

1           **Rule 15. Preliminary inquiry; informal adjustment without petition.**

2           ~~(a) If the minor controverts the allegations in the referral or upon request by the minor, the~~  
3 ~~effort at nonjudicial adjustment shall terminate.~~

4           (a) If the minor qualifies for a nonjudicial adjustment pursuant to statute, the probation intake  
5 officer shall offer a nonjudicial adjustment to the minor.

6           ~~(b) In attempting to determine whether the interests of the minor or the public require that a~~  
7 ~~petition be filed, If a minor does not qualify for a nonjudicial adjustment, the probation intake~~  
8 officer may conduct one or more interviews with the minor, or if a child, then with the child and  
9 at least one of the child's parent, guardian or custodian and may invite the referring party and the  
10 victim, if any, to attend or otherwise seek further information from them. Attendance at any such  
11 interview shall be voluntary and the probation intake officer may not compel the disclosure of any  
12 information or the visiting of any place. ~~A nonjudicial adjustment of the case shall not be attempted~~  
13 ~~if the offense or condition alleged in the referral report as a basis for court jurisdiction is denied~~  
14 ~~by the minor.~~

15           (c) In any such interview, the minor, or if a child, then the child and the child's parent, guardian  
16 or custodian must be advised that the interview is voluntary, that they have a right to have counsel  
17 present to represent the minor, that the minor has the right not to disclose any information, and  
18 that any information disclosed that could tend to incriminate the minor cannot be used against the  
19 minor in court to prove whether the minor committed the offense alleged in the referral ~~but may~~  
20 ~~be used as part of a dispositional recommendation to the court.~~

21           (d) If the probation intake officer concludes on the basis of the preliminary inquiry that  
22 nonjudicial adjustment is appropriate and is authorized by law, in such cases by the court, such the  
23 officer may seek agreement with the minor, or if a child, then with the child and the child's parent,  
24 guardian or custodian to a proposed nonjudicial adjustment.

25           (e) If such an agreement is reached and the terms and conditions agreed upon are satisfactorily  
26 complied with by the minor, or if a child, then with the child and the child's parent, guardian or

27 custodian, the case shall be closed without petition. Such resolution of the case shall not be deemed  
28 an adjudication of jurisdiction of the court and shall not constitute an official record of juvenile  
29 court action or disposition. A nonjudicial adjustment may be considered by the probation intake  
30 officer in a subsequent preliminary inquiry and by the court for purposes of disposition only  
31 following adjudication of a subsequent delinquency involving the same minor.

32 ~~(e)~~(f) Attempts to ~~affect~~ effect nonjudicial adjustment of a case shall not extend beyond 90  
33 days without authorization by the court, and then for no more than an additional 90 days.

34 Effective Date: May 1, 2018