

**COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS  
COMMONWEALTH SUPERIOR COURT**

**RULES OF JUVENILE DELINQUENCY PROCEDURE  
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# **RULES OF JUVENILE DELINQUENCY PROCEDURE FOR THE COMMONWEALTH SUPERIOR COURT**

## **Rule 1 NATURE AND PURPOSE**

Juvenile delinquency proceedings are unique. Although they are similar to criminal proceedings in some ways, they are a special type of civil proceeding in which it is not intended that there be any adversaries. The ultimate aim of all concerned should be to assist the child to become a wholesome member of the community. No fees are to be charged in connection with such proceedings, however, except to the extent authorized for criminal cases. All procedure in connection with juvenile delinquency proceedings not expressly covered by law or rule of procedure shall be governed by the principles of civil procedure. The proceedings are not to be conducted in the manner of a prosecution, but rather as an inquiry into three things:

- (1) Whether the child is a delinquent as defined in the Code,
- (2) The cause of the delinquency,
- (3) What had best be done to help make the child a good member of Society.

## **Rule 2 CONSTRUCTION**

These rules shall be read with and subject to all applicable provisions of the Code and other legislative enactments and shall apply only to juvenile delinquency proceedings.

## **Rule 3 COMMENCEMENT OF PROCEEDINGS**

(a) Juvenile delinquency proceedings shall ordinarily be commenced by a sworn Complaint by someone having personal knowledge of at least some of the essential facts involved. They may also be commenced by information of delinquency signed by the Attorney General or someone authorized by him. The complainant, or person bringing the information, shall present it personally to a judge of the court. If the judge, after conferring with this person, deems that court action is in the public interest and the facts alleged in the complaint or information would constitute a crime if committed by an adult of sound mind, the judge may issue a summons to the child and to one or both of his parents or any person having custody of the child, to appear and answer the complaint or information. If the judge deems that an informal conference with the parents or other person having custody of the child will be in the public interest before deciding on any court action, he may refer the matter to the police or any probation officer, school authority, representative of a church the child is connected with, or other suitable person, for investigation and report to the court before deciding whether or not to issue any process.

(b) If a summons to answer a complaint or information in such proceedings is used and either the child or the person summoned as the parent or person having custody fails to comply herewith, without good cause known to the court, the court may either issue an order to show cause why either or both of them should not be adjudged in contempt, or

may order that a policeman or other person designated to serve the order shall take physical custody of the child and bring him as directly as possible before the court at a time and place designated in the order or as soon thereafter as practicable.

(c) If all the essential parties appear voluntarily before the court in response to any form of notice, the court may proceed without the issuance of any process.

(d) The complaint or information may be amended at any time before adjudication in the same manner as in criminal case.

#### **Rule 4 PARTIES**

(1) The essential parties to any proceedings under these rules are the child and a representative of the Government. The persons who ordinarily represent the Government in criminal cases before the Court shall represent the Government, but if such persons are not available, the court may permit the complainant or his counsel to act for the Government. The child must be personally present to the same extent that he would be required if he were an adult accused in a criminal case.

(2) At least one parent, or person having custody of the child, shall also be present at the hearing unless the court determines that this is not practical owing to the circumstances of a particular case. The court may join and order summons issued to any persons alleged to have contributed to the delinquency of the child and may admit as parties any persons expressing interest in assisting in rehabilitating the child if the court believes their participation may be helpful.

(3) The court may permit or invite any person to act as friend of the court whom it believes will be helpful in the same manner as in civil actions.

#### **Rule 5 COUNSEL**

(1) The child shall have the same right to representation by counsel that he would have in a criminal case and he shall be advised of that right by the court if he appears without counsel. The services of the Public Defender or his representatives shall be requested by the court as a routine matter if the child so desires in all situations where such services are regularly available to adults accused in criminal cases.

(2) All other parties may be represented by counsel in the same manner as in civil actions.

#### **Rule 6 HEARINGS**

(1) Hearings shall be held informally in closed session with only those concerned with the case present, which may include any victim or victims of the alleged delinquency, and such other persons as the court may admit for special cause.

(2) When the necessary parties are before the court, the court shall read or explain the complaint or information to all the parties present, shall inform the child of his right to

counsel if he appears without counsel, and grant any reasonable continuance necessary to enable the child to obtain counsel if he so desires.

(3) After the child has either obtained counsel or clearly indicated that he desires to proceed without counsel and the court deems it fair to so proceed, the court shall ask each of the parties present whether they raise any questions as to any of the facts alleged in the complaint or information. If neither the child nor his parent or persons having custody of him, questions any of the facts alleged, they and the child's counsel, if any, shall then be asked if they consent to the child's being adjudged a delinquent child. If they consent, the judge may then adjudge the child a delinquent child, provided the facts alleged would constitute a crime if the child were of full age and sound mind, or clearly or otherwise indicate that he is a delinquent child as defined in the Code.

(4) If either the child, his counsel, or his parent or person having custody of him does not so consent, or if any party brings matters to the attention of the court that would indicate any serious doubt as to the truth of any of the essential facts alleged against the child, the court shall proceed to take evidence on the disputed facts in the same manner that it would in the trial of a civil action, witnesses being sworn and all parties allowed to present evidence and examine and cross-examine witnesses as at a civil trial, but all in closed session. The court shall then make an adjudication, either that the child is, or is not, a delinquent child because of the facts alleged in the complaint or information. If the court makes this latter adjudication, that will end the proceedings. Before making an adjudication that the child is a delinquent child, other than by consent as provided in paragraph (3) of this Rule, the court must be satisfied that all facts that are necessary to constitute a ground of delinquency under the Code, have either been admitted or proved beyond a reasonable doubt.

(5) After the child has been adjudged a delinquent child, the court may, and usually should, proceed very informally as at a conference to consider the causes of the delinquency and the recommendations of all concerned as to the best disposition of the child within the limits of the law, particularly with regard to the custody, supervision, and schooling or training of the child, including consideration of anything available in the nature of a probation officer's report on the child and his history. Ordinarily the disposition of the case after adjudication can satisfactorily be made without the taking of any further testimony or formal evidence. If any serious dispute arises, however, as to any important facts involved, or the court for any other reason deems it advisable, the court should permit or request the parties to present evidence on the facts in dispute, witnesses being sworn and examined as in a civil action, but still in closed session.

(6) Every effort should be made to secure, if possible, the cooperation and agreement of the child and the parent or person having custody of the child. The court shall, however, make such lawful order as it deems best as to the child, after considering any objections raised.

(7) The court may also make such order as it deems best against any other party in accordance with the authority granted by the provisions of these rules, but before making such an order it shall give the party or parties against whom the order is proposed an opportunity to show cause why such order should not be issued and, if such party disputes any important fact on the basis of which the order is requested or proposed, all parties shall be given an opportunity to present evidence thereon as at a civil trial, but still in closed session, before any such order is issued.

(8) Ordinarily there should be little occasion for argument by counsel, but the court should exercise its discretion to permit whatever argument it believes will be honestly

helpful to a clear understanding of any legal questions arising and must be scrupulously fair in allowing equal opportunity for argument on either side of any question arising.

**Rule 7**  
**COURT'S DISCRETION**

In all situations not governed by the provisions of these rules or otherwise by law or rules of procedure duly promulgated by the Court, the court may adopt the procedure it deems best suited to enable it to dispose of the case promptly, justly, and in the best interests of the child and the public, taking care to see the child is not prejudiced by his immaturity or inability to adequately protect his own interests. If the court deems it necessary to a just determination of the matter, it may appoint a suitable person to represent the child, even over the objection of the child.

**Rule 8**  
**AMENDMENT OF ORDERS**

All orders issued in juvenile delinquency proceedings shall be subject to amendment, modification, and rescission by the court which issued them at any time that the court deems the best interests of either the child or the public so require.