

JUVENILE DELINQUENCY PROCEEDINGS

This section provides guidance on procedures to be used when completing the Juvenile Delinquency portion of the monthly SRS forms. For ease of following the SRS forms, this section is divided into the major sections indicated on the form. Each **U** or **Y** indicates guidelines and directions that should be followed when completing specific sections of the SRS form.

Note: The section entitled Case Type Determinations (page 6-8) provides case type and category definitions. The SRS reporting form for the Juvenile Delinquency division is located in the tabbed section entitled SRS Reporting Forms (page 12-7, Part I).

Number of Complaints Filed

Please refer to section "A" of the SRS form which reports information associated with the number of cases filed during the specified reporting period. Report these cases filed as of the clerk's document **stamp date**.

- U** Report the number of juveniles against whom a complaint is filed.
- U** Report multiple **charges** included on one complaint as one filing.
- U** Report multiple juveniles who are named on one complaint, each as a separate filing.
- U** If one juvenile is named on multiple complaints which are filed at the same time, each complaint should be reported.
- U** Report juveniles transferred to the reporting court from another court or jurisdiction, **for disposition purposes**. All case documents should be reported, if applicable, in the month filed with receiving clerk's office (See Number of Complaints Filed, page 6-2).
- U** Report juveniles against whom a citation is issued pursuant to violation of section 386.212, Florida Statutes (smoking prohibited near school property), **only if the individual fails to comply with the directions of the citation, and a hearing is held before the judge concerning failure to comply**. If a juvenile against whom a citation was issued **does not appear** before a judge for failure to comply, the case **should not** be reported for SRS in the Juvenile Delinquency division under the **Complaints Filed** category.

The following items identify common reporting errors. Please check these items to ensure that

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the SRS report **does not** include these reporting errors.

- Y **DO NOT** report juveniles with cases previously reported as disposed that are resubmitted to the court (See Number of Juveniles with Reopened Cases, page 6-6).
- Y **DO NOT** report the number of charges on each complaint.
- Y **DO NOT** report complaints that have been disposed in another county that are transferred solely for jurisdiction/supervision purposes.

NOTES

Number of Juvenile Complaints Disposed Prior To Petition

Please refer to section “B” of the SRS form which reports information associated with the number of juvenile complaints disposed prior to petition during the reporting period. Report these cases disposed as of the clerk’s document **stamp date**.

- U Report the number of juvenile complaints disposed in which all charges are terminated prior to the filing of a petition of delinquency (e.g., No Petitions).
- U Report juvenile complaints disposed in which all charges are direct filed to Criminal Court pursuant to section 985.227, Florida Statutes, prior to the filing of a delinquency petition (See reporting instructions on page 6-7 regarding **Direct Files to the Criminal Division**, and Frequently Asked Questions, page 6-9).
- U Report juvenile complaints disposed in which all charges are submitted to arbitration or mediation prior to the filing of a petition of delinquency.
- U Report juvenile complaints disposed in which the juvenile is placed on a diversion or alternative sanctions program as to all charges prior to the filing of a delinquency petition.
- U Report the number of juvenile complaints disposed where all charges that are pending preadjudication or predisposition are transferred to criminal court pursuant to section 985.226, Florida Statutes, prior to the filing of a delinquency petition (See reporting instructions on page 6-7 regarding **Certifications to the Circuit Criminal Division**).

The following item is a common reporting error. Please check these items to ensure that the SRS report **does not** include this reporting error.

- Y **DO NOT** report complaints disposed prior to petition in which one or more charges are pending disposition.

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Number of Petitions Filed

Please refer to section “C” of the SRS form which reports information associated with the number of petitions filed during the specified reporting period. Report these cases filed as of the clerk’s document **stamp date**.

- U Report the number of juveniles against whom a petition for delinquency is filed pursuant to section 985.218, Florida Statutes. This includes petitions filed subsequent to failed alternative sanctions (formally known as JASP) (See Frequently Asked Questions, page 6-10).
- U If one juvenile is named on multiple petitions which are filed at the same time, then each petition should be reported.
- U Report one petition when multiple charges are included.
- U Report multiple juveniles who are named on one petition, each as a separate filing.
- U Report juveniles transferred to the reporting court from another court or jurisdiction **for disposition purposes**. All case documents should be reported, if applicable, in the month filed with the receiving clerk’s office (See common reporting errors identified below for further instructions on reporting juvenile transfers).

The following items identify common reporting errors. Please check these items to ensure that the SRS report **does not** include these reporting errors.

- Y **DO NOT** report the number of charges on each petition.
- Y **DO NOT** report juveniles with cases previously reported as disposed that are resubmitted to the court (See Number of Juveniles with Reopened Cases, page 6-6).
- Y **DO NOT** report a petition filed for juveniles with cases transferred to the reporting court from another court or jurisdiction **for supervision purposes** when all issues in the case have been agreed upon. These cases should be reported as **reopened** if subsequent judicial activity occurs due to a violation of probation or another court matter (See Number of Juveniles with Reopened Cases, page 6-6).

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Number of Petitions Disposed

Please refer to section “D” of the SRS form which reports information associated with the number of petitions disposed during the specified reporting period. For reporting purposes, petitions are to be reported as disposed after the final judicial decision is entered as to **all charges** which terminates a juvenile delinquency proceeding by an adjudication or dismissal. Report these cases disposed as of the clerk’s document **stamp date**.

- U Report the number of juveniles against whom a petition for delinquency is disposed as to **all charges**.
- U Report juveniles with petitions submitted to arbitration or mediation on **all charges**.
- U Report the number of juveniles against whom a petition for delinquency pending **adjudication or disposition** is subsequently transferred to adult criminal court. All charges must be transferred to adult criminal court to be reported as a disposition for SRS. **DO NOT** report the case under **Number of Petitions Disposed** if all charges are not transferred.

The following items identify common reporting errors. Please check these items to ensure that the SRS report **does not** include these reporting errors.

- Y **DO NOT** report dispositions of reopened cases.
- Y **DO NOT** report juveniles whose petitions are consolidated. For example, if two petitions against one juvenile are merged for disposition purposes, report **only** one petition disposed.
- Y **DO NOT** report petitions as disposed if one or more charges are pending. For example, if the state attorney declines to prosecute on a charge, and disposition is pending as to the remaining charges, the case should not be reported disposed for SRS until action has been taken on every charge.

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Number of Juveniles with Reopened Cases

Please refer to section "E" of the SRS form which reports information associated with the number of juveniles with reopened cases filed during the specified reporting period. Report these cases reopened as of the clerk's document **stamp date**.

- U Report the number of juveniles with cases previously reported as disposed which are reactivated or resubmitted to the court **where judicial action may be involved**.
- U Report juveniles with cases filed for judicial action after being submitted to arbitration or mediation.
- U Report motions and petitions filed subsequent to the close of the case. If several motions or petitions are filed on the same day for the same case, report only one reopening. However, if several motions are filed during the reporting period on different days for the same case, each motion or petition should be reported.
- U Some examples of reopened cases include but are not limited to motions or petitions for:
 - C Violations of probation;
 - C Rule to show cause;
 - C Motion to expunge/seal records;
 - C Motion to transfer;
 - C Motion for new trial;
 - C Motion for extraordinary relief; and
 - C Motion for rehearing.
- U Report disposed cases originally transferred for the purpose of jurisdiction and supervision that require judicial action. For example, juvenile delinquency cases transferred to a jurisdiction for supervision purposes only, **should not** be reported for SRS. However, if the case is brought before the court in the receiving jurisdiction due to a violation of sanctions or conditions imposed at the original adjudication, or due to a request for modification of the said sanctions, the case should be reported as reopened.

The following items are common reporting errors. Please check these items to ensure that the

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SRS report **does not** include these reporting error.

- Y **DO NOT** include terminations of probation.
- Y **DO NOT** report reopened cases based upon whether a hearing is held. There does not have to be a hearing before the judge to constitute a reopening for SRS.
- Y **DO NOT** report petitions for delinquency filed subsequent to failed alternative sanctions (See Frequently Asked Questions, page 6-10).

Number of Certifications to the Circuit Criminal Division

Please refer to section "F" of the SRS form which reports information associated with the number of certifications to the circuit criminal division during the specified reporting periods. Report these cases transferred as of the clerk's document **stamp date**.

- U Report the number of **juveniles** transferred to circuit criminal court for prosecution as an adult following a waiver hearing pursuant to section, 985.226, Florida Statutes. Report the number of **juveniles**, not the number of cases or charges filed against the juvenile (See Frequently Asked Questions, page 6-9).
- U Report the number of juveniles that are certified to felony court with a voluntary or involuntary waiver.

Number of Direct Files to the Criminal Division

Please refer to section "G" of the SRS form which reports information associated with the number of juveniles direct filed to the felony or county criminal division during the specified reporting period. Report these cases transferred as of the clerk's document **stamp date**.

- U Report the number of juveniles transferred to criminal court for prosecution as an adult following the filing of an information by the state attorney pursuant to section 985.227, Florida Statutes. Report the number of **juveniles** not the number of cases or charges filed against the juvenile (See Frequently Asked Questions, page 6-9).

Number of Detention Hearings

Please refer to section "H" of the SRS form which reports information associated with the number of detention hearings held during the specified reporting period.

- U Report the number of **juveniles** for whom a hearing is held to determine whether the juvenile is to be detained, continued to be detained, or released while proceedings are pending.

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NOTE: A detention hearing may be held before or after the disposition of a case and should be reported for SRS each time one is held. For example, according to Florida Statutes, contempt proceedings held subsequent to case disposition, pursuant to section 985.216 (4)(b), Florida Statutes, will result in a detention hearing and should be reported for SRS (See Frequently Asked Questions, page 6-10).

Case Type Determinations

The following list includes the types of proceedings that are included for each SRS case type. To select the correct SRS case type please follow these procedures:

1. Review each petition or complaint and determine the issue involved;
2. Select the appropriate SRS case type for the issue indicated within the petition or complaint; and
3. Report the petition or complaint under the correct SRS case type on the Juvenile SRS form.

Delinquency

- ? All matters relating to juveniles who are charged with a felony or misdemeanor offense, contempt of court, or a violation of a local penal ordinance, other than a juvenile traffic offense.

If you are unable to determine the correct SRS case type, contact Court Services staff at (850) 922-5094 or Suncom 292-5094.

CASE TYPE DETERMINATIONS

Juvenile Delinquency Frequently Asked Questions

1. (Q) If a judge withholds adjudication on a juvenile and issues a judicial reprimand in court with no sanctions, does this action dispose of the delinquency petition for SRS purposes?

SRS (A) *Yes, this action should be treated as a disposition of the delinquency petition for purposes.*

2. (Q) What is the appropriate reporting procedure when a juvenile with multiple complaints is direct filed to the criminal division?

(A) When one juvenile is named on multiple complaints which are filed at the same time, each complaint should be reported. As such, when one juvenile with multiple complaints is direct filed to the criminal division pursuant to section 985.227, Florida Statutes, each complaint should be reported under the reporting category "Complaints Disposed Prior to Petition." In addition, one direct file should be reported as current reporting instructions direct clerks to report the number of juveniles, that are direct filed to the criminal division, not the number of cases or charges.

3. (Q) Should contempt proceedings filed pursuant to subsection 39.054(5), Florida Statutes be reported for SRS?

(A) *No.*

4. (Q) What is the difference between the category "Certification to the Circuit Criminal Division" and "Direct File to the Criminal Division?"

FREQUENTLY ASKED QUESTIONS

(A) The distinguishing factor lies in the specific reference to a waiver hearing in the case of a certification to the criminal division. Based upon the provisions set forth in section 985.226, Florida Statutes, the juvenile would be reported under the category "Certification to the Circuit Criminal Division" if a juvenile was certified to be prosecuted as an adult during a waiver hearing. However, if the state attorney deems it appropriate to file an information on the juvenile based on the provisions set forth in section 985.227, Florida Statutes, the juvenile would be reported under the category "Direct File to the Criminal Division." Additionally, the juvenile should also be reported accordingly in one of the disposition categories as either "Complaints Disposed Prior to Petition" or "Number of Petitions Disposed."

5. (Q) If a petition for delinquency is filed on a juvenile after the juvenile is referred to, and subsequently fails, an alternative sanctions program, should the petition be reported for SRS in the "Juveniles with Reopened Cases" category or the "Petitions Filed" category?

(A) For purposes of calculating judicial certification, the unit of count for the Juvenile Delinquency division has been changed from the number of complaints filed to the number of petitions filed. As such, please report petitions filed subsequent to failed alternative sanctions programs in the "Petitions Filed" category, not in the "Juveniles with Reopened Cases" category. Consequently, the disposition of the petition for delinquency should be reported based upon the criteria articulated in the "Number of Petitions Disposed" reporting requirements (page 6-5). This represents a change to the instructions provided as a part of the 1995 SRS Manual.

6. (Q) If one juvenile has a detention hearing scheduled on five cases, how many should be reported?

(A) The number of hearings should be reported in this circumstance, not the number of cases. The SRS requirements for the juvenile delinquency division are based on the number of juveniles, not the number of cases, except in the situation when one juvenile is named on multiple complaints filed on the same day. As always, a good rule of thumb is to consider whether this is a judicial workload issue. Multiple hearings would likely require more judicial attention than one hearing in which multiple cases are heard.