



Delinquency Hearings

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DETENTION HEARING AT A GLANCE

RELEVANT STATUTES & RULES	<p>Florida Statutes §§ 27.52; 90.6063; 741.28; 790.22; 901.02; 985.02; 985.033; 985.035; 985.039; 985.16; 985.24; 985.245; 985.25; 985.255; 985.26; 985.27; 985.275; 985.335</p> <p>Rules of Judicial Administration 2.560</p> <p>Rules of Juvenile Procedure 8.010; 8.013; 8.015; 8.100; 8.110; 8.165; 8.929</p> <p>Rules for Certification and Regulation of Court Interpreters 14.100</p>
PURPOSE OF HEARING	<p>The purpose of the detention hearing is to determine whether probable cause exists that the child committed a delinquent act or violation of law and, if so, whether continued detention is necessary. §985.255(3)(a); Rule 8.010(g).</p>
TIME FRAME	<p>The detention hearing must be held within 24 hours of the child being taken into custody. §§985.255(3)(a); 985.26(1).</p> <p>Under certain circumstances the detention hearing may be continued for up to 72 hours if a statutory need for detention is met and the court is unable to make a probable cause determination. Rule 8.010(h).</p> <p>Detention cannot exceed 21 days without the commencement of an adjudicatory hearing. §985.26(2).</p>
BURDEN OF PROOF	<p>Standard of proof for probable cause is that which is necessary for an arrest warrant. Rule 8.010(g)(1).</p>
RULES OF EVIDENCE	<p>The court may hear all relevant material evidence. Rule 8.010(g)(1)&(2). All parties present have the right to be heard regarding the issue of detention if the court finds probable cause. Rule 8.010(a).</p>
RIGHT TO COUNSEL	<p>The court must advise the child of his or her right to counsel and determine whether the right is understood. §985.033; Rule 8.165(b). The court must also determine whether the child and the child’s parents are indigent. If so, the court must advise of the right to have counsel appointed in accordance with §27.52. If counsel is waived, the court must determine whether the waiver is knowing, intelligent, and voluntary. §985.033; Rule 8.165.</p>
NEXT HEARING	<p>An arraignment hearing must be held within 48 hours after the filing of a delinquency petition (excluding Saturdays, Sundays or legal holidays). Rule 8.015(a).</p>

ARRAIGNMENT HEARING AT A GLANCE

RELEVANT STATUTES & RULES	<p>Florida Statutes §§ 27.52; 90.6063; 741.28; 985.033; 985.035; 985.039; 985.0435; 985.185; 985.24; 985.25; 985.255; 985.26; 985.318; 985.335</p> <p>Rules of Judicial Administration 2.560</p> <p>Rules of Juvenile Procedure 8.010; 8.015; 8.035; 8.070; 8.075; 8.080; 8.090; 8.100; 8.110; 8.165; 8.929</p> <p>Rules for Certification and Regulation of Court Interpreters 14.100</p>
PURPOSE OF HEARING	<p>The purpose of the arraignment hearing is for the child to enter a plea of not guilty, guilty or nolo contendere in response to the delinquency petition. Rule 8.070.</p> <p>This hearing is similar to arraignment in criminal court.</p>
TIME FRAME	<p>If child is detained, the arraignment hearing must be held within 48 hours of the filing of the delinquency petition excluding Saturdays, Sundays, and legal holidays. §985.26(6); Rule 8.015(a).</p>
BURDEN OF PROOF	<p>The delinquency petition must be reviewed to determine whether it states a <i>prima facie</i> case for delinquency if there has been no detention hearing. §985.13.</p> <p>There is no burden of proof at an arraignment hearing.</p>
RULES OF EVIDENCE	<p>No evidence is submitted at an arraignment hearing.</p>
RIGHT TO COUNSEL	<p>The court must advise the child of his or her right to counsel and determine whether the right is understood. §985.033; Rule 8.165(b). The court must also determine whether the child and the child's parents are indigent. If so, the court must advise of the right to have counsel appointed in accordance with §27.52. If counsel is waived, the court must determine whether the waiver is knowing, intelligent, and voluntary. §985.033; Rule 8.165.</p>
NEXT HEARING	<p>If child pleads not guilty - Adjudicatory hearing must commence as soon as practicable (§985.35) within 21 days of the child being taken into custody. §985.26(2); Rule 8.070.</p> <p>If child pleads guilty or nolo contendere – Disposition may immediately follow arraignment if predisposition report is available (Rule 8.115(b)) or the disposition hearing may be scheduled for a future date. Rule 8.070.</p>

ADJUDICATORY HEARING AT A GLANCE

RELEVANT STATUTES & RULES	<p>Florida Statutes §§985.033-985.039; 985.185; 985.26; 985.35; 985.43; 985.445; 985.534; 985.35</p> <p>Rules of Judicial Administration 2.560</p> <p>Rules of Juvenile Procedure 8.010; 8.015; 8.030; 8.031; 8.055; 8.060; 8.065; 8.090; 8.100; 8.110; 8.165; 8.929</p> <p>Rules for Certification and Regulation of Court Interpreters 14.100</p>
PURPOSE OF HEARING	The purpose of the adjudicatory hearing is to determine whether the child committed a delinquent act or violation of law.
TIME FRAME	For a child held in detention, the adjudicatory hearing must be commenced within 21 days of the child being taken into custody. The court may extend the length of detention an additional 9 days for certain offenses. §985.26(2) For a child not held in detention, the adjudicatory hearing must be held within 90 days of the filing of the delinquency petition, or within 50 days of the filing by the child of a Demand for Speedy Trial. Rule 8.090(g)(4).
BURDEN OF PROOF	The petitioner must prove the allegations in the delinquency petition that the child committed a delinquent act or violation of law beyond a reasonable doubt. §985.35(2)(a).
RULES OF EVIDENCE	Rules of evidence used in criminal cases. §985.35(2).
RIGHT TO COUNSEL	The court must advise the child of his or her right to counsel and determine whether the right is understood. §985.033; Rule 8.165(b). The court must also determine whether the child and the child's parents are indigent. If so, the court must advise of the right to have counsel appointed in accordance with §27.52. If counsel is waived, the court must determine whether the waiver is knowing, intelligent, and voluntary. §985.033; Rule 8.165.
NEXT HEARING	A disposition hearing must occur as soon as possible after the adjudicatory hearing. Child cannot remain in detention for longer than 15 days following entry of an order of adjudication. §985.26(3).

DISPOSITION HEARING AT A GLANCE

RELEVANT STATUTES & RULES	<p>Florida Statutes §§27.52; 90.6063; 318.143; 790.22; 938.03; 985.0301; 955.033; 985.035; 985.039; 985.255; 985.26; 985.27; 985.35; 985.43; 985.433; 985.435; 985.437; 985.441; 985.455; 985.46; 985.601; 985.721</p> <p>Rules of Judicial Administration 2.560</p> <p>Rules of Juvenile Procedure 8.010; 8.015; 8.030; 8.031; 8.055; 8.100; 8.110; 8.115; 8.165; 8.929; 8.947</p> <p>Rules for Certification and Regulation of Court Interpreters 14.100</p>
PURPOSE OF HEARING	The purpose of the disposition hearing is for the court to consider reports, recommendations, and other evidence to determine the disposition of the case.
TIME FRAME	The disposition hearing should be held not more than 15 days following the entry of an order of adjudication, if the child is in detention care. §985.26(3).
RULES OF EVIDENCE	Court may receive any relevant and material evidence helpful in determining the proper disposition. The court may rely upon such evidence to the extent of its probative value, even if it is not competent in an adjudicatory hearing. Rule 8.115(a).
RIGHT TO COUNSEL	The court must advise the child of his or her right to counsel and determine whether the right is understood. §985.033; Rule 8.165(b). The court must also determine whether the child and the child's parents are indigent. If so, the court must advise of the right to have counsel appointed in accordance with §27.52. If counsel is waived, the court must determine whether the waiver is knowing, intelligent, and voluntary. §985.033; Rule 8.165.

VIOLATION OF PROBATION HEARING AT A GLANCE

RELEVANT STATUTES & RULES	<p>Florida Statutes §§27.52; 90.6063; 790.22; 985.033; 985.035; 985.039; 985.245; 985.255; 985.26; 985.27; 985.433; 985.435; 985.439</p> <p>Rules of Judicial Administration 2.560</p> <p>Rules of Juvenile Procedure 8.010; 8.015; 8.030; 8.031; 8.100; 8.110; 8.115; 8.120; 8.165; 8.929; 8.947</p> <p>Rules for Certification and Regulation of Court Interpreters 14.100</p>
PURPOSE OF HEARING	The purpose of the violation of probation hearing is to determine whether the child violated the terms and conditions of his or her probation or conditional release.
TIME FRAME	Probable cause hearing within 24 hours after the child is taken into custody. §985.439(2). Violation of Probation hearing must be within the time limits set out in §985.255.
BURDEN OF PROOF	The petitioner must prove the allegations of the violation of probation petition filed by the JPO. The burden of proof is by a preponderance of the evidence.
RULES OF EVIDENCE	The court is not required to follow the strict rules of evidence and may consider affidavits and other documents as are relevant, even though that evidence may not be admissible in a criminal trial.
RIGHT TO COUNSEL	The court must advise the child of his or her right to counsel and determine whether the right is understood. §985.033; Rule 8.165(b). The court must also determine whether the child and the child's parents are indigent. If so, the court must advise of the right to have counsel appointed in accordance with §27.52. If counsel is waived, the court must determine whether the waiver is knowing, intelligent, and voluntary. §985.033; Rule 8.165.

CONTEMPT OF COURT HEARING AT A GLANCE

RELEVANT STATUTES & RULES	<p>Florida Statutes §§ 27.52; 90.6063; 790.22; 985.033; 985.035; 985.037; 985.039; 985.26; 985.27</p> <p>Rules of Judicial Administration 2.560</p> <p>Rules of Juvenile Procedure 8.010; 8.015; 8.030; 8.031; 8.100; 8.150; 8.165; 8.929</p> <p>Rules for Certification and Regulation of Court Interpreters 14.100</p>
PURPOSE OF HEARING	The purpose of the contempt of court hearing is to determine whether the child has violated the terms and conditions of a court order.
TIME FRAME	The contempt hearing must be held within 24 hours of the child being charged with indirect contempt.
BURDEN OF PROOF	Presumed innocent until proven guilty beyond a reasonable doubt.
RULES OF EVIDENCE	Rules of evidence used in criminal cases.
RIGHT TO COUNSEL	The court must advise the child of his or her right to counsel and determine whether the right is understood. §985.033; Rule 8.165(b). The court must also determine whether the child and the child's parents are indigent. If so, the court must advise of the right to have counsel appointed in accordance with §27.52. If counsel is waived, the court must determine whether the waiver is knowing, intelligent, and voluntary. §985.033; Rule 8.165.

WAIVER OF JURISDICTION HEARING AT A GLANCE

RELEVANT STATUTES & RULES	<p>Florida Statutes §§ 27.52; 90.6063; 985.033; 985.035; 985.319; 985.55; 985.556; 985.557; 985.57</p> <p>Rules of Judicial Administration 2.560</p> <p>Rules of Juvenile Procedure 8.010; 8.015; 8.030; 8.031; 8.100; 8.105; 8.160; 8.165; 8.929</p> <p>Rules for Certification and Regulation of Court interpreters 14.100</p>
PURPOSE OF HEARING	The purpose of the waiver of jurisdiction hearing is to determine whether the child should remain under the juvenile court’s jurisdiction or be transferred to another court.
TIME FRAME	The hearing must be held within 7 days (excluding Saturdays, Sundays and legal holidays) after the date of the petition alleging that the child has committed a delinquent act or violation of the law has been filed, or later with approval from the court.
RULES OF EVIDENCE	Section 985.556 specifies what the court shall consider.
RIGHT TO COUNSEL	The court must advise the child of his or her right to counsel and determine whether the right is understood. §985.033; Rule 8.165(b). The court must also determine whether the child and the child’s parents are indigent. If so, the court must advise of the right to have counsel appointed in accordance with §27.52. If counsel is waived, the court must determine whether the waiver is knowing, intelligent, and voluntary. §985.033; Rule 8.165.

RESTITUTION HEARING AT A GLANCE

RELEVANT STATUTES & RULES	<p>Florida Statutes §§27.52; 775.089; 90.6063; 985.0301; 985.033; 985.035</p> <p>Rules of Judicial Administration 2.560</p> <p>Rules of Juvenile Procedure 8.010; 8.015; 8.030; 8.031; 8.100; 8.165, 8.929</p> <p>Rules for Certification and Regulation of Court Interpreters 14.100</p>
PURPOSE OF HEARING	<p>The purpose of the restitution hearing is to set restitution amount if not determined at disposition, to determine whether the child or the child’s parents or guardians are current with restitution payments, or to order the payments to begin if payor failed to make payments as ordered.</p>
BURDEN OF PROOF	<p>Any dispute as to the proper amount or type of restitution shall be resolved by the court by the preponderance of the evidence.</p>
RULES OF EVIDENCE	<p>Rules of evidence used in civil cases.</p>
RIGHT TO COUNSEL	<p>The court must advise the child of his or her right to counsel and determine whether the right is understood. §985.033; Rule 8.165(b). The court must also determine whether the child and the child’s parents are indigent. If so, the court must advise of the right to have counsel appointed in accordance with §27.52. If counsel is waived, the court must determine whether the waiver is knowing, intelligent, and voluntary. §985.033; Rule 8.165.</p>

CORRECTION OF ORDERS HEARING AT A GLANCE

RELEVANT STATUTES & RULES	<p>Florida Statutes §§ 27.52; 90.6063; 985.033; 985.035</p> <p>Rules of Judicial Administration 2.560</p> <p>Rules of Juvenile Procedure 8.010; 8.015; 8.030; 8.031; 8.100; 8.135; 8.165; 8.929</p> <p>Rules of Appellate Procedure 9.110; 9.140; 9.145</p> <p>Rules for Certification and Regulation of Court Interpreters 14.100</p>
PURPOSE OF HEARING	<p>The purpose of the correction of orders hearing is to determine whether the court has made an error in the disposition or commitment order that must be corrected.</p>
RULES OF EVIDENCE	<p>The same rules of evidence used in evidentiary hearings.</p>
RIGHT TO COUNSEL	<p>The court must advise the child of his or her right to counsel and determine whether the right is understood. §985.033; Rule 8.165(b). The court must also determine whether the child and the child's parents are indigent. If so, the court must advise of the right to have counsel appointed in accordance with §27.52. If counsel is waived, the court must determine whether the waiver is knowing, intelligent, and voluntary. §985.033; Rule 8.165.</p>

COMPETENCY HEARING AT A GLANCE

RELEVANT STATUTES & RULES	<p>Florida Statutes §§27.52; 90.6063; 985.033; 985.035; 985.19; 985.29</p> <p>Rules of Judicial Administration 2.560</p> <p>Rules of Juvenile Procedure 8.010; 8.015; 8.030; 8.031; 8.085; 8.090; 8.095; 8.100; 8.165; 8.929</p> <p>Rules for Certification and Regulation of Court Interpreters 14.100</p>
PURPOSE OF HEARING	The purpose of the competency hearing is to determine whether the child alleged delinquent may be incompetent to proceed with the charges against him or her.
BURDEN OF PROOF	Clear and convincing evidence.
RULES OF EVIDENCE	Rules of evidence used in civil cases.
RIGHT TO COUNSEL	The court must advise the child of his or her right to counsel and determine whether the right is understood. §985.033; Rule 8.165(b). The court must also determine whether the child and the child's parents are indigent. If so, the court must advise of the right to have counsel appointed in accordance with §27.52. If counsel is waived, the court must determine whether the waiver is knowing, intelligent, and voluntary. §985.033; Rule 8.165.