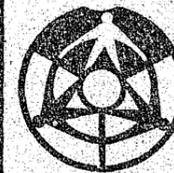


DEPARTMENT OF JUSTICE
CORRECTIONAL ASSISTANCE ADMINISTRATION
NATIONAL CRIMINAL JUSTICE REFERENCE SERVICE
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THE AMERICAN UNIVERSITY

Criminal Courts Technical Assistance Project
Institute for Advanced Studies in Justice
The American University Law School
Washington, D.C.

PROPOSED FORMS FOR USE
BY THE
JACKSON COUNTY, MISSISSIPPI
YOUTH COURT

October 1976

Consultant:

James Dunlap

NOV 1976
MAR 8 1977
ACQUISITION

CRIMINAL COURTS TECHNICAL ASSISTANCE PROJECT
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THE AMERICAN UNIVERSITY

Washington College of Law
INSTITUTE FOR ADVANCED STUDIES IN JUSTICE

This report was prepared in conjunction with The American University Law School Criminal Courts Technical Assistance Project, under a contract with the Law Enforcement Assistance Administration of the U.S. Department of Justice.

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NOTICE TO THE READER

Because of a September 30, 1976 contract deadline for completion of all technical assistance assignments conducted under the auspices of The American University Criminal Courts Technical Assistance Project, assignment reports received after September 1, 1976 have not undergone the comprehensive review which is our usual procedure. The present report is one of those for which our time constraints permitted only minimal editing. We apologize for any inconvenience this may cause the reader.

Joseph A. Trotter, Jr.
Director
Criminal Courts Technical Assistance Project

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I. INTRODUCTION

The proposed forms provided in this report are designed for use by the Jackson County Youth Court, Pascagoula, Mississippi and have been prepared by James Dunlap,* former Georgia state court administrator, under the auspices of LEAA's Criminal Courts Technical Assistance Project at The American University. The proposed forms are applicable to post-intake stages of judicial process and were developed on the basis of the consultant's review of case processing procedures used by the Court, forms presently in use and recommended improvements in the Court's administrative operations, particularly the Intake Department, which were proposed in an earlier phase of technical assistance provided in July 1976 by Judge Noah Weinstein, formerly with the St. Louis, Missouri, Juvenile Court.

Mr. Dunlap met with Judge Emily Baker, Youth Court Judge, and Leon Baker, Court Administrator and other court staff on August 23 and 24, 1976, for the purpose of reviewing current court operations and determining the most appropriate methods for tracking cases from intake through disposition. As a product of these sessions, Mr. Dunlap, assisted by Court staff, proposed the following six forms with the objectives of reducing the number of forms in use, permitting the typing of several forms simultaneously, and providing for the calendaring of cases for a date certain and purpose certain. Use of these forms will enable the Court to gain control of a case early in the system and maintain control until disposition and will permit all cases to be set for a date certain and purpose certain.

* Mr. Dunlap had provided technical assistance to the Court in April 1975 for the purpose of reviewing the Court's management procedures and policies and providing guidelines for improving management operations. As a result of that study, several recommendations were made pertaining to the Court's general administration. One of these recommendations called for the streamlining and standardization of forms and record-keeping procedures and it is to the implementation of these recommendations that the present technical assistance effort is addressed.

II. EXPLANATION OF PROPOSED FORMS

A. Minor Information Form

This form provides for minor and parent or guardian information required by McLemore vs. Cubley. This form will be filled out, signed, by both minor and parent or guardian, and witnessed by a third party. The judge will submit this form in open court and make it a part of the record, instead of asking each question in open court. (This form will be developed in two copies of chemically treated paper.)

B. Minor Release Form

The Minor Release Form is currently used by the Youth Court. The new procedures will require continued use of this form but will also require information regarding a date certain and a purpose certain. The purpose certain is usually an intake interview with the intake officer. These interviews will be sent on either Monday, Wednesday or Friday, depending on the date the offense occurs. (Please refer to page 14 for a schedule.)

C. The Intake Interview Calendar

This calendar will be used to record all intake interviews for the Intake Officer. These interviews will all be set on a particular date to provide the Intake Officer with a calendar of his work. All the secretary will do is xerox a calendar for that date. This copy, along with a Minor Release Form and the police offense report will be given to the Intake Officer three to four days prior to interview time for his review. The results of these interviews will be recorded on the intake calendar and returned to the calendar's secretary.

D. Petition

The petition is a five-part form which contains three copies of the petition: One for the file, one for the parent guardian and one for the minor. The five-part form also contains a county court writ, a motion to handle a juvenile case

informally and an order by the court for probation. (In the discussion with the judge and the Youth Court personnel, they agreed that they needed an additional adjudication order which they will prepare and to make this a seven-part form. The consultant agreed but did not have time to complete that form.) If the decision is made by the Intake Officer to file on a minor after he has reviewed the police offense report, his secretary would type up the five-part form and have it available for the Intake Officer to serve the minor and his parents at the time of the intake interview. This procedure will eliminate the need for F.I.A.T.'s and writs to be served by the sheriff and recorded by the clerk. The Intake Officer will fill in the bottom of the petition form that will give the minor and his parent or guardian a date certain to appear before the court and also a place for their signatures. The Intake Officer will provide both the minor and his parent or guardian a copy of set petition at that time.

E. The Jackson County Court Calendar

This calendar will be the court control calendar of all cases scheduled for hearings before the court. The calendar's secretary will take the information from the Intake Officer interview calendar and schedule it for the hearing on the date set for by the Intake Officer. This calendar will be prepared, on an annual basis, of all the dates when the courts will have hearings. It will further be divided by months and weeks. This calendar will control the number of hearings scheduled per day and will easily provide all interested personnel and parties an easy copy by simply xeroxing the calendars for any given date. The calendar will provide the clerk with those cases which should be pulled for a given hearing for which the public defender and county attorneys will need to be prepared.

F. Agreed Setting Form

This form will be a five-part form that will provide the calendar secretary an easy procedure by which she can update the court calendar from one hearing to

the next until the case is finally disposed of. This form provides a copy for 1) the file, 2) minor and parent, 3) public defender, 4) county attorney, and 5) calendar secretary.

The Procedure for Scheduling and Use of Forms that was developed by the Youth Court staff and the consultant is stated in Section IV of this report.

III. PROPOSED FORMS

IN THE YOUTH COURT OF JACKSON COUNTY, MISSISSIPPI

IN THE INTEREST OF _____

CAUSE NO. _____

a minor _____

MINOR INFORMATION

- 1. Name: _____ Age: _____ Date of Birth: _____
- 2. Last School Attended: _____ Grade: _____ Year: _____
- 3. Are you now or recently under the care of a physician? Yes: No:
- 4. Are you now or recently under the care of a psychiatrist? Yes: No:
- 5. Are you now or recently under the care of a psychologist? Yes: No:
- 6. Have you been hospitalized? Yes: No:
- 7. Have you been treated for drug addiction? Yes: No:

If the answer is yes to Questions 3 through 7, please explain: _____

- 8. Have you received a copy of the Petition? Yes: No:
 - 9. Have you discussed it with your parents/guardian? Yes: No:
 - 10. Do you understand that you have a right to an attorney? Yes: No:
 - 11. Do you wish to be represented by an attorney? Yes: No:
- If the answer is no, please explain your reasons: _____

- 12. Have there been any threats or promises made to you to persuade you not to have an attorney? Yes: No: If yes, please explain: _____

PARENT/GUARDIAN INFORMATION

- 1. Name: _____ Telephone: _____
 - 2. Address: _____
 - 3. Relationship to Minor: _____
 - 4. Do you understand the charged filed against the minor? Yes: No:
 - 5. Do you understand the minor's right to an attorney? Yes: No:
 - 6. Do you wish to have an attorney represent you and the minor? Yes: No:
- If no, please explain your reasons: _____

- 7. Have there been any threats or promises made to you to persuade you not to have an attorney? Yes: No: If yes, please explain: _____

- 8. Do you understand that the minor will not be penalized in any way if you request an attorney? Yes: No:
- 9. What is your occupation? _____
- 10. Place of employment? _____
- 11. Address of employer: _____ Telephone: _____

WE DO HEREBY CERTIFY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

DATE: _____

MINOR

PARENT/GUARDIAN

WITNESS: _____

JACKSON COUNTY YOUTH COURT, MISSISSIPPI

MINORS RELEASE

TO: MINOR

You have been charged with _____

and are hereby released upon the following conditions:

1. Unless you are returning from work or a school activity, you will not be out after _____ p.m. unless accompanied by a parent or guardian.
2. You will attend school or work daily if you are now in school or working.
3. You will keep all appointments made by the Court.
4. You will not leave Jackson County without prior approval of the Court.
5. You will not associate with the following people: _____
6. You will not visit the following places: _____
7. Special provisions to be determined by Releasing Officer: _____
8. You are to appear in the Youth Court for an Intake Interview on: _____
the _____ day of _____, 19____, at _____ o'clock, or when notified to do so by the Youth Court.
9. You are to call the Youth Court at 762-7370 _____, 19____, before _____ o'clock to make an appointment to see the Intake Worker.

If you are apprehended breaking any of the above conditions, you will be immediately placed in the Jackson County Detention Facility until your hearing.

MINOR'S SIGNATURE

DATE

CUSTODIAL PROMISE

Pursuant to the Statutes of the State of Mississippi and by authority of the Honorable Emily Baker, Judge, I hereby accept custody of the above named minor who has (has not) admitted to the charge of _____

I understand that the restrictions hereinabove set out are for the good and protection of my child and I will cooperate in every way possible in enforcing these regulations and shall notify the police and Court of any violation or in the event said minor should run away, I will also notify the Court of any change of address or telephone number immediately.

PARENT or GUARDIAN

PARENT or GUARDIAN

Address: _____

Address: _____

Phone: Residence: _____

Phone: Residence: _____

Work: _____

Work: _____

Employment: _____

Employment: _____

Position: _____

Position: _____

Badge # _____

Badge # _____

RELEASING OFFICER:

DATE:

Department: _____

WITNESS:

DATE:

IN THE INTEREST OF

CAUSE NO. _____

MISSISSIPPI

(File copy
(Parent/Guardian
(Minor copy

XXXX PETITION

NOW COMES the Petitioner,

of said County, upon the authorization of the Court and files this Petition in the interest of _____

a minor of the age of _____ years, residing or being within said County, and under the care, custody and _____

of _____

The Petitioner would show unto the Court the following facts as they relate to the aforesaid minor

to-wit:

Race: _____ Sex: _____ Birth Date: _____

Name of Father: _____

Address: _____

Name of Mother: _____

Address: _____

The Petitioner would show further unto the Court upon information and belief that the minor,

(Name)

(Address)

(Relationship)

is a _____ child within the meaning of the Youth Court Act of

Mississippi of 1945 and Amendments thereto, in that said child: _____

Your Petitioner prays that the Court issue process to the afore-said child, parents, or guardian and require into the allegations herein set forth and make such orders as to the Court may seem proper for the best interest of said minor child.

PETITIONER

SWORN TO AND SUBSCRIBED before me, this the _____ day of _____, 19____

This cause is set for a hearing before this Court on _____ day of _____, 19____
at _____ This notice is given and received by the undersigned.

Dated _____ Minor _____

Witness _____ Parent/Guardian _____

MINOR _____
COUNTY COURT WRIT
YOUTH COURT DIVISION

THE STATE OF MISSISSIPPI
JACKSON COUNTY

To The Sheriff of Jackson County, Mississippi--*Greetings:*
We command you to summons and give notice in the interest of _____

_____ a minor of the age of _____ years, residing or being within said County, and under the care, custody and
of _____

The Petitioner would show unto the Court the following facts as they relate to the aforesaid minor
to-wit:

Race: _____ Sex: _____ Birth Date: _____
Name of Father: _____
Address: _____
Name of Mother: _____
Address: _____

if to be found in your County, to be and personally appear before the COUNTY COURT,
YOUTH COURT DIVISION, of Jackson County, _____ in and for said County at the
Jackson County Youth Court Facility, Highway 63, in the City of Pascagoula, Mississippi
on the _____ day of _____, 19____, at _____ o'clock ____M., then and there to
make answer unto the State of Mississippi in the interest of:

of a complaint _____

Herein fail not, and have you then and there this writ.

Given under my hand and seal of said Court affixed, and issued
the _____ day of _____, 19_____

VERTIS G. RAMSAY, Clerk
By _____ D.C.

FILED
day of _____, 19____
VERTIS G. RAMSAY, Clerk
By _____ D.C.

MINOR _____

MOTION TO HANDLE INFORMALLY

COMES NOW, _____, Intake Officer, joined by _____, a minor, and _____, said minor's parent/guardian; and would show unto the Court that said minor is within the jurisdiction of this Court for the alleged offense of _____, an offense which would be a misdemeanor/felony if committed by an adult; and that this is the said minor's _____ offense.

The Movants request that they be allowed to handle this matter in an informal manner and the said minor and parent/guardian agree to accept the supervision of this Court for a period of _____

and during that time will follow the rules set out in the attached regulations and will work with the Youth Court

Counselor, _____. Further that the said minor and parent/guardian understand that at any time during this period the minor may enter a plea and request a trial on the merits of this case and they hereby agree that they will not raise the issue of length of time lapsed since the alleged offense. Further the minor and parent/guardian understand that at any time during this period that the minor fails to comply with this agreement and the rules or in the event the said minor becomes involved in any other offense, this Court may, on its own motion, revoke this agreement and set this matter for a full hearing.

SIGNED this the _____ day of _____, 19 ____.

Respectfully submitted:

INTAKE OFFICER _____

MINOR _____

PARENT/GUARDIAN _____

ORDER

This day this cause came on to be heard on the Motion hereinabove, and the Court finds that the Motion is (is not) well takes and said Motion is hereby sustained (overruled).

ORDERED AND ADJUDGED this the _____ day of _____, 19 ____

TIMELY BAKER, YOUTH COURT JUDGE _____

MINOR _____

ORDER

This day this cause came on to be heard for consideration of the matter of disposition in this cause; subject minor having been adjudicated to be a delinquent child coming within the purview of the laws of the State of Mississippi on _____ by an Order of this Court, there being present in open court this date the said minor together with _____

And the Court having considered the matter and being fully advised in the premises finds that the said minor should be placed on probation under the supervision of this Court for a period of _____ or until such time as he shall demonstrate to the Court that he has earned a release from the provisions of this Order; that a copy of the rules of said probation are to be given to said minor by _____, Youth Court Counselor, and a copy placed in his file; the physical care and custody of said minor should be placed with _____, and the Court further finds that any violation of the rules of probation by said minor shall result in the probation being revoked and said minor being brought before this Court for further consideration, that this Court should retain jurisdiction in this cause and of all parties; it is, therefore;

ORDERED AND ADJUDGED that the findings as hereinabove set forth be and they hereby are made the Order of this Court.

ORDERED AND ADJUDGED this the

EMILY BAKER, YOUTH COURT JUDGE

IN THE YOUTH COURT OF JACKSON COUNTY, MISSISSIPPI

IN THE INTEREST OF

CAUSE NO. _____

MINOR

AGREED SETTING

This action is set for

_____ on _____

This hearing is continued for

_____ on _____

at _____ am/pm.

MINOR

GUARDIAN/PARENT

JUDGE/
/ Court Staff

- White copy - file
- Yellow copy - minor/parent
- Purple copy - public defender
- Green copy - county attorney
- Blue copy - calendar (clerk) secretary

IV. PROCEDURES FOR SCHEDULING AND USE OF THE PROPOSED FORMS

- A. Minor Release Form is filled in by arresting or detention officer.
- B. Intake Interviews are scheduled for date certain based on following:

<u>DATE OFFENSE OCCURRED</u>	<u>DATE FOR INTAKE INTERVIEW</u>
Saturday	Monday following one week
Sunday	Monday following one week
Monday	Monday following one week
Tuesday	Wednesday following one week
Wednesday	Wednesday following one week
Thursday	Friday following one week
Friday	Friday following one week

- C. Yellow copy to minor and parent
- D. White copy to Calendar Secretary to:
 - 1. Record interview date on Intake Calendar
 - 2. Combine Release form with police offense report
 - 3. Give calendar with offense report/release form to Intake Officer for review
- E. Intake Officer takes Intake Calendar to decide following:
 - 1. File Petition
 - 2. Handle informally
 - 3. Prepare Petition forms
 - 4. Hold interviews
 - 5. Give notice and Petition to minor and parent/guardian
 - 6. Record disposition of interview and case number on "Intake Calendar" and return to Calendar Secretary
- F. Calendar Secretary set up "Court Calendar" by date and by the month for a full year.
 - 1. Enter a calendar sheet dated for each day of the year court is scheduled for hearings.
 - 2. Make entry on date scheduled from Intake Calendar.
 - 3. Reschedule from agreed setting form for new date.
 - 4. Prepare a xerox copy of calendar a week in advance for disbursement.
 - 5. Distribute copies of Judge and staff.
 - 6. Update for date certain always. Never lose a case from your calendar.
- G. Calendar copy to: Judge, Administrator, Court Reporter, County Attorney, Public Defender, Intake Officer, Court Clerk

H. Clerk take copy of Calendar and pull files

1. Have all files available date before hearing
2. Record all papers/forms
3. Return files to record room

I. Judge/Court personnel use "Agreed Setting" form to reset case.

1. Per telephone - sign minor's name with "per telephone conversation date _____" and mail copy to minor and parent/guardian.
2. Per Court - reset case for date certain - have minor and parent/guardian sign and approved by Judge,
3. Distribute copies.

END