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Time of Hearing, §43-21-551

An adjudicatory hearing **shall** be held within ninety (90) days after the filing of the petition to determine whether there is legally sufficient evidence to find that the child is a delinquent child or a child in need of supervision.



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Exceptions



The 90-day rule does not apply if the hearing is continued upon a showing of good cause.



The person who is a subject to the cause has admitted the allegations of the petition.

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In re D.D.B.,
816 So.2d
380

Plea and adjudication if admits hearing scheduled for 13 days after filing of juvenile delinquency petition, although not titled as such, was "adjudicatory hearing" that was continued for good cause of full evidentiary disclosure, and, thus, dismissal of petition for failure to hold adjudicatory hearing within 90 days of filing of petition was not warranted, where, if juvenile had admitted petition's allegations, court would have gone on to matter of whether to adjudicate juvenile delinquent and judge followed statutory direction for adjudicatory hearing, including entry of juvenile's denial of petition's allegations. West's A.M.C. §§ 43-21-551(1), 43-21-553.

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What happens if not held within 90 days.

THE PETITION SHALL BE DISMISSED WITH PREJUDICE.

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What about kids held in detention?

If the child is in detention, the adjudicatory hearing shall be held as soon as possible but not later than twenty-one (21) days after the child is first detained by the youth court unless the hearing is postponed.

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Statutory Permissible Reasons for Postponement

- Statutory reasons for postponement include:
- The child asking for a continuance;
 - Process cannot be completed or;
 - Where there has been a judicial finding that a material witness is not presently available.

If the adjudicatory hearing is not held or postponed for the above reasons, the child **may** be released from detention.

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Admissions

§43-21-553

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What does the judge have to find in order to accept an admission?

- That the child making the admission fully understands their rights and the potential consequences of their admission to the allegation.
- That the child making the admission voluntarily, intelligently and knowingly admits to all facts necessary to constitute a basis for court action under the youth court law.
- That the child making the admission has not reported in their admission to the allegation, any facts that, if found to be true, would constitute a defense to the allegation; **and**
- That the child making the admission is effectively represented by counsel.

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CONDUCT OF HEARING

Case shall be heard at any place the judge deems suitable but separately from adult cases	Adjudication Hearings shall be without a jury and may be recessed from time to time	Shall be conducted under the rules of evidence and rules of court as may comply with constitutional standards
The general public is excluded.	Persons found by the court to have a direct interest in the cause or work of the court may be admitted to the hearing	A complete record of all evidence is to be taken by stenographic reporting, by electronic device or some combination

MS R YCP Rule 24

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Verifying Information

Court Shall:	Verify the name, age, and residence of the child.	Determine whether the necessary parties are present.
Identify everyone participating in the hearing.	Determine if proper notice has been given.	If notice is not proper, determine if the affected parties intelligently waive notice.

§43-21-557

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Right	Right to Counsel
Right	Right to Remain Silent
Right	Right to Subpoena Witnesses
Right	Right to Cross-Examine Witnesses Testifying Against Them
Right	Right to Appeal, including the right to a transcript of the proceedings

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Child In Need Of Supervision Case

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Right to Counsel

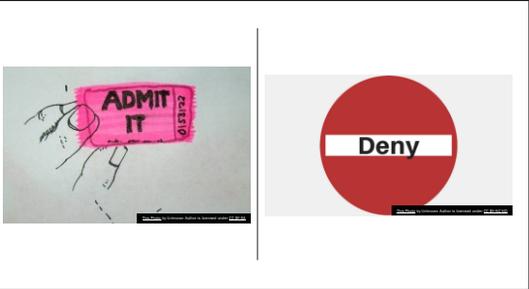
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Indigent Child

COURT SHALL APPOINT COUNSEL TO REPRESENT THE CHILD.



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Dismissed

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What Evidence Can the Court Consider?

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Evidentiary Procedures

- All testimony shall be under oath and may be in narrative form.
- The court shall admit any evidence that would be admissible in a criminal proceeding.
- An out-of-court admission or confession by the child, even if otherwise admissible, shall be insufficient to support an adjudication that the child is a delinquent child unless the admission or confession is corroborated in whole or in part by other competent evidence.

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Evidentiary Procedures

- Members of the youth court staff may appear as witnesses except that no admission or confession made to a member of the youth court staff may be testified to at a youth court hearing.
- All parties to a youth court cause shall have the right at a hearing in which an investigation, record or report is admitted in evidence, to subpoena, confront and cross examine the person who prepared or furnished data for the report and to introduce evidence controverting the contents of the report.

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Statements Made During Screening

No statements, admissions or confessions made by or incriminating information obtained from the child during a screening or assessment that is done in conjunction with any proceeding under youth court law, shall be admitted into evidence against the child on the issue of whether the child committed a delinquent act or on the issue of guilt in any criminal proceeding.

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Closing Argument

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Standard of Proof

BEYOND A



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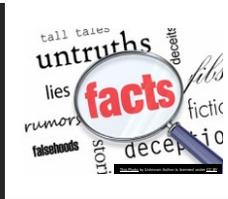
Orders

The order of adjudication shall not recite that a child has been found guilty.

It shall recite that a child is found to be a delinquent child or a child in need of supervision.



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Findings of fact and conclusions of law.



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