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Petition

Youth court cases seeking an adjudication are initiated by the filing of a petition.

The petition is usually drafted and filed by the prosecutor.



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PETITION TO BE FILED

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### What should the petition contain?

- (1) The petition shall set forth plainly and concisely with particularity:
  - ❖ (a) identification of the child, including his full name, birth date, age, sex and residence;
  - ❖ (b) identification of the parent, guardian or custodian including the name and residence of the child's parents, the name and residence of the child's legal guardian, if there be one, any person or agency in whose custody the child may be and the child's nearest relative if no parent or guardian be known;
  - ❖ (c) a statement of the facts, including the facts which bring the child within the jurisdiction of the youth court and which show the child is a delinquent child, a child in need of supervision, a neglected child or an abused child;
  - ❖ (d) in petitions alleging delinquency, a citation of the statute or ordinance which the child is alleged to have violated. Error in or omission of the citation shall not be grounds for dismissing the petition or for a reversal of the adjudication based thereon if the error or omission did not mislead the child to his prejudice.
  - ❖ (e) a prayer for the type of adjudicatory relief sought; and
  - ❖ (f) if any of the facts herein required are not known by the petitioner.

§ 43-21-455

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- (2) Two (2) or more offenses may, in the discretion of the youth court, be alleged in the same petition in a separate count for each offense.  
.....
- (4) Where the child is alleged to be a delinquent child, the petition must recite factual allegations with the same particularity required in a criminal indictment but need not have the technical form of a criminal indictment.
- (5) The petition may contain a motion to transfer.

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### Amendments

A petition may be amended at any time on order of the youth court for good cause shown so long as there is no prejudice to the parties.



Revised by Unknown Author's based on § 43-21-455

§ 43-21-457

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§ 43-21-459. Responsive pleadings not required

No party shall be required to file a responsive pleading.

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WHO GETS A SUMMONS?

§ 43-21-501

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WHEN ARE THE PARTIES SERVED?

**3**  
DAYS

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### Waiver of Time

A child who has been served with process can waive the 3-day service of requirement and the youth court may, in its discretion, proceed to a hearing if the youth court finds that:

- ✦The child fully understand his rights
- ✦Fully understands the potential consequences of the hearing
- ✦The child voluntarily, intelligently, and knowingly waives his rights to three (3) days' time before the hearing
- ✦The child is effectively represented by counsel; and
- ✦The child has actually had sufficient time to prepare for the hearing.

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