

## Youth Court Delinquency and Status Offense Time Guide

### **Custody** (§43-21-303(4), §43-21-307, §43-21-309, §43-21-301(6)(a), MS R YCP Rule 10, 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 no longer than 48 hrs. (temporary custody). Can be held longer but must have a hearing. §43-21-307, §43-21-309, MS R YCP Rule 11
- Oral custody orders shall be reduced to writing w/in 48 hrs. of issuance. §43-21-301(3)(b)
- CHINS child can be held up to 24 hrs. prior to and 24 hrs. after initial appearance.
  - *Exceptions:* Out-of-state runaway can be held pending return to home state.
  - Status offender may be held in detention for violating a valid court order. §43-21-301(6)(a)

### **For Violation of Valid Court Order** (MS R YCP Rule 10)

- Probable cause hearing w/in 24 hrs. of secure detention for violation. MS R YCP Rule 10(a)(3)
- Adjudication hearing w/in 72 hrs. of original secure juvenile detention for violation. MS R YCP Rule 10(a)(4)
- Disposition hearing (separate and distinct) w/in 72 hrs. of original secure juvenile detention for violation. MS R YCP Rule 10(a)(5)

### **Informal Adjustments** (§43-21-401(2), §43-21-405(6), MS R YCP Rule 9(a)(2))

- Can be authorized by a judge after the petition has been filed. §43-21-401(2)
- 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)

### **Petition** (§43-21-451, MS R YCP Rule 20(a)(2))

- Custody cases: Filed w/in 5 days from date of detention hearing. continuing custody.
- Non-custody cases: Filed w/in 10 days of court's referral to prosecutor for consideration of initiating formal proceedings, unless another time period authorized by court.

### **Service of Process** (§43-21-507(1), (3), MS R YCP Rule 22(a))

- 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 youth court may take jurisdiction as if personally served. MS R YCP Rule 22(a)(3)(iv)
- Summons shall be served no less than 3 days before adjudicatory hearing. §43-21-507(1), MS R YCP Rule 22(a)(4)
- Child, **if served**, may waive 3 days time and proceed with hearing. §43-21-507(3), MS R YCP Rule 22(a)(6)

### **Transfer** (§43-21-157(2), MS R YCP Rule 23)

- Motion to Transfer shall be filed prior to date set for adjudication hearing. but not more than 10 days after the filing of the petition. §43-21-157(2), MS R YCP Rule 23

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

- Written request for discovery made, if possible, no later than 7 days preceding the date set for the adjudication hearing or other proceeding. (Can't request discovery until petition filed). MS R YCP Rule 15(a)(1)
- 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 adjudication hearing. or other proceeding. MS R YCP Rule 15(a)(2)

### **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 adjudication hearing. *MS R YCP Rule 15(b)(1)*
- Notice of Rebuttal witnesses: W/in 7 days after receipt of notice, but no later than 2 days before adjudication hearing date, prosecutor shall provide written notice to court and defense of intent to offer rebuttal to alibi or insanity defense witnesses. *MS R YCP Rule 15(b)(2)*
- If prior to or during the adjudication hearing, additional witnesses are identified, the other party shall be promptly notified. *MS R YCP Rule 15(b)(3)*

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

- Motions to be filed with court w/in 5 days of applicable hearing. At the same time, the filing party must serve a copy of the motion on each party and the judge or referee. *MS R YCP Rule 15(c)(1)*
- Where Movant has served a memo or brief in support, respondent may serve a reply w/in 5 days after service of movant's memo. A rebuttal memo may be served w/in 5 days of service of the reply memo. *MS R YCP Rule 15(c)(2)*

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

- Adjudication hearing w/in 90 days after filing of petition unless continued for good cause. If not, petition **shall** be dismissed with prejudice. §43-21-551(1)
- Child in Detention: Hearing held ASAP but not later than 21 days after the child is first detained unless the hearing is postponed. If not, the child **may** be released from detention. §43-21-551(2)

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

- Disposition hearing may be held immediately following adjudication hearing unless a continuance is necessary.
- Child in custody: Disposition hearing held w/in 14 days after adjudication hearing unless good cause shown. §43-21-601(2)

### **Detention as Disposition** (§43-21-605(1)(i)(i), MS R YCP Rule 27)

- Delinquency Cases: Time period for detention is 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(3)(a), MS R YCP Rule 28(a)(2))

- 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/in 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/in 30 days after date of entry of judgement or order appealed from. *M.R.A.P. Rule 4(a)*
- If a motion for new trial or JNOV is made, the 30-day period shall run from the date of the denial of the motion. If no post-trial motion is filed, then it runs from the date of the imposition of sentence. *M.R.A.P. Rule 4(e)*