

ALABAMA RULES OF JUVENILE PROCEDURE

Rule 33.

Conducting Certain Juvenile Court Hearings and Proceedings and Entering Pleas and Dispositions Using Audiovisual Technology

(A) *General Authority.* The juvenile courts are authorized to conduct juvenile-detention and shelter-care hearings and to enter pleas and dispositions using two-way interactive audiovisual technology.

(B) *Appearance by Audiovisual Technology.* A juvenile court may direct the parties in a juvenile-delinquency, child-in-need-of-supervision, or dependency case to appear in a detention or shelter-care hearing pursuant to § 12-15-207, Ala. Code 1975, or a shelter-care hearing pursuant to § 12-15-308, Ala. Code 1975, by using audiovisual technology without obtaining the written consent of the parties and attorneys, including the consent of the child and the child's attorney or guardian ad litem. Upon the written consent of the child and the child's attorney in a juvenile-delinquency or child-in-need-of-supervision case, a plea and disposition also may be entered by using audiovisual technology. The written consent form shall be developed by the Administrative Office of Courts. The appearance of a party by the use of audiovisual technology shall be considered a personal appearance. The juvenile court may order that the parties physically appear in court for any hearing or proceeding.

(C) *Confidentiality.* If a hearing or proceeding pursuant to this rule is held using audiovisual technology, provision shall be made to preserve attorney-client communications. In any hearing or proceeding held using audiovisual technology, the parties and their attorneys, including the child and the child's attorney or guardian ad litem, shall be provided a private means of communication when they are in different locations, and attorneys shall be provided a means to confer with each other and with the juvenile court judge or referee off the record. In addition, at the beginning of each hearing or proceeding held using audiovisual technology pursuant to this rule, the juvenile court judge or referee shall ensure that the hearing or proceeding is conducted in compliance with the confidentiality requirements of § 12-15-133, Ala. Code 1975, and that the parties are informed accordingly.

(D) *Electronic Filing of Documents.* Any documents filed during a hearing or proceeding held using audiovisual technology may be transmitted electronically, including, but not limited to, via facsimile machine and electronic mail. A document transmitted electronically may be served on or executed by the person to whom it is sent and returned in the same manner, with the same force, effect, and authority as, and the same liability arising from, an original document. All signatures on a document transmitted electronically shall be treated as original signatures.

(E) *Technical Standards.* Subject to the provisions of section (C) of this rule, the use of any audiovisual-technology equipment must conform to the following minimum requirements: (1) all participants in the hearing or proceeding must be able to see, hear, and communicate with each other simultaneously and (2) all participants in the hearing or proceeding must be able to see, hear, and otherwise observe any physical evidence or exhibits presented during the hearing or proceeding, either by video, by facsimile machine, or by another method. The juvenile court judge or referee must assess the quality of the audiovisual connection by asking the participants questions. The juvenile court judge or referee must identify for those persons appearing from a remote location each individual located in the courtroom.

(F) *Recording and Preservation.* The portion of the hearing or proceeding conducted by using audiovisual technology pursuant to this rule shall be recorded by stenographic reporting, by mechanical or electronic device, or by some combination thereof as provided by Rule 20(A) of these Rules. That recording shall be part of the official record of the case. A copy of the recording may be obtained as provided in Rule 20 of these Rules.

(G) *Exemption from Certain Alabama Canons of Judicial Ethics.* Juvenile court judges who conduct hearings or proceedings by using audiovisual technology pursuant to this rule are exempt from the provisions of Canon 3.A(7) and Canon 3.A(7A) of the Alabama Canons of Judicial Ethics with regard to such hearings or proceedings.

[Adopted, eff. 10-6-2021.]

Committee Comments to Adoption of Rule 33 Effective October 6, 2021

This rule allows the juvenile courts of this State to conduct juvenile-detention and shelter-care hearings and to enter pleas and dispositions in juvenile-delinquency, child-in-need-of-supervision, and dependency cases using two-way interactive audiovisual technology. To test the practicality of using audiovisual technology in hearings and proceedings conducted in the juvenile courts, the Alabama Supreme Court, beginning in 2006, approved, by order, pilot projects in several counties permitting the use of audiovisual technology in juvenile-detention hearings.

Audiovisual technology may be used to allow participants in a juvenile court hearing or proceeding to communicate with each other and with the juvenile court judge or referee from separate locations.

This technology has the potential to reduce travel requirements for parties and attorneys in these cases. In addition, it has the potential to reduce travel requirements for law-enforcement officers who are charged with the duty to transport children in juvenile-delinquency cases between juvenile-detention facilities and juvenile courts

pursuant to § 12-15-208(k), Ala. Code 1975. This practice has created a substantial expense to local governments and law-enforcement offices. The goal is to establish a reliable alternative to transportation while ultimately increasing the efficiency of the juvenile-justice system.

Juvenile court judges who conduct hearings and proceedings by using audiovisual technology pursuant to this rule are exempt from the provisions of Canon 3.A(7) and Canon 3.A(7A) of the Alabama Canons of Judicial Ethics with regard to such hearings and proceedings.

Note from the reporter of decisions: The order adopting Rule 33 and the Committee Comments thereto, effective October 6, 2021, is published in that volume of *Alabama Reporter* that contains Alabama cases from ___ So. 3d.