceding years and he is classified as a repeater the same as a youth who commits several crimes in one year.

7. Out of Town Youths: *Total*
a) committing offenses in (jurisdiction)

b) not committing offenses in (jurisdiction)

"a" indicates the number of youths the juvenile division investigated during (year) who resided outside the city limits and committed crimes/delinquent acts in the city.

CONTINUED

1 OF 2

"b" indicates the number of youths who lived outside the limits that were interviewed by the juvenile division, but due to the mitigating circumstances of being taken into custody it was the duty of the Juvenile Division Officer to investigate them.

8. (city/town/village) Youths Committing Offenses Outside of (jurisdiction)

Number of youths that were investigated by the Juvenile Division who were detained in (jurisdiction) Youth Home by *other police agencies* for offenses committed in their communities.

9. Official Contacts by Race:

- a) white
- b) non-white

	<i>Boys</i>	<i>Girls</i>	<i>Total</i>
10. Number of Official Contacts			
Detained			
Number of Official Contacts			
Not Detained			

Detained - in this instance means the youth(s) were detained at the Youth Home immediately after contact with the police.

Not Detained - indicates that the youth was not detained at the Youth Home for the offense on which official contact was made. The youth is notified by the juvenile court as to the date of appearance.

11. Adult Arrests By Juvenile Division Officers:

- a) Felony
 - b) Misdemeanor
- Total* _____

12. Cases Closed:

- a) On complaint
 - b) All others
- Total* _____

13. Property Recovered: By Juvenile Officers

Value *Total* _____

14. Citations Issued by Police Officers to Juveniles:

	<i>Boys</i>	<i>Girls</i>	<i>Total</i>
a) Traffic			
b) Loitering			
c) Curfew			
d) Miscellaneous			
<i>Total</i>	_____	_____	_____

15. **Missing Reports: Handled by Juvenile Division**

- a) Missing in 1974
- b) Missing in 1975
- c) Missing cancelled in 1974
- d) Missing cancelled in 1975
- e) Number of missing outstanding end of 1975

16. **Number of:**

- a) Talks to parent groups
- b) Talks to teen-age groups
- c) Visits to schools
- d) Visits to home(s)

17. **Supervision of Places Where Youth(s) Congregate:**

- a) Inspection of:
(number of places below requiring police action)
 - 1) arcades (electric palaces, etc.)
 - 2) bowling alleys
 - 3) community centers
 - 4) confectionaries
 - 5) depots (train, bus, etc.)
 - 6) playfields
 - 7) poolrooms
 - 8) restaurants
 - 9) skating places
 - 10) swimming pools
 - 11) theatres
 - 12) other hangouts

Total _____

Boys Girls Total

18. **Types of offenses: (committed by)**
(list all possible offenses)

19. **Cases Referred to Youth Serving Agency:**
(name various agencies)

20. **Contact by District:**
(In multi-district departments the type of offense(s) committed could be submitted by district as well as the total number of all districts.

Another format included here, was taken from the Missouri Police Juvenile Officer's Manual Guide, by Professor Normand G. Gomolak (Police Juvenile Specialist Consultant), Section 5-4, pp. 77-81. While it does not include all of the various information aforementioned, it does suggest another format.

It is suggested that each police department adapt an annual report to meet the individual needs of that department. The annual report can provide many revealing facts: the need for more personnel in the juvenile division; what kinds of offenses are being committed and by whom; and when and where we can anticipate offenses likely to be committed and planning preventive measures to decrease the incidence of crime and delinquency.

(SAMPLE)

**ANYWHERE POLICE DEPARTMENT
Youth Service Division (YSD)
Annual Report
1974**

The Youth Service Division has the responsibility of investigating all complaints coming to the attention of the police department when juveniles have either violated or are alleged to have violated federal, state, or local laws and ordinances. This includes *status* offenses. A *juvenile* is any person under the age of seventeen. A *status* offense is an offense that would not be a violation of the law if the offender were seventeen years of age or older, e.g., curfew violation, runaway, truancy, etc. This report will list and graphically illustrate the number of police-juvenile contacts during 1974, as well as indicate the many other activities to which YSD officers have been assigned. This report has been prepared to reflect the extent of police-juvenile contacts by age and sex. The intent has *not* been to show any one segment of our juvenile population being involved in violative behavior more than another. The intent is to reveal to YSD officers, other officers of the police department, and the community, where a concentration of efforts needs be directed in 1975.

<u>Population</u>	<u>Boys Under 17</u>	<u>Girls Under 17</u>	<u>Total Under 17</u>	<u>Total 10-17</u>	<u>Percentage of Juveniles</u>
20,000	2,565	3,135	5,700*	3,000	28½%

*1973 school census

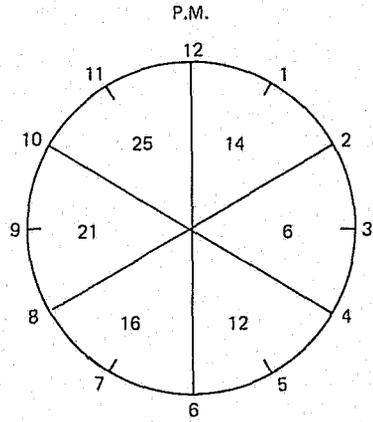
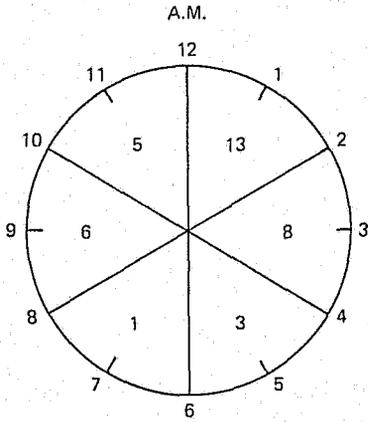
Sworn Officers	45	2.25 Sworn Officers/1000 Population
Youth Services Division Strength	3	.05/1000 Juveniles 1./1000 Juveniles 10-17 Years

A. Total number of juveniles taken into custody for an alleged violation in 1974.

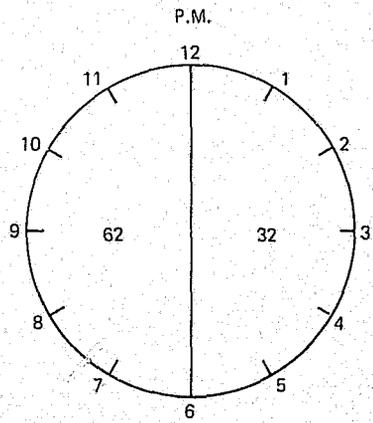
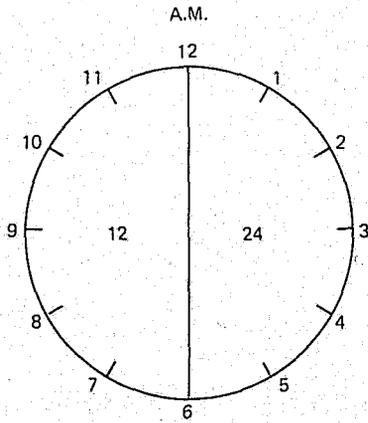
<i>Males</i>	<i>Females</i>	<i>Total</i>
76	54	130

B. Total number of juveniles taken into custody for an alleged violation in 1974.

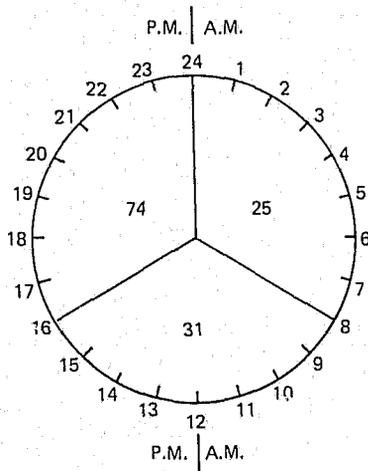
1. two-hour time periods.



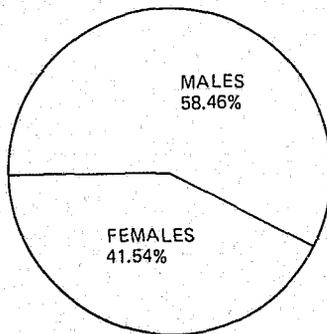
2. six-hour time periods



3. eight-hour patrol shifts



C. Percentage distribution of total number of juveniles taken into custody for an alleged violation in 1974, by sex.



D. Percentage distribution of total number of juveniles taken into custody for an alleged violation according to age.

	Totals This Year 1974			Totals Last Year 1973		
	Boys	Girls	Total	Boys	Girls	Total
Interviewed	267	178	348	301	214	515
Interviewed, Not involved	51	35	86	64	52	116
Non-Official Contacts (Police report not made) (YSD Contact card only)	128	106	234	158	76	234
Official Contact (Taken Into Custody)	76	54	130	89	77	166
Percentage Taken into Custody	28.4%	30.3%	37.6%	29.5%	35.9%	32.2%

DIVIDED BY AGE Official contact)	1974				1973			
	Boys	Girls	Total	%	Boys	Girls	Total	%
(1) Under 10	1	1	2	1.5	2	1	3	1.8
(2) 10	1	0	1	.8	1	2	3	1.8
(3) 11	3	2	5	3.8	4	4	8	4.8
(4) 12	5	3	8	6.2	7	6	13	7.8
(5) 13	8	6	14	10.7	12	9	21	12.7
(6) 14	13	9	22	16.9	17	12	29	17.5
(7) 15	19	14	33	25.5	18	16	34	20.4
(8) 16	<u>26</u>	<u>19</u>	<u>45</u>	<u>34.6</u>	<u>24</u>	<u>27</u>	<u>55</u>	<u>33.2</u>
	76	54	130	100.0	89	77	166	100.0

If there is a great variation by race or ethnic group, this could be reflected in the report by including white and non-white boys and girls, as well as the total figure.

E. Delinquency rate per 1000 youth under 17 in 1974.

Juveniles under 17, Anywhere, Missouri, 1974	5,700
Juveniles under 17 taken into custody for an offense in 1974	130
Delinquency rate/thousand 1974	22.8/thousand
Delinquency rate/thousand (1973)	29.12/thousand
Reduction in delinquency rate in 1974	6.32/thousand

F. Distribution of Juvenile Offenses for Each Month of the Year.

Taken Into Custody	
First Quarter	Second Quarter
January	April
February	May
March	June
Total	Total
Lowest calendar quarter number	

<i>Third Quarter</i>		<i>Fourth Quarter</i>	
July .....	.22	October .....	.13
August .....	.27	November .....	.9
September .....	.11	December .....	.7
Total	<u>60</u>	Total	<u>29</u>
Highest calendar quarter number			

Total Taken Into Custody

First Quarter .....	.10
Second Quarter .....	.31
Third Quarter .....	.60
Fourth Quarter .....	.29
Total	<u>130</u>

This is only part of an annual report. Guidelines suggested above can be followed. The report can be as sophisticated and as comprehensive as desired. This will depend on the chief administrator and the officer to whom the task has been assigned.

5. Police Juvenile Specialist Programs: 1976 Police Juvenile Unit Survey

by

Richard D. Ruddle
Police Juvenile Services Officer

It has been the continuing objective of the Police Juvenile Specialist Project to provide law enforcement officers with the opportunity for on-going training in police work with juveniles. "Certainly it is desirable for every police officer to receive some training in juvenile procedures at the entry level and to participate in in-service training programs to insure his development as a well rounded officer."¹ It is not possible, however, to insure that every line officer and supervisor will receive the constant updating required in handling juvenile offenders when procedures are changed or case law demands them. An example of this would be the newly adopted Supreme Court of Missouri Rules of Practice and Procedure in Juvenile Courts which became effective August 1, 1976. "As gatekeeper of the criminal justice system, it is extremely important that police officers have a complete understanding of the law as it applies to juveniles as well as adults."²

As a practical solution to this problem, a law enforcement agency might wish to designate a single police officer who would have the responsibility of maintaining expertise in handling youthful offenders and insuring compliance with changing legal requirements. Whenever possible, agencies should assign at least one officer the responsibilities for these duties, on a full-time or part-time basis. This Police Juvenile Officer (P.J.O.) would best be described as a law enforcement officer who has received specialized training in working with juveniles, and is assigned to a juvenile division or is the police juvenile officer for a particular law enforcement agency.

If an agency has at least 15 sworn personnel, a full-time police juvenile officer should be assigned, as recommended by the

¹Ruddle, Richard D., *Police Juvenile Officer Certification*, Police Juvenile Officer Training Booklet, University of Missouri, Volume 2, No. 3, May 1976, page 2.

²Gomolak, Normand G., *Missouri Juvenile Code*, Police Juvenile Officer Training Booklet, University of Missouri, Volume 1, No. 3, October 1973, Foreword.

National Advisory Commission on Criminal Justice Standards and Goals:

"Every police agency having more than 15 employees should establish juvenile investigative capabilities.

- a. The specific duties and responsibilities of these positions should be based upon the particular juvenile problems within the community.
- b. The juvenile specialists, besides concentrating on law enforcement as related to juveniles, should provide support and coordination of all community efforts for the benefit of juveniles.

Every police agency having more than 75 employees should establish a juvenile investigation unit, and every smaller police agency should establish a juvenile investigation unit if community conditions warrant."³

Many of the large and medium sized police agencies in Missouri have recognized the need for a P.J.O. and have started juvenile divisions or investigative units. Some small departments have also experienced the need for an officer who is qualified in handling juveniles, and they have designated a single officer as a full-time or part-time police juvenile officer. The assistance of a trained P.J.O. should be available to every department where the need exists, regardless of size.

In order to provide the mechanism whereby agencies regardless of size may have the services of a qualified P.J.O. whenever they are needed, the Police Juvenile Specialist Project has participated in the formulation of programs which may serve as a guide for other agencies. Three of these types of programs are presented herein as an example of what can be done where the need exists.

I. Police Juvenile Investigator (county wide)

A. Problem:

In outstate counties where the area is sparsely populated, there are many small police departments. It is impractical for them to provide any specialized unit to handle police complaints and investigations involving juveniles. Yet, when there is a need for a specially trained officer, none is available. Because of this, many of the youth in the state of Missouri are not being diverted from the juvenile court

³National Advisory Commission on Criminal Justice Standards and Goals, Report on Police, Standard 9.5, U.S. Printing Office, 1974, page 221.

or receiving the attention that might redirect their lives in a positive way. In addition, many offenses are not cleared because of lack of investigative and procedural knowledge required in cases involving juveniles.

B. Need:

A Police Juvenile Investigator that would provide service for all the communities within the county. He will be deputized by the county sheriff but would work out of the local police department best located and equipped to help provide the most efficient service to the communities involved.

C. Objective:

By providing the services of a specially trained Police Juvenile Investigator, more efficient and effective investigations will be the result. Many juveniles will be handled at the police level and will be diverted from the juvenile justice system. The cost of such an investigator can be shared by all the communities desiring to participate in the program, based on an equitable formula to be developed by the participating communities.

Comment:

A county wide Police Juvenile Investigator program was started in Audrain County, Missouri in May of 1974 through a grant from the Missouri Law Enforcement Assistance Council (now Missouri Council on Criminal Justice) to the Mexico, Missouri Department of Public Safety on a 75% - 25% match basis for one year ending April 30, 1975. The total cost of the project was set at \$15,834.00 with the Federal Share being \$11,875.00 and the Local Share being \$3,959.00 in-kind contribution. The budget included salary and fringe benefits for the officer, travel expenses, supplies/operating expenses, and equipment, which made up the federal share of the budget matched on a 25% basis by the Mexico, Missouri Department of Public Safety.

At the end of the initial grant period, the program had proven so successful, that it was picked up for the second year on a local basis with equal contributions by the Missouri Council on Criminal Justice, Audrain County Court, and the City of Mexico, Mo.

The value of the program was graphically demonstrated by the statistical report on the activities of the Investigator from June through December of 1974.

Juvenile cases handled	205	Adult arrests	8
Juvenile apprehensions	163	Child abuse	(3)
Assists on juvenile apprehensions	42	Neglect	(1)
Juvenile offenses cleared	200	Burglary	(3)
Juvenile offenses not cleared	5	Robbery	(1)
Court appearances	37		
Property recovered	\$1,444.82		
<i>Cases handled informally</i>			
Street or station adjustment	69		
<i>Court Referrals</i>	136		

A large number of juvenile cases were handled at the police level. Some youngsters who were diverted from the system may develop more positive attitudes about police and avoid problems with juvenile authorities in the future.

"The police officer's contact with a young offender is often the earliest, and his impact in many cases can be the greatest. Consequently, arming the police officer with the necessary knowledge, skills and motivation is not a luxury but a necessity in controlling juvenile delinquency."⁴

In this case, the Police Juvenile Officer has served the community by providing alternatives which may help to promote a change in behavior on the part of many of the juveniles he has apprehended. He has served his department by clearing all but a small percentage of cases assigned to him and recovering a great deal of stolen property, and has shared his expertise by assisting patrol officers whenever possible.

II. Police Juvenile Training Officer (regional program)

A. Problem:

The large areas of the state of Missouri which are contained within the various M.C.C.J. regions have presented a unique problem for the development and provision of police training in juvenile procedures. With the exception of the programs presented by the University of Missouri-Columbia through the Police Juvenile Specialist Project or the phase programs, there has been little or no on-going training in handling juveniles and their related problems. The large geographic areas dealt with may contain too few law enforcement officers to facilitate travel or time for continued training.

⁴Hahn, Paul H., A.B., M.Ed., *The Juvenile Offender and the Law*, W.H. Anderson Company, 1971, Introduction XIV.

B. Objectives:

To provide for continued in-service training of law enforcement officers within the region in juvenile matters. This training would be aimed at providing personnel within the region with continued training on the proper handling of juvenile cases within their respective jurisdictions. This training should serve to decrease the number of court referrals as officers learn to handle juvenile matters properly at the police level.

C. Method:

A full time training officer will be employed for the period of one year. He will be based at a local department within the region he is to serve which has the necessary requirements of equipment, etc., to provide the most efficient service to the region. Policies and priorities for training will be set by the director of the region and chief of the agency housing the project. He will work under the supervision of a project director, and will be advised by him in cooperation with the regional director.

D. Duties:

This officer shall:

1. Make spot checks and visits throughout the region to identify specific problem areas relating to juveniles.
2. Maintain liason with all police agencies in the region, the juvenile courts in each judicial circuit served, and social service agencies.
3. Make himself available for consultive services for these agencies.
4. Provide roll-call training on specified juvenile problems.
5. Provide on-the-job instruction for field officers handling juvenile cases.
6. Develop relevant training materials and distribute them to law enforcement agencies in the region.
7. Provide guidance to the various agencies in keeping records to insure their accuracy and completeness for development of comprehensive statistics relative to changes in juvenile offenses during the grant period.
8. Assist in the development of community based programs and alternatives to the juvenile justice system, for the youthful offender.

E. Evaluation:

The project director, assisted by the training officer, will be responsible for submission of a final project report at the end of the grant period showing completion of the project's objectives.

The training officer shall keep a record and report the following:

1. Number of spot visits and miles traveled.
2. Number of requests received for services from the various departments in the region.
3. Phone contacts with the police agencies in the region.
4. Number of personnel trained.
5. Number of hours of training given.
6. Number of departments/agencies contacted.
7. Number of cases handled and not referred to court.
8. Training materials developed and circulated.
9. Talks and speeches given and number of persons attending.
10. Total number of court referrals in the region by type, to measure any change created by increased training.

Comment:

Since this project provides the services of a training officer for the entire region, it is hoped that continued funding after the initial grant period would be provided by the local police agencies, county agencies and communities benefitting from the program. A regional program of this type was initiated in Region VII in August of 1975 which is to run until July of 1976. It was funded by an M.C.C.J. grant on a 90% - 10% basis, to the Poplar Bluff Police Department. The total amount of the grant amounted to \$10,000.00 with the local contribution being \$1,000.00. The grant included costs of salary and fringe benefits, travel within the region, travel to training program for the training officer, supplies and operating expenses, training aids and office equipment.

III. Part-time Police Juvenile Officer (Department less than 15 sworn personnel)

A. Assignment

While assignment of a Police Juvenile Officer is desired for all police agencies, the size of the agency may prevent it. Agencies with less than 15 men can seldom justify the

full-time assignment of a police juvenile specialist. These agencies do, however, frequently require the services a trained police juvenile officer would provide. This could be resolved with the designation of a qualified line officer to serve as a part-time police juvenile officer.

The Police Juvenile Services Project has recommended the following criteria for selection of a police juvenile officer. They are equally applicable for assignment of a part-time officer.

- a. a minimum of two years police experience (exceptions might be made where an officer with less experience has demonstrated a particular talent for working with juveniles)
- b. an ability to be objective, particularly when dealing with others in the juvenile justice system, whose philosophy may differ somewhat with the police officer's
- c. assignment should be made by the unit commander with approval from the chief or, in the case of a smaller department, the chief recommendations for the assignment can be made by an officer's immediate superiors.
- d. specialized training in working with juveniles should be provided prior to assignment to a juvenile division or as the only P.J.O."⁵

Although the part-time P.J.O. has added the responsibility of assignment as police juvenile officer, he must still function as a police officer. The functions of the part-time P.J.O. are the same as the full-time P.J.O. when he is involved in juvenile cases.

Training for the part-time P.J.O. may be obtained by completion of a basic 16 hour Police Juvenile Procedures Seminar provided by the Police Juvenile Specialist Project, the Missouri Police Juvenile Officers Association Annual Training Institute, or participation in the University of Missouri-Columbia's phase training program for law enforcement officers. Consultive services are also available through this project.

⁵Gomolak, Normand, *Formulating Police Juvenile Policy*, Police Juvenile Officer Training Booklet #9, University of Missouri, April 1974, page 6.

Part-time P.J.O.'s are encouraged to obtain and use the Missouri Police Juvenile Officers Manual Guide and training booklets developed through this project. Hopefully, the officer will seek professional certification through the M.P.J.O.A. as outlined in pamphlet Volume 2, No. 2 in this series.

While the programs presented herein are not all-inclusive, they do provide information on some possible programs to consider when the assignment of a P.J.O. is necessary. It is hoped that they may give some direction to those departments which desire a P.J.O. but have heretofore been reluctant to initiate such a project.

POLICE JUVENILE MANPOWER AND TRAINING

1976 Unit Survey

May 10, 1976

In order to assess progress made in Missouri in the assignment of Police Juvenile Specialists, a state wide survey was taken by the Police Juvenile Specialist Project. 568 survey forms were mailed out. A form was sent to every police department, sheriff's department, city marshal, and highway patrol troop in Missouri.

Of the 568 surveys mailed out, 232 were returned. Those surveys returned formed the basis for the statistics quoted herein. Since a high percentage of the large and medium sized departments responded, the numbers cited in this survey should give a fairly accurate picture of the police juvenile manpower in Missouri.

Police Juvenile Specialist Project 1976 Police Juvenile Manpower Survey

Surveys sent out—568

Total number of agencies surveyed. (returned)—232

1. Do you have a full-time or part-time police officer designated to handle juvenile cases? Yes, 43 No, 190
2. Do you have a juvenile division or unit within your department?
Yes, 32 No, 201
3. Have you created a juvenile unit or assigned a full/part time police juvenile officer for the first time since September 1, 1973 when the Police Juvenile Specialist Project began? Yes, 35 No, 197
4. Are you considering a police juvenile officer or unit for your department in the next twelve months? Yes, 25 No, 207
(a) Police Juvenile Service Officer contacts requested, 14
5. Total number of officers assigned to:
Juvenile Division or Unit, 175 (Full time 161 Part time, 14);
Full time or part time P.J.O., 42 (Full time, 35 Part time, 7).
6. Has your department received and used the following Police Juvenile Specialist Project Publications?

Information Training Booklets	Yes	232
Missouri Police Juvenile Officers Manual Guide	Yes	232
Police Juvenile Specialist Project Newsletter	Yes	232

(Materials sent to each agency responding to the survey)

7. Have members of your department attended any training programs presented by the Police Juvenile Services Office? Yes, 135 No, 98
8. Is there a need for juvenile related training in your agency or area? Yes, 98 No, 134
9. Total police agencies having a juvenile division, unit, or full-time/part-time police juvenile officer. 75

Police Juvenile Services 1976 Unit Survey

Depts. with Juvenile Division or Unit	Unit Commander	Was Unit established after 9-1-73	Number of Men Assigned	
			Full	Part
Ballwin Police Dept.	Det. Sgt. Michael Moore	Yes	2	
Berkeley Police Dept.	Lt. Terrance Carty	No	1	1
Brentwood Police Dept.	Lt. Wm. McCormick	No	2	
Bridgeton Police Dept.	Sgt. James R. Harpole	No	5	
Columbia Police Dept.	Sgt. E. J. Barbee	Yes	3	
Country Club Hills P.D.	Det. C. H. Robertson	Yes	1	1
Crestwood Police Dept.	Det. John Tirre	No	2	
Dellwood Police Dept.	Ptn. Sam Weibel	No	1	1
Ferguson Police Dept.	Sgt. Frank Schaefer	No	2	
Florissant Police Dept.	Chief Robert Truetken	No	2	
Glendale Police Dept.	Lt. J. M. Delling	No	2	
Hannibal Police Dept.	Capt. Charles Webster	Yes	2	
Joplin Police Dept.	Capt. Franklin Harris	No	2	
Kansas City Police Dept.	Major Lee T. Floyd	No	24	
Kirkwood Police Dept.	Det. Kenneth Price	No	1	1
Lee's Summit Police Dept.	Capt. R. K. Jones	No	1	1
Moberly Police Dept.	Det. Weldon Ashworth	Yes	1	2
O'Fallon Police Dept.	Sgt. Larry D. Harrison	Yes	1	1
Poplar Bluff Police Dept.	John Williams	Yes	2	2
Rock Hill Police Dept.	Sgt. Milton Zimmer	No	2	
St. Ann Police Dept.	Cpl. W. Roth	No	2	
St. Louis Police Dept.	Capt. William Relling	No	72	
St. Louis County Police Dept.	Sgt. Lester Wisdom	No	11	
St. John Police Dept.	Sgt. Wilbert Combs	Yes	1	1
Springfield Police Dept.	Lt. Richard Moses	No	2	
Sunset Hills Police Dept.	Ptn. Gerald Bowman	Yes		2
Town & Country Police Dept.	Lt. Andrew Kochera	Yes	3	
University City Police Dept.	Chief James Damos	No	2	
Webster Groves Police Dept.	Sgt. Lawson Burford	No	4	
Woodson Terrace Police Dept.	Sgt. L. Rowland	Yes	2	
Hazelwood Police Dept.	Lt. William Blanke	No	1	1
Northwoods Police Dept.	Det. Sylvester Jones	No	2	

Total number of agencies having police juvenile division or unit—32

Total number of agencies starting a juvenile division or unit after 9-1-73—11

Total number of personnel assigned
 Full time 161
 Part time 14

Police Juvenile Services 1976 Unit Survey

Depts. with full-time or part-time officer designated to handle juvenile cases	Name of officer * denotes part time	Was officer assigned to juvenile duties after 9-1-73
Arnold Police Dept.	Ptn. Gene Abrams	Yes
Ava Police Dept.	* Chief Jerry Huffman	Yes
Carthage Police Dept.	Sgt. Larry Beckett	Yes
Breckenridge Hills Police Dpt.	Capt. Robert Weeks	No
Clayton Police Dept.	Det. Allen Hilderbrand	No
Creve Coeur Police Dept.	* Sgt. Gary Walker	No
Des Peres Police Dept.	Mitchell Stewart	Yes
Ellington Police Dept.	* Sgt. Charles C. Tilley	Yes
Eureka Police Dept.	* Capt. Robert Maness	No
Ferrelview Police Dept.	Sgt. Steven L. Apostle	Yes
Frontenac Police Dept.	Lt. Joseph Bokal	Yes
Gladstone Police Dept.	Tom Meyers, School Liason Officer	Yes
Grandview Police Dept.	Det. Bill Jones	No
Hallsville Police Dept.	James Walkins	Yes
Harbor Town, Lake St. Louis	Fred E. Dockweiler	Yes
Jefferson City Police Dept.	Cathy Carew	Yes
Jennings Police Dept.	Cpl. Virgil McKinney	No
Ladue Police Dept.	Ptn. D. Hufford	No
Lakeshire Police Dept.	Sgt. Gerdi Schumacher	No
Lathrop Police Dept.	* Terry Keller, Assist. Chief	No
Manchester Police Dept.	Sgt. Nelson McVey	Yes
Maplewood Police Dept.	Ptn. Hugh Nesbeth	Yes
Mexico Police Dept.	Ptn. Richard Sewell	Yes
Olivette Police Dept.	Sgt. Hank Davenport	No
Oregon County Sheriff's Dept.	Estus Bates	No
Overland Police Dept.	Det. Cpl. Thomas D. Moss	No
Pacific Police Dept.	Thomas R. Whitworth	Yes
Pagedale Police Dept.	Ptn. Joe Collins	Yes
Palmyra Police Dept.	* Ptn. James L. Davis	Yes
Pine Lawn Police Dept.	* Sgt. Richard Jones	Yes
Richmond Heights Police Dept.	Det. Sgt. Lee Lankford	No
Riverview Police Dept.	Ptn. Greg Franz	Yes
Rolla Police Dept.	Ptn. Charles Snelson	Yes
Sikeston Police Dept.	Lt. Walter E. Wilson	Yes
Warrenton Police Dept.	Sgt. Carl E. Bradbury	Yes
Weatherby Lake Police Dept.	Jane Martin	Yes
Wellston Police Dept.	Ptn. Andy Mullins	No
Weston Police Dept.	* Chief Tom Magee	Yes
Hanley Hills Police Dept.	John Sullivan	Yes
Shrewsbury Police Dept.	Eugene Thurman	No
Malboro Police Dept.	Ptn. John Rogers	No
Bellefontaine Neighbors P.D.	Sgt. D. Erker	No
North Kansas City	Sgt. William Boydston	No

Total depts. with full-time or part-time officer designated to handle juvenile cases—43

Total number of agencies designating an officer to handle juvenile cases after 9-1-73—24

Police Juvenile Services 1976 Unit Survey

Depts. considering a juvenile division, unit, or full-time part-time police juvenile officer in the next twelve months	Chief of Dept.	Did dept. request contact by Police Juvenile Service Officer in this regard?
Auxvasse Police Dept.	Chief Robert Austin	No
Boonville Police Dept.	Chief Irvin Drew	Yes
Brookfield Police Dept.	Chief J. W. Clark	No
Chaffee Police Dept.	Chief David Townsend	Yes
Des Loge Police Dept.	Chief Gary B. Joplin	No
DeSoto Police Dept.	Chief Lloyd W. Davis	No
Dudley Police Dept.	Chief Larry Churchwell	No
Gasconade County Sheriff's Dept.	Sheriff Elmer Gerloff	Yes
Higginsville Police Dept.	Chief Patrick M. Sause	Yes
Kinloch Police Dept.	a/c John W. Parker	Yes
Laclede Police Dept.	Dwight Curley	Yes
Marshfield Police Dept.	Chief Robert W. Kesterson	Yes
Moline Acres Police Dept.	Chief A. A. Hannebrink	Yes
Nevada Police Dept.	Chief Stanley A. Spadoni	Yes
Nixa Police Dept.	Chief Jack Savage	Yes
North Kansas City Police Dept.	Chief Clarence Hoffman	No
Odessa Police Dept.	Chief Robert W. Kinder	No
Ozark Police Dept.	Chief Cecil Clinton	Yes
Parkville Police Dept.	Chief Tom Pirtle	Yes
Plattsburg Police Dept.	Chief Charles M. King	No
Potosi Police Dept.	Chief Roy L. Logsdon	Yes
Sedalia Police Dept.	Chief William Miller	No
Shelbina Police Dept.	Chief Van Swearinger	Yes
Sullivan Police Dept.	Chief Milford J. Roehrs	No
Trenton Police Dept.	Chief Kenneth A. Francis	No

Total agencies considering a juvenile division, unit, or full-time/part-time police juvenile officer in the next twelve months—25

Total departments requesting contact by Police Juvenile Services Officer—14

**POLICE JUVENILE SPECIALIST
PROJECT PUBLICATIONS**

Information Pamphlets

- Volume I
- No. 1 Police Juvenile Services Officer, (August 1973)
 - No. 2 Philosophy: Police-Juvenile Services, (September 1973)
 - No. 3 Missouri Juvenile Code, (October 1973)
 - No. 4 Police-Juvenile Investigative Procedures, (November 1973)
 - No. 5 Interviewing and Interrogating Juveniles, (December 1973)
 - No. 6 Police Discretion in Police-Juvenile Contacts, (January 1974)
 - No. 7 Abused, Neglected and Runaway Children, (February 1974)
 - No. 8 Juvenile Records, (March 1974)
 - No. 9 Formulating Police-Juvenile Policy, (April 1974)
 - No. 10 A Selected Bibliography: Police Work with Juveniles, (May - June 1974)
- Volume II
- No. 1 Police-School Guidelines: The Juvenile at School (September - December 1974)
 - No. 2 Supreme Court of Missouri Rules of Practice and Procedure in Juvenile Courts, (April 1976)
 - No. 3 Police Juvenile Officer Certification, (May 1976)
 - No. 4 Police Juvenile Division: Annual Report Utilization and Evaluation, (June 1976)
 - No. 5 Police Juvenile Specialist Programs: 1976 Police Juvenile Unit Survey, (July 1976)

Books:

Missouri Police Juvenile Officers Manual Guide, (June 1975)

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These Information Pamphlets and the Missouri Police Juvenile Officer's Manual Guide are prepared and distributed by the University of Missouri's Police Juvenile Specialist Project, in cooperation with the Missouri Police Juvenile Officers Association and the Police Juvenile Services Subcommittee of the Missouri Council on Criminal Justice.

Additional copies may be obtained upon request to:

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