

ALABAMA RULES OF JUVENILE PROCEDURE

Rule 12.

Initiation of cases.

(A) Any person having knowledge of the facts or being informed of them and believing them to be true may make a complaint, under oath, to a juvenile court intake officer; the complaint, which must be handwritten or typed and contain original signatures, shall allege facts sufficient to establish the subject-matter jurisdiction and venue of the juvenile court and the child's delinquency, dependency, need of supervision, or violation of an order of probation or aftercare. An individual shall not serve as a complainant and a juvenile court intake officer in the same case. A complaint is made when it is received by the juvenile court intake officer, who shall immediately note thereon the date and time of receipt. The juvenile court intake officer may receive and consider supplements to the complaint in the form of sworn written statements, which must be handwritten or typed and contain original signatures.

(B) In determining whether to receive a complaint, the juvenile court intake officer shall conduct a preliminary inquiry to determine whether the acts or conditions alleged are within the subject-matter jurisdiction of the juvenile court, whether venue is proper, and whether probable cause exists to believe that the child is delinquent, dependent, in need of supervision, or in violation of an order of probation or aftercare.

(C) If it appears from the preliminary inquiry that subsection (B) has been satisfied, the juvenile court intake officer shall receive the complaint as provided in subsection (A) and shall either:

(1) Utilize the informal-adjustment process provided by Rule 15 in delinquency or child-in-need-of-supervision cases; or

(2) Deliver a petition, which must be handwritten or typed and contain original signatures, to the clerk for filing if the juvenile court intake officer finds that the best interests of the child or of the public requires judicial action. The filing of the petition with the clerk officially commences a case or action in the juvenile court.

(D) If it appears from the preliminary inquiry that subsection (B) has not been satisfied or if the petition has not been delivered to the clerk pursuant to subsection (C)(2), the juvenile court intake officer shall take no further action.

(E) Except as provided in Rule 15, the delivery of a petition by a juvenile court intake officer to the clerk and the filing of that petition shall occur within 21

days of receipt of the complaint or before the 72-hour hearing provided in Ala. Code 1975, § 12-15-207 or § 12-15-308, if such a hearing is required.

(F) If a Uniform Traffic Ticket and Complaint ("UTTC") is issued to a child, the verified UTTC may serve as a complaint and, if the requirements of this rule have been met, also as a petition. However, the UTTC may serve only as a complaint in a felony traffic case.

[Amended 6-12-90, eff. 8-1-90; Amended 7-10-90, eff. 7-1-90; Amended 7-30-90, eff. 8-1-90; Amended 5-1-94; Amended eff. 11-2-2009; Amended 7-14-2011, eff. 10-1-2011; Amended 5-1-2014, eff. 7-1-2014.]

Comment

The preliminary inquiry at intake should consist of a review or evaluation of information supplied by the agency or person making the complaint. See § 12-15-51 and § 12-15-60(a), Ala.Code 1975.

[Comment amended eff. 5-1-94.]

Comment to Amendment to Rule 12 Effective November 2, 2009

Subsection (A) of this rule was amended to provide that any person having knowledge of the facts or being informed of them and believing them to be true may make a sworn complaint to a juvenile court intake officer. The phrase "being informed of them and believing them to be true" was added to be consistent with a similar requirement for petitions in Ala. Code 1975, § 12-15-121(a). Also, pursuant to Ala. Code 1975, § 12-15-118(1), complaints are required to be sworn. Although Ala. Code 1975, § 12-15-121(a), provides that a juvenile petition must be signed by a person 18 years of age or older, no similar age restriction was placed in this rule for filing a complaint. This provision does not take away the juvenile court intake officer's discretion to file the complaint in the rare instance when a person under the age of 18 files a complaint with the juvenile court intake officer; however, the juvenile court intake officer would not be able to proceed with filing a petition, because Ala. Code 1975, § 12-15-121(a), restricts the signing of a petition to a person, other than the juvenile court intake officer, who is 18 years of age or older.

Cases involving violations of probation or aftercare orders were added to this rule because such cases must be processed through the juvenile court intake office pursuant to Ala. Code 1975, §§ 12-15-118(1) and 12-15-132(b). The last sentence of subsection (A) was added to clarify that a person who makes a complaint in the juvenile court must not also perform duties as a juvenile court intake officer concerning the complaint. For example, a juvenile probation officer, who may have

been designated as a juvenile court intake officer by the juvenile court, may file a petition to revoke probation or aftercare pursuant to Ala. Code 1975, § 12-15-132(b), which must be screened, reviewed, and prepared in the juvenile court intake office. If the juvenile probation officer has been designated as a juvenile court intake officer, then, pursuant to this subsection, the juvenile probation officer, as the petitioner, may not also process the case as the juvenile court intake officer.

Subsection (A) was also amended to clarify that the complaint must allege facts sufficient to establish the subject-matter jurisdiction and venue of the juvenile court so that the juvenile court intake officer may conduct a preliminary inquiry pursuant to subsections (B) and (C). This language was added so that a juvenile court intake officer can determine and endorse on the petition, if one is filed, that the juvenile court has subject-matter jurisdiction and venue over the case and that the filing of the petition is in the best interests of the public and/or the child. See Ala. Code 1975, § 12-15-120(b). Other technical changes were made to subsection (A).

Subsection (B) was amended to add the requirement that a determination be made by a juvenile court intake officer as to whether probable cause exists to believe that the child is delinquent, dependent, in need of supervision, or in violation of an order of probation or aftercare. The probable-cause determination made by a juvenile court intake officer is similar to this function performed by a magistrate in an adult criminal case. Cases involving violations of probation or aftercare orders were added to this rule because such cases must be processed through the juvenile court intake office pursuant to Ala. Code 1975, §§ 12-15-118(1) and 12-15-132(b). The last sentence of subsection (B) was added to provide that the juvenile court intake officer may receive and consider supplements to the complaint in the form of sworn written statements to ensure that the juvenile court intake officer has sufficient information to make a determination whether to file a petition.

The language providing that a juvenile court intake officer must make a determination "whether the best interests of the child or of the public require that a petition be filed" that appeared in subsection (B) before this amendment has been moved to subsection (C)(2) because that determination need not be made if a juvenile court intake officer wishes to utilize the informal-adjustment process. Other technical changes were made to subsection (B).

Subsection (C)(1) was amended to provide that informal adjustment applies only in delinquency and child-in-need-of-supervision cases, to be consistent with Ala. Code 1975, § 12-15-119; informal adjustment would not apply in dependency cases or in cases involving violations of orders of probation or aftercare.

A new subsection (D) was added to instruct juvenile court intake officers to take no further action if it appears from the preliminary inquiry that any one of the requirements of subsections (B) and (C)(2) have not been met.

Former subsection (D) was relettered subsection (E); former subsection (E) was relettered subsection (F) and amended to provide that if a Uniform Traffic Ticket and Complaint ("UTTC") is issued to a child, the UTTC may serve as a complaint and, if the requirements of this rule have been met, a petition. However, the UTTC shall serve only as a complaint in a felony traffic case. In nonfelony traffic cases, some juvenile court intake officers may use the UTTC as the sworn complaint and decide to issue a separate petition, while other juvenile court intake officers may choose to use the UTTC as the petition in lieu of filing a separate petition.

Comment to Amendment to Rule 12 Effective October 1, 2011

Subsection (B) was amended to bring the process of initiation of a case in the juvenile court more in line with that of the adult court process. Determinations of subject-matter jurisdiction, venue, and probable cause are now made prior to the actual receipt/intake of the complaint. The rule was amended to change the process to ensure that before a record of the alleged act was created, either on paper or electronically, the allegation rose to the level of invoking the jurisdiction of the juvenile court.

Subsection (C) was amended to ensure that the complaint is received and a record of the action is created only after determinations of subject-matter jurisdiction, venue, and probable cause.

Subsection (C)(2) was amended to clarify that if it appears from the preliminary inquiry that the requirements of subsection (B) have been met, the juvenile court intake officer shall deliver the petition to the clerk of the circuit court for filing (instead of the former language providing that the intake officer shall file the petition) if the juvenile court intake officer does not utilize the informal-adjustment process provided by Rule 15 of these Rules.

Subsection (E) was amended to clarify that, except as provided in Rule 15, the delivery of a petition by a juvenile court intake officer to the clerk of the circuit court and the filing of that petition by the clerk of the circuit court shall occur within 14 days of receipt of the complaint or before the 72-hour hearing is held if such a hearing is required because a child has been placed in detention or shelter care.

Other changes to this rule were technical.

Comment to Amendment to Rule 12 Effective July 1, 2014

Subsection (C)(2) of Rule 12 was amended to emphasize that it is the filing of a petition that officially begins a case or action in the juvenile court.

Subsection (E) of Rule 12 was amended to change from 14 to 21 the number of days within which a petition must be delivered by a juvenile court intake officer to give juvenile court intake officers more time to process cases.

Subsection (F) of Rule 12 was amended to ensure that the UTTC is verified.

Note from the reporter of decisions: The order amending effective November 2, 2009, Rule 12, Rule 15, and Rule 25, and adopting effective November 2, 2009, the Comment to Amendment to Rule 12 Effective November 2, 2009; the Comment to Amendment to Rule 15 Effective November 2, 2009; and the Comment to Amendment to Rule 25 Effective November 2, 2009, is published in that volume of *Alabama Reporter* that contains Alabama cases from ____ So. 3d.

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.

Note from the reporter of decisions: The order amending Rule 1, Rule 2, Rule 3, Rule 5, Rule 5.1, Rule 6, Rule 8, Rule 8.1, Rule 12, Rule 13, Rule 14, Rule 15, Rule 18, Rule 20, Rule 24, Rule 26, Rule 28, and Rule 31 effective July 1, 2014, is published in that volume of *Alabama Reporter* that contains Alabama cases from ____ So. 3d.