

ALABAMA RULES OF JUVENILE PROCEDURE

Rule 15.1.

Juvenile conference committees.

(A) A juvenile court judge desiring to establish a Juvenile Conference Committee shall appoint citizens of the county to serve as members of the committee. A Juvenile Conference Committee shall consist of at least five, but not more than nine, members. The term for each member shall be set by the juvenile court judge when the judge makes the appointment, but no member's term shall exceed three years. Committee members shall serve at the pleasure of the juvenile court judge who appointed them or that judge's successor in office. Once appointed, a member must complete a training program conducted or approved by the Administrative Office of Courts. The members shall serve without compensation. The members of a Juvenile Conference Committee shall select a chairperson and a secretary at the first organizational meeting of the committee.

(B) All matters coming before a Juvenile Conference Committee shall be held in strict confidence, and the members of the Juvenile Conference Committee shall comply with all laws and rules regarding the confidentiality of proceedings against children. Every member of a Juvenile Conference Committee shall be sworn by the juvenile court judge to observe the confidential nature of the committee proceedings. A committee member may, however, when authorized by the committee as a whole and with the prior approval of the juvenile court judge, publicize in general terms the duties of the Juvenile Conference Committee, the kinds and number of cases it reviews (without in any way revealing the names or identities of persons involved or the action taken in any specific case), or any community conditions the committee's work indicates may require correction to prevent future misconduct by children.

(C) If a Juvenile Conference Committee is established in a county, a juvenile court intake officer, before a petition is filed, shall review all cases involving a child charged with a status offense or an offense that would be considered a violation or a misdemeanor if the child had been charged as an adult to determine whether the child is eligible for referral to the Juvenile Conference Committee. If, after his or her review, the juvenile court intake officer determines that the case is eligible for referral to the Juvenile Conference Committee and is appropriate for the informal-adjustment process, the procedures in Rule 15 of these Rules shall be applied. If, after his or her review, the juvenile court intake officer determines that a petition should be filed, the juvenile court intake officer and the prosecutor in that county shall review the case after the petition is filed to determine whether the child is eligible for referral to the Juvenile Conference Committee. If there is disagreement concerning whether the case is eligible for referral to the Juvenile Conference Committee,

the juvenile court judge will make the determination. If the case is eligible for referral to the Juvenile Conference Committee, the child may choose to appear before the Juvenile Conference Committee or to appear in juvenile court.

(D) If the child chooses to appear before the committee in lieu of appearing in juvenile court, the Juvenile Conference Committee shall meet with the child and the child's parent or parents, legal guardian, or legal custodian at a specified date, time, and place. Written notice of the date, time, and place of the meeting shall be given to the child and the child's parent or parents, legal guardian, or legal custodian. Written notice of the meeting also shall be given to the complainant and the victim. The notice shall inform the child and the child's parent or parents, legal guardian, or legal custodian that, in cases referred after a petition is filed, the juvenile court judge may assess court costs and other applicable fees upon the judge's adoption of the recommendations of the Juvenile Conference Committee. The notice shall inform the complainant and the victim that if he or she cannot attend the meeting, the complainant and the victim may submit a written statement for the Juvenile Conference Committee to consider. No one shall be compelled to appear before a Juvenile Conference Committee. If someone who the committee believes is essential to a resolution of the matter does not want to appear before the committee, or if the child or the child's parent or parents, legal guardian, or legal custodian is not satisfied with the proceedings of the committee, the Juvenile Conference Committee shall refer the matter to the juvenile court.

(E) With the voluntary cooperation of the child, the child's parent or parents, legal guardian, or legal custodian, and others present at the meeting, the Juvenile Conference Committee shall attempt to determine what factors brought the child to juvenile court and, in cases referred after a petition is filed, shall recommend to the juvenile court judge sanctions that will attempt to help the child develop into a productive member of society. The Juvenile Conference Committee's primary concern is to forestall more serious misconduct by the child offender by obtaining the voluntary cooperation of the child, the child's parent or parents, legal guardian, or legal custodian and others involved in the case. In cases referred after a petition is filed, the Juvenile Conference Committee shall present its recommendations to the juvenile court judge, who may approve or disapprove the sanctions recommended by the committee. If the juvenile court judge approves and adopts the committee's recommendations, the Juvenile Conference Committee shall monitor compliance with its recommendations and advise the juvenile court judge of the child's progress. If the child is not satisfied with, or does not accept, the committee's recommendations as approved by the juvenile court judge, or if, at any time, the child fails to comply with those recommendations, the matter shall be referred to the juvenile court.

(F) In cases referred after a petition is filed, the juvenile court judge, at any time, may terminate the process and dismiss the child without further

proceedings or terminate the committee's review or monitoring and direct that the child's case be referred to juvenile court.

[Added eff. 5-1-99; Amended 7-14-2011, eff. 10-1-2011.]

Comment

The Juvenile Conference Committees are intended to provide an alternative to formal court proceedings. It is thought that the citizen members will add a dimension of broad experience to deal with problems relating to children. The order adopting this rule and comment is published in *Alabama Reporter*, 727 So. 2d.

Comment to Amendment to Rule 15.1 Effective October 1, 2011

Former subsection (A) was deleted as being more of a policy statement than a procedural rule. Former subsection (B) was redesignated subsection (A). Former subsection (G) was redesignated subsection (B). Subsection (C) was amended to provide that if a Juvenile Conference Committee is established in a county, the juvenile court intake officer can refer eligible cases to a Juvenile Conference Committee before a petition is filed as part of the informal-adjustment process in Rule 15. If, after his or her review, the juvenile court intake officer determines that a petition should be filed, the juvenile court intake officer and the prosecutor in that county shall review the case after the petition is filed to determine whether the child is eligible for referral to the Juvenile Conference Committee.

Language in the other subsections was amended to provide that, in cases that were referred to a Juvenile Conference Committee after a petition was filed, costs and fees may be assessed or sanctions imposed by a judge.

Other changes to this rule were technical.

Note from the reporter of decisions: The order amending effective October 1, 2011, Rule 1, Rule 2, Rule 3, Rule 5, Rule 6, Rule 8, Rule 9, Rule 12, Rule 13, Rule 14, Rule 15, Rule 15.1, Rule 17, Rule 18, Rule 20, Rule 23, Rule 24, Rule 25, Rule 26, Rule 28, and Rule 31 and adopting effective October 1, 2011, Rule 8.1 and the Comment to Amendment to Rule 1 Effective October 1, 2011; the Comment to Amendment to Rule 2 Effective October 1, 2011; the Comment to Amendment to Rule 3 Effective October 1, 2011; the Comment to Amendment to Rule 5 Effective October 1, 2011; the Comment to Amendment to Rule 6 Effective October 1, 2011; the Comment to Amendment to Rule 8 Effective October 1, 2011; the Comment to Adoption of Rule 8.1 Effective October 1, 2011; the Comment to Amendment to Rule 9 Effective October 1, 2011; the Comment to Amendment to Rule 12 Effective October 1, 2011; the

Comment to Amendment to Rule 13 Effective October 1, 2011; the Comment to Amendment to Rule 14 Effective October 1, 2011; the Comment to Amendment to Rule 15 Effective October 1, 2011; the Comment to Amendment to Rule 15.1 Effective October 1, 2011; the Comment to Amendment to Rule 17 Effective October 1, 2011; the Comment to Amendment to Rule 18 Effective October 1, 2011; the Comment to Amendment to Rule 20 Effective October 1, 2011; the Comment to Amendment to Rule 23 Effective October 1, 2011; the Comment to Amendment to Rule 24 Effective October 1, 2011; the Comment to Amendment to Rule 25 Effective October 1, 2011; the Comment to Amendment to Rule 26 Effective October 1, 2011; the Comment to Amendment to Rule 28 Effective October 1, 2011; and the Comment to Amendment to Rule 31 Effective October 1, 2011, is published in that volume of *Alabama Reporter* that contains Alabama cases from ____ So. 3d.