

ALABAMA RULES OF JUVENILE PROCEDURE

Rule 8.

Juvenile court intake officers.

(A) The presiding juvenile court judge for each county shall designate one or more eligible employees to serve as a juvenile court intake officer for the juvenile court. In addition, the presiding juvenile court judge shall designate one or more eligible employees, preferably from the same circuit, to serve as alternate juvenile court intake officers (1) in matters where all the juvenile court intake officers in a county must recuse themselves because of conflicts of interest or (2) in those counties with one juvenile probation officer who has been designated as a juvenile court intake officer when that juvenile probation officer is unavailable. These designations shall be in writing on a form provided by the Administrative Office of Courts. Persons eligible to serve as juvenile court intake officers and alternate juvenile court intake officers shall include full-time or part-time certified juvenile probation officers, employees of the Unified Judicial System, and persons working in the juvenile courts without regard to whether their salaries are paid from Unified Judicial System funds. The original written designations shall be maintained in the office of the presiding juvenile court judge in the county in which the designation is made. Copies of these designations shall be sent to and maintained by the Administrative Office of Courts.

(B) Juvenile court intake officers and alternate juvenile court intake officers shall be neutral and detached from the executive and legislative branches of government and shall not hold elective or appointed offices in any branch of government unless expressly authorized by law to act as a juvenile court intake officer and to hold such office or unless they hold the office of circuit clerk.

(C) Juvenile court intake officers and alternate juvenile court intake officers are authorized to administer oaths for the purpose of verifying complaints and petitions in juvenile matters and shall perform such other duties as are provided by law.

(D) All juvenile court intake officers and alternate juvenile court intake officers must attend and complete mandatory training for intake officers provided by the Administrative Office of Courts within 12 months of their designation as juvenile court intake officers.

(E) Juvenile court intake officers and alternate juvenile court intake officers shall not be required to be magistrates under Rule 8.1, Alabama Rules of Juvenile Procedure, and Rule 18, Alabama Rules of Judicial Administration, unless they issue warrants of arrest against adults subject to the jurisdiction of the juvenile court.

[Amended eff. 5-1-94; Amended eff. 1-5-2006; Amended eff. 9-18-2006; Amended eff. 1-9-1009; Amended 7-14-2011, eff. 10-1-2011; Amended 5-1-2014, eff. 7-1-2014.]

Comment

See Ala.Code 1975, §§ 12-15-1(13) and 12-17-250 through 12-17-253.

This Rule only authorizes probation officers and magistrates in the intake office to perform duties as magistrates; it is not intended to authorize appearance as a hearing officer or referee.

[Comment amended effective 5-1-94.]

Comment to Amendment to Rule 8 Effective January 9, 2009

Subsection (A) was amended to provide that in those counties in which there is more than one juvenile court judge, the presiding juvenile court judge shall designate the juvenile court intake officers. This was done to avoid multiple designations in the same county. The last two sentences were added to subsection (A) in order for the Administrative Office of Courts to keep a record of who has been designated juvenile court intake officers around the State.

Technical changes were made to subsections (B) and (C).

Comment to Amendment to Rule 8 Effective October 1, 2011

Subsection (A) was amended to clarify who are eligible to be designated as juvenile court intake officers. For example, there may be persons working for the juvenile court whose salaries are paid by a county who would be eligible to be designated a juvenile court intake officer.

Language was added in what is now subsection (B) to provide for those instances when a juvenile court intake officer or the presiding juvenile court judge is disqualified or recuses himself or herself. Since existing juvenile court intake officers designated by the presiding juvenile court judge may also have a conflict of interest, the judge assigned to hear the case is granted the authority to designate a special juvenile court intake officer.

Former subsection (B) has been redesignated subsection (C) and was amended to further clarify that juvenile court intake officers shall be neutral and detached from the executive and legislative branches of government. In addition, juvenile court intake officers shall not hold elective or appointed office unless

they are expressly authorized by law to hold that office while serving as a juvenile court intake officer. Part of former subsection (B) has been moved to what is now subsection (D).

Former subsection (C) has been redesignated subsection (F). Subsection (E) was added to provide for mandatory training for all juvenile court intake officers, such training to be completed within 12 months of the juvenile court intake officer's designation as such.

Comment to Amendment to Rule 8 Effective July 1, 2014

The intent of the provision for alternate juvenile court intake officers was for the presiding juvenile court judge to designate eligible persons, employed full-time or part-time, in the same manner as juvenile court intake officers to serve in matters in which all the juvenile court intake officers have recused themselves or to serve in those counties with one juvenile probation officer when that juvenile probation officer is unavailable. Subsection (B) was deleted because the substance of it was added to subsection (A).

Former subsections (C), (D), (E), and (F) were renumbered accordingly as subsections (B), (C), (D), and (E) and were amended to provide that alternate juvenile court intake officers are subject to the same requirements as juvenile court intake officers and to clarify that the circuit clerk may act as a juvenile court intake officer or an alternate juvenile court intake officer.

Note from the reporter of decisions: The order amending Rule 1(B), Rule 8, and Rule 28, effective January 5, 2006, is published in that volume of *Alabama Reporter* that contains Alabama cases from 917 So. 2d.

Note from the reporter of decisions: The order amending Rule 8, Rule 25(D), and Rule 28, effective September 18, 2006, is published in that volume of *Alabama Reporter* that contains Alabama cases from 939 So.2d.

Note from the reporter of decisions: The order amending effective January 9, 2009, Rule 1(A), Rule 8, Rule 13, Rule 20(A), Rule 24, Rule 28, and Rule 31, and adopting effective January 9, 2009, the Comment to Amendment to Rule 1(A) Effective January 9, 2009; the Comment to Amendment to Rule 8 Effective January 9, 2009; the Comment to Rescission of Rule 11 Effective January 9, 2009; the Comment to Amendment to Rule 13 Effective January 9, 2009; the Comment to Rescission of Rule 16 Effective January 9, 2009; the Comment to Amendment to Rule 20(A) Effective January 9, 2009; the Comment to Amendment to Rule 24 Effective January 9, 2009; the Comment to Amendment to Rule 28 Effective January 9, 2009; the Comment to Amendment to Rule 31 Effective January 9, 2009; and the Comment to Rescission of Rule 32

Effective January 9, 2009, is published in that volume of *Alabama Reporter* that contains Alabama cases from 996 So. 2d.

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.