

INITIATION OF DELINQUENT/UNRULY CASE

Contents

COMPLAINT..... 2

PETITION 3

TRUANCY PETITION..... 4

STATEMENT OF RIGHTS 5

SUMMONS 6

SUBPOENA 7

SUBPOENA DUCES TECUM..... 8

ORDER APPOINTING COUNSEL FOR DELINQUENT OR UNRULY CHILD 9

WAIVER OF ATTORNEY..... 11

(County Letterhead)

COMPLAINT

Name and Address of person making complaint: _____

This is reference to (a Delinquent/an Unruly) offense.

Child information: _____

Explain what the child is doing: _____

The actions on the part of this child did occur in _____ County, TN.

Complaining Party

Date

Witness

Date

Date and Time of the Complaint: _____

IN THE JUVENILE COURT OF _____ COUNTY, TENNESSEE

IN THE MATTER OF:

Docket No. _____

_____ DOB: _____

A Child Under 18 Years of Age

PETITION

The undersigned Affiant, after being duly sworn according to the law, states that:

It being in the best interest of the child and the public that these proceedings be brought, your petitioner, _____, respectfully represents to the Court on information and belief that the above named, a child within this county and _____ years of age, is **DELINQUENT UNRULY** in need of treatment or rehabilitation in that:

- Count 1 _____ TCA _____ Misdemeanor/Felony/Status
- Count 2 _____ TCA _____ Misdemeanor/Felony/Status
- Count 3 _____ TCA _____ Misdemeanor/Felony/Status
- Count 4 _____ TCA _____ Misdemeanor/Felony/Status
- Count 5 _____ TCA _____ Misdemeanor/Felony/Status

Your petitioner further avers that:

the child's father is _____ who resides at _____

the child's mother is _____ who resides at _____

That the child is in the custody and control of _____ who resides at _____

_____ Phone: _____

Sworn and subscribed before me this _____ day of _____, 20_____

Petitioner

Clerk

IN THE JUVENILE COURT OF _____ COUNTY, TENNESSEE

IN THE MATTER OF:

Docket No. _____

_____ DOB: _____

A Child Under 18 Years of Age

TRUANCY PETITION

The undersigned Affiant, after being duly sworn according to the law, states that:

It being in the best interest of the child and the public that these proceedings be brought, your petitioner, _____, respectfully represents to the Court on information and belief that the above named, a child within this county and _____ years of age, is an unruly child in need of treatment or rehabilitation in that:

The child is currently attending _____ School. Your Petitioner is _____ (name and title.) The child has during this academic school year accrued

- _____ absences,
- _____ unexcused absences,
- _____ tardies,
- _____ excused absences,
- For a total of _____ absences
- The school has applied the Progressive Truancy Intervention Plan and the interventions have not successfully addressed the child's attendance, the child has not accepted, complied with or benefited from those interventions and therefore concludes a referral to the Court is necessary at this time. **OR**
- (Describe what the school has done in order to address unexcused absences:) _____

The actions on the part of this child did occur in _____ County, TN and constitute the offense of Truancy pursuant to T.C.A. § 49-6-3007. Your petition further avers that:

the child's father is _____ who resides at _____

the child's mother is _____ who resides at _____

The child is in the custody and control of _____ who resides at _____ Phone: _____

Sworn and subscribed before me this _____ day of _____, 20_____.

Petitioner

Clerk

STATEMENT OF RIGHTS

Appearing before the Juvenile Court, you have the following rights:

1. The right to be present during the hearing of this case.
2. The right to present my own testimony.
3. The right to have witnesses subpoenaed.
4. The right to cross-examine witnesses against me.
5. The right to have an attorney at each stage of the proceedings against me.
6. The right to appointed counsel.
7. The right to remain silent.
8. The right to not incriminate myself.
9. The right and method for appeal and time requirements as to appeal.
10. To know the maximum penalties the Court may impose.
11. The right to plead "Not Guilty".
12. If a plea of "Guilty" is entered, the only evidence taken will be for the purpose of verifying the plea and for disposition (sentencing) purposes.
13. If a plea is entered acknowledging guilt, I may be asked questions by the Court concerning the conduct.
14. Prior findings of delinquent or unruly behavior may be used against me in determining treatment of rehabilitation at disposition.
15. There must be some factual basis for a guilty plea entered.
16. The plea must be voluntary and independently made.
17. If I plea guilty or no contest I waive my right to appeal the adjudication (plea). If the plea includes an agreement as to the disposition (sentence), I also waive the right to appeal the disposition (sentence).
18. The right of access to the recording of the hearing(s).

IN THE JUVENILE COURT OF _____ COUNTY, TENNESSEE

IN THE MATTER OF:

Docket No. _____

_____ DOB: _____

A Child Under 18 Years of Age

SUMMONS

To: _____

TO ANY LAWFUL OFFICER:

You are hereby commanded to summon the above addressee to appear before the _____ County Juvenile Court, located at _____ for a _____ Hearing on _____ at _____ to answer the charge of the foregoing petition, and to bring the above named child and this you shall in no wise omit, under the penalties prescribed by law.

This _____ day of _____, 20____.

Judge or Officer of the Juvenile Court

OFFICER'S RETURN

RETURN: This summons came to hand this _____ day of _____, 20____, and executed by:

Delivering the within summons to the above addressee

Unable to serve because

Date: _____

Signature: _____



ADA
for assistance call

IN THE JUVENILE COURT OF _____ COUNTY, TENNESSEE

IN THE MATTER OF:

Docket No. _____

_____ DOB: _____

A Child Under 18 Years of Age

SUBPOENA

TO ANY LAWFUL OFFICER:

You are hereby commanded to summon _____ (name and address) _____
to appear before the _____ County Juvenile Court, located at _____
for a _____ Hearing on _____ at _____
to give testimony in this matter and this you shall in no wise omit. **If you fail to appear in court, you will be in contempt of court and an attachment will issue for your arrest.** The punishment for contempt may be by a fine of \$10.00, by imprisonment not exceeding (10) days or both.

This _____ day of _____, 20____.

Clerk/Deputy Clerk

RETURN

CAME TO HAND THIS _____ DAY OF _____, 20____; AND EXECUTED
BY READING THE WITHIN SUBPOENA TO _____ AND CITING _____
_____ TO APPEAR BEFORE THE JUDGE OF THE JUVENILE COURT FOR A _____
Hearing on _____ at _____.

This _____ day of _____, 20____.

Sheriff/Deputy Sheriff



ADA
for assistance call

IN THE JUVENILE COURT OF _____ COUNTY, TENNESSEE

IN THE MATTER OF:

Docket No. _____

_____ DOB: _____

A Child Under 18 Years of Age

SUBPOENA DUCES TECUM

TO ANY LAWFUL OFFICER:

You are hereby commanded to summon _____ (name and address) _____

to appear before the _____ County Juvenile Court, located at _____

for a _____ Hearing on _____ at _____

and bring with them the following:

and to give testimony in this matter and this you shall in no wise omit. **If you fail to appear in court, you will be in contempt of court and an attachment will issue for your arrest.** The punishment for contempt may be by a fine of \$10.00, by imprisonment not exceeding (10) days or both.

This _____ day of _____, 20____.

Clerk/Deputy Clerk

RETURN

CAME TO HAND THIS _____ DAY OF _____, 20____; AND EXECUTED

BY READING THE WITHIN SUBPOENA TO _____ AND CITING _____

_____ TO APPEAR BEFORE THE JUDGE OF THE JUVENILE COURT FOR A _____

Hearing on _____ at _____ .

This _____ day of _____, 20____.

Sheriff/Deputy Sheriff

ADA
for assistance call



IN THE JUVENILE COURT OF _____ COUNTY, TENNESSEE

IN THE MATTER OF:

Docket No. _____

_____ DOB: _____

A Child Under 18 Years of Age

CHARGE(S): _____

ORDER APPOINTING COUNSEL FOR DELINQUENT OR UNRULY CHILD

DETERMINATION OF NON-INDIGENCY

- It appearing, based upon the affidavit of indigency filed in this cause, and/or after due inquiry made, that the child or parent/legal guardian is not indigent.
 - The child has the right to an attorney and has not waived this right. Therefore, the Court finds that

- It appearing, based upon (the affidavit of indigency filed in this cause/after due inquiry made), that the above-named child is charged with (a delinquent offense/an unruly offense that places the child in jeopardy of being removed from the home pursuant to T.C.A. § 37-1-132(b)), and the child and parent/legal guardian(s) are indigent pursuant to T.C.A. § 37-1-126.

The child therefore qualifies for appointed legal counsel.

- It is therefore ordered that (the Public Defender is hereby appointed as counsel for the child as provided by law.
- _____, Attorney at Law, is hereby appointed as counsel for the child due to a conflict with the Public Defender's Office.

ADMINISTRATIVE FEE

- The administrative fee shall be waived by the Court due to lack of sufficient financial resources.
- The administrative fee shall be waived by the Court as it was assessed in a previous order.
- The parent/legal guardian, _____, is hereby assessed an administrative fee in the amount of \$_____ pursuant to T.C.A. § 37-1-126.
 - This fee shall be paid to the Office of the Clerk of the Court prior to the disposition of the case or within two (2) weeks following the appointment of counsel, whichever shall first occur.
 - This fee shall be paid within 30 days.
 - This fee shall be paid as follows: _____

PARTIAL REIMBURSEMENT OF COST OF COURT-APPOINTED COUNSEL

- The parent/legal guardian, _____, is able to partially or totally reimburse the Administrative Office of the Court's expense in providing the child court appointed counsel

and shall pay into the Office of the Clerk of the Court the total sum of \$ _____ at a rate of \$ _____ per _____ or until further order of the Court.

ENTERED this _____ day of _____, 20__

Juvenile Court Judge/Magistrate

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the order has been delivered by U.S. mail, by personal service, by email or facsimile if service is so accepted, to the individuals listed below this _____ day of _____, 20__:

IN THE JUVENILE COURT OF _____ COUNTY, TENNESSEE

IN THE MATTER OF:

Docket No. _____

_____ DOB: _____

A Child Under 18 Years of Age

STATEMENT OF RIGHTS AND WAIVER OF ATTORNEY

Appearing before the Juvenile Court, you have the following rights:

1. The right to be present during the hearing of this case.
2. The right to present my own testimony.
3. The right to have witnesses subpoenaed.
4. The right to cross-examine witnesses against me.
5. The right to have an attorney at each stage of the proceedings against me.
6. The right to appointed counsel.
7. The right to remain silent.
8. The right to not incriminate myself.
9. The right and method for appeal and time requirements as to appeal.
10. To know the maximum penalties the Court may impose.
11. The right to plead "Not Guilty".
12. If a plea of "Guilty" is entered, the only evidence taken will be for the purpose of verifying the plea and for disposition (sentencing) purposes.
13. If a plea is entered acknowledging guilt, I may be asked questions by the Court concerning the conduct.
14. Prior findings of delinquent or unruly behavior may be used against me in determining treatment of rehabilitation at disposition.
15. There must be some factual basis for a guilty plea entered.
16. The plea must be voluntary and independently made.
17. If I plea guilty or no contest I waive my right to appeal the adjudication (plea). If the plea includes an agreement as to the disposition (sentence), I also waive the right to appeal the disposition (sentence).
18. The right of access to the recording of the hearing(s).

WAIVER OF ATTORNEY

- I am not waiving my right to an attorney.
- I am waiving my right to an attorney and understand that:
1. I understand the charge(s) against me and what they mean.
 2. I know that I have the right to get help from a lawyer about the charge(s) against me. If I choose not to get help from a lawyer now, I have the right to get help from a lawyer later while my case is still open.
 3. I know that if I cannot pay for a lawyer, the Court will get me one for free.
 4. I had the chance to ask questions about my right to get help from a lawyer. All my questions were answered.
 5. I do not want a lawyer right now.

Child

Date

Parent/Guardian/Legal Custodian

Date