

78A-6-602 Petition -- Preliminary inquiry -- Nonjudicial adjustments -- Formal referral -- Citation -- Failure to appear.

- (1) A proceeding in a minor's case is commenced by petition, except as provided in Sections 78A-6-701, 78A-6-702, and 78A-6-703.
- (2)
 - (a) A peace officer or any public official of the state, any county, city, or town charged with the enforcement of the laws of the state or local jurisdiction shall file a formal referral with the juvenile court within 10 days of a minor's arrest. If the arrested minor is taken to a detention facility, the formal referral shall be filed with the juvenile court within 72 hours, excluding weekends and holidays. There shall be no requirement to file a formal referral with the juvenile court on an offense that would be a class B misdemeanor or less if committed by an adult.
 - (b) When the court is informed by a peace officer or other person that a minor is or appears to be within the court's jurisdiction, the probation department shall make a preliminary inquiry to determine whether the interests of the public or of the minor require that further action be taken.
 - (c)
 - (i) Based on the preliminary inquiry, the court may authorize the filing of or request that the county attorney or district attorney as provided under Section 17-18a-202 or 17-18a-203 file a petition.
 - (ii) In its discretion, the court may, through its probation department, enter into a written consent agreement with the minor and, if the minor is a child, the minor's parent, guardian, or custodian for the nonjudicial adjustment of the case if the facts are admitted and establish prima facie jurisdiction.
 - (iii) Efforts to effect a nonjudicial adjustment may not extend for a period of more than 90 days without leave of a judge of the court, who may extend the period for an additional 90 days.
 - (d) The nonjudicial adjustment of a case may include conditions agreed upon as part of the nonjudicial closure:
 - (i) payment of a financial penalty of not more than \$250 to the juvenile court;
 - (ii) payment of victim restitution;
 - (iii) satisfactory completion of compensatory service;
 - (iv) referral to an appropriate provider for counseling or treatment;
 - (v) attendance at substance abuse programs or counseling programs;
 - (vi) compliance with specified restrictions on activities and associations; and
 - (vii) other reasonable actions that are in the interest of the child or minor and the community.
 - (e) Proceedings involving offenses under Section 78A-6-606 are governed by that section regarding suspension of driving privileges.
 - (f) A violation of Section 76-10-105 that is subject to the jurisdiction of the juvenile court shall include a minimum fine or penalty of \$60 and participation in a court-approved tobacco education program, which may include a participation fee.
- (3) Except as provided in Sections 78A-6-701 and 78A-6-702, in the case of a minor 14 years of age or older, the county attorney, district attorney, or attorney general may commence an action by filing a criminal information and a motion requesting the juvenile court to waive its jurisdiction and certify the minor to the district court.
- (4)
 - (a) In cases of violations of wildlife laws, boating laws, class B and class C misdemeanors, other infractions or misdemeanors as designated by general order of the Board of Juvenile Court Judges, and violations of Section 76-10-105 subject to the jurisdiction of the juvenile court,

a petition is not required and the issuance of a citation as provided in Section 78A-6-603 is sufficient to invoke the jurisdiction of the court. A preliminary inquiry is not required unless requested by the court.

- (b) Any failure to comply with the time deadline on a formal referral may not be the basis of dismissing the formal referral.

Amended by Chapter 237, 2013 General Session