

5-02/050.52 - Citable Offenses to Delinquency Court

The following procedures apply when a criminal investigation has been completed, the juvenile is alleged to have committed any 602 WIC offense not listed in section 5-02/050.50, and is not being detained.

If no other disposition is suitable (counsel and release, diversion, etc.), the minor shall be issued a Notice to Appear to the appropriate delinquency court in 60 calendar days after the issuance of the citation. If the 60th day is a non-court day, the minor will be cited to the next available court day.

A Juvenile Petition Package shall be submitted and the documentation of these offenses shall be completed as outlined in Volume 4, Case Assignment and Reporting, and/or Volume 5, Chapter 5, Traffic. The Juvenile Petition Package shall include the original Notices to Appear and four copies of all associated arrest and supplemental reports. This package shall be forwarded to the appropriate District Attorney's Office within seven calendar days of the issuance of the citations.

Additionally, in all cases when a minor is cited to delinquency court, the parent or legal guardian of the juvenile shall be issued a separate Notice to Appear for the same court and date as their child. The "Violation" section of the parent's/guardian's Notice to Appear shall have "660.5(e) WIC" written on it, and the "Description" section shall state, "Parent's/legal guardian's minor child cited to delinquency court." The issuance of a Notice to Appear to the parent or guardian is mandatory by law, and the delinquency court will not issue a warrant for the juvenile or parent/legal guardian unless this is done. The parent/legal guardian shall be identified by their driver's license or identification card number, if possible, and when this is done, a photocopy of the identification card should be made and maintained in the investigation case file.

If there is more than one juvenile involved in the same case, all shall be cited to delinquency court for the same appearance date, unless the Notices to Appear are issued to the minors on different dates. In those instances, the subsequent citation(s) shall reference the first citation issued. This will be done by listing the number of the first Notice to Appear and the name and court date of the minor on the first citation in the "Description" area of the subsequent Notice(s) to Appear. This would be in addition to listing the actual charge(s) for the minor(s) whose name(s) is listed on the subsequent citation(s). Court appearance dates shall always be in 60 calendar days from the date the Notice to Appear was issued to a minor.

A reasonable effort must be made to locate and cite the minor and their parent/guardian to court. A warrant may still be issued if a peace officer submits to the court an affidavit, signed under penalty of perjury, stating facts sufficient to establish that all reasonable efforts to locate the minor and/or parent/guardian have failed or that the minor and/or parent/guardian have willfully evaded the citation. This affidavit shall be part of the Juvenile Petition Request (SH-CR-366) as outlined in section 5-02/050.20.

If the minor and/or parent refuses to sign the Notice to Appear, they will be verbally advised of the court appearance date and location and the statement, "Advised of court date, refused to sign," shall be written on the signature line of the citation. The yellow copy of the Notice to Appear shall be given to the person who is cited.

Juvenile citations for delinquency court, including those issued to the parents/guardians, shall not be amended. They must be voided or dismissed and new Notices to Appear shall be reissued to the minor and/or guardian and their signed promise to appear obtained.