

## Y.Ct. Juvenile Delinquency and Status Offense Time Guide

### **Custody** (§43-21-303(4), §43-21-307, MS R YCP Rule 11, Rule 12)

- Child not to be held longer than reasonably necessary – but not more than 24 hrs. unless judge/designee authorizes temporary custody. §43-21-303(4), MS R YCP Rule 12
- May be taken into custody for not longer than 48 hrs. (temporary custody). Can be held longer but must have a hearing. §43-21-307, MS R YCP Rule 11
- Oral custody orders shall be reduced to writing w/i 48 hrs. of issuance. §43-21-301(3)(b)

### **Informal Adjustments** (§43-21-401, §43-21-405(6))

- Can be authorized by judge after petition has been filed. §43-21-401
- Informal adjustment period is not more than 6 months, unless extended by court authorization prior to expiration of original 6 months. §43-21-405(6)

### **Valid Court Order** (§43-21-301(6)(a), MS R YCP Rule 10)

- CHINS child can be held up to 24 hrs. prior to and 24 hours after initial appearance.
  - *Exception:* Out-of-state runaway can be held pending return to home state.

### **For VVOC** (MS R YCP Rule 10)

- Probable cause hearing w/i 24 hrs. of secure detention for violation.
- Adjudication hearing w/i 72 hrs. of original secure juvenile detention for violation.
- Disposition hearing (separate and distinct) w/i 72 hrs. of original secure juvenile detention for violation.

### **Petition** (§43-21-451, MS R YCP Rule 20)

- Custody cases: Filed w/i 5 days from date of detention hrg. continuing custody.
- Non-custody cases: Filed w/i 10 days of court order authorizing the filing of a petition, unless other time period authorized by court.

### **Service of Process** (§43-21-505, §43-21-507, MS R YCP Rule 22)

- If parent/guardian doesn't live or can't be found in the state: clerk mail by "certified mail" 10 days before the date set for hearing summons with copy of petition attached. 10 days after summons has been mailed Y.Ct. may take jurisdiction as if personally served. §43-21-505
- Summons shall be served not less than 3 days before adjudicatory hearing. §43-21-507
- Child, **if served**, may waive 3 days' time and proceed with hearing. §43-21-507

### **Transfer** (§43-21-157, MS R YCP Rule 23)

- Motion to Transfer shall be filed prior to date set for adj. hrg. but not more than 10 days after the filing of the petition.

### **Discovery** (MS R YCP Rule 15)

- Written request for discovery made, if possible, no later than 7 days preceding the date set for the adj. hrg. or other proceeding. (Can't request discovery until petition filed).
- Discovery Order: If request for discovery has been made and refused. Can make application for discovery order, if possible, no later than 7 days preceding the date set for the adj. hrg. or other proceeding.

**Notice of alibi or insanity defense** (MS R YCP Rule 15)

- Notice of alibi or insanity defense must be made no later than 7 days before the date of the adj. hrg.
- Notice of Rebuttal witnesses: W/i 7 days after receipt of notice, but no later than 2 days before adj. hrg. date, prosecutor shall provide written notice to court and defense of intent to offer rebuttal to alibi or insanity defense witnesses.

**Motion Practice** (MS R YCP Rule 15)

- Motions to be filed w/i 5 days of applicable hrg with court.
- Where Movant has served a memo or brief in support, respondent may serve a reply w/i 5 days after service of movant's memo. A rebuttal memo may be served w/i 5 days of service of the reply memo.

**Adjudication** (§43-21-551, MS R YCP Rule 24)

- Adj. hrg. w/i 90 days after filing of petition. If not shall be dismissed.
- Child in Det.: Hrg. held ASAP but not later than 21 days after child 1<sup>st</sup> detained unless hrg. postponed.
- **Tuancy case:** Adj. hrg. conducted as expeditiously as possible - no later than 21 days from petition being filed.

**Disposition** (§43-21-601, MS R YCP Rule 26)

- Disp. hrg. may be held immediately following adj. hrg. unless continuance necessary.
- Child in custody: Disp. hrg held w/i 14 days after adj. hrg unless good cause shown.
- **Tuancy case:** Disp. hrg. conducted expeditiously as possible - no later than 21 days of petition being filed.

**Detention as Disposition** (§43-21-605, MS R YCP Rule 27)

- Time period for detention no more than 90 days. Any time more than 45 days must have an administrative review no later than 45 days after entry of order.

**Review of Hearings** (§43-21-613, MS R YCP Rule 28)

- Unless jurisdiction has been terminated, all disposition orders for supervision/probation/placement of child shall be reviewed by court at least annually.

**Rehearing of Referee Order** (§43-21-111(5), MS R YCP Rule 36)

- Rehearing of referee's order by judge shall be allowed if party files a written motion or own court's own motion w/i 3 days after notice of referee's order. Time can be enlarged by court.

**Appeal** (M.R.A.P. Rule 4)

- Notice of appeal to be filed with clerk of trial court w/i 30 days after date of entry of judgement or order appealed from. (check rules for Post-trial motion time)