

ALABAMA RULES OF JUVENILE PROCEDURE

Rule 15.

Informal adjustment.

(A) After receiving a complaint alleging that a child is delinquent or in need of supervision and after determining that informal adjustment is appropriate, a juvenile probation officer who has been designated as a juvenile court intake officer may use the informal-adjustment process, with the consent of the child and his or her parent or parents, legal guardian, or legal custodian. Prior to any informal adjustment, the child and his or her parent or parents, legal guardian, or legal custodian must be advised of their rights, including the right to counsel. Any waiver of the right to counsel by the child and his or her parent or parents, legal guardian, or legal custodian during the informal-adjustment process shall apply only to that process and shall not constitute a waiver of the right to counsel by these persons for any subsequent proceeding in the juvenile court. Utilization of the informal-adjustment process shall suspend the 21-day time frame for filing a petition pursuant to Rule 12(E) of these Rules.

(B) An informal adjustment shall include counseling of and advising the child and his or her parent or parents, legal guardian, or legal custodian by the juvenile probation officer. This function may be performed by other appropriate persons including the juvenile court judge in the discretion of the juvenile probation officer.

An informal adjustment also may include the following:

(1) Supervision of the child by the juvenile probation officer and temporary placement of the child with persons other than the parent or parents, legal guardian, or legal custodian with the consent of the child and his or her parent or parents, legal guardian, or legal custodian; and

(2) Referrals by the juvenile probation officer to public and private agencies that may provide assistance or services to the child and his or her parent or parents, legal guardian, or legal custodian.

(C) The informal-adjustment process shall not continue beyond a period of six months from the date the informal adjustment document is executed.

(D) If the child fails to comply with one or more conditions of the informal-adjustment process, the process may be terminated, and the juvenile probation officer may deliver for filing a petition alleging that the child is delinquent or in need of supervision.

(E) If the child satisfactorily completes the requirements of informal-adjustment, the process shall be terminated. Upon termination of the informal-adjustment process, the juvenile probation officer shall notify the child and his or her parent or parents, legal guardian, or legal custodian.

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

Comment

Informal adjustment procedures allow the intake office to suspend formal proceedings and proceed to adjustment satisfactory to the parties. This rule provides adjustment without the necessity of the filing of a petition.

“Custodian,” as used in this and other rules, does not mean “legal custodian” as defined in Section 5-101(g) of Act No. 1205, Acts of Alabama, 1975 Regular Session, and is intended to include the guardian of the child.

Comment to Amendment to Rule 15 Effective November 2, 2009

Subsection (A) was amended by substituting the language “[u]pon the receipt of a complaint alleging that a child is delinquent or in need of supervision” for the language “[i]f there is sufficient evidence to bring the child within the jurisdiction of the court,” because informal adjustment occurs after the filing of a complaint and before the filing of a petition. See Ala. Code 1975, § 12-15-119.

Also, throughout this rule, the language “juvenile probation officer who has been designated to be a juvenile court” was added before the term “intake officer” to clarify that the informal-adjustment process should be handled by juvenile probation officers who have been designated as juvenile intake officers because juvenile probation officers are better trained to deal with this process than are other employees of the judicial branch. Other technical changes were made.

Comment to Amendment to Rule 15 Effective October 1, 2011

This rule was completely rewritten for purposes of clarification and simplicity. Subsection (E) was amended to delete the language “and report that action to the juvenile court” because the informal-adjustment process is handled before a petition is filed in juvenile court; thus, there is no mechanism by which to report such an action to the juvenile court.

Comment to Amendment to Rule 15 Effective July 1, 2014

Subsection (A) of Rule 15 was amended to limit the application of a waiver of the right to counsel to the informal-adjustment process.

Subsection (C) of Rule 15 was amended to provide a trigger date for the six-month informal-adjustment process.

Subsection (E) of Rule 15 was amended to delete references to a case being dismissed upon termination of the informal-adjustment process because the case has never actually begun.

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.