

# Adjudicated/Disposition

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## Rights

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The child was advised of the charge(s) against him and of his rights, pursuant to Rule 205 of the Rules of Juvenile Practice and Procedure, including the right to appeal this matter. The Court finds that the meaning and effect of these rights have been fully explained to the child.

- The child executed a Waiver of Right to Counsel with written waiver duly filed.
- The child requested appointed counsel to represent him in this matter.
- It appearing, based upon the affidavit of indigency filed in this cause, and after due inquiry made, that the parent, guardian or legal custodian(s) is/are indigent and thereby the child qualifies for appointed legal counsel pursuant to T.C.A. § 37-1-126 and/or S.Ct. Rule 13, Sec. 1.
  - The Public Defender is appointed to represent the child in this matter.
  - The Court finds the Public Defender has a conflict or is unavailable, therefore Leslie Miller is appointed to represent the child in this matter.
  - It appearing, based upon the affidavit of indigency filed in this cause, and after due inquiry made, that the parent, guardian or legal custodian(s) is/are not indigent and the child thereby does not qualify for appointed legal counsel pursuant to T.C.A. § 37-1-126 and/or S.Ct. Rule 13, Sec. 1.
- The parent, guardian or legal custodian(s) advised that they would retain counsel to represent said child in this matter.

If you choose that someone was appointed to represent the child, it will prompt you to add that person to the names assigned to the case.

- Names currently assigned to the case		Top
Name		Role
Shannon Parks		Petitioner
Billy Ostermann		Appt Atty
Lucinda Stiles		Ser Prov

## Plea

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Select how the child pleads to the different offenses.

- The Court hereby accepts the child's **plea agreement of guilty** to the following offense(s) after having waived his/her rights to a trial of this matter in writing in a separate document: **Simple possession or casual exchange (TCA 39-17-418), a Misdemeanor.**
- The child entered a **plea of guilty** to the following offense(s) after having waived his/her rights to a trial of this matter in writing in a separate document: **Simple possession or casual exchange (TCA 39-17-418), a Misdemeanor.**

- The child entered a **plea of not guilty** to the offense(s) of **Simple possession or casual exchange (TCA 39-17-418), a Misdemeanor.**
- The child entered a **plea of best interest** to the following offense(s) after having waived his/her rights to a trial of this matter in writing in a separate document: **Simple possession or casual exchange (TCA 39-17-418), a Misdemeanor.**
- The child entered a **plea of no contest** to the following offense(s) after having waived his/her rights to a trial of this matter in writing in a separate document: **Simple possession or casual exchange (TCA 39-17-418), a Misdemeanor.**

Selecting the appropriate plea updates the **Filed statutes** plea section.

- Filed statutes <a href="#">Top</a>			<a href="#">Get from another Add</a>
Count	Petition	Plea	Disposition
1 - <a href="#">Simple possession or casual exchange (TCA 39-17-418), a Misdemeanor; Filed 8/29/2019</a>		Guilty	Open

## Adjudication

It is, therefore, **ORDERED, ADJUDGED AND DECREED** that:

1. The child is found guilty by the Court of the above-mentioned offense(s).
2. **The child is a DELINQUENT child and is in need of treatment and rehabilitation** within the meaning of Title 37, Chapter 1, Part 1, of Tennessee Code Annotated, for the reasons set forth above.

It is, therefore, **ORDERED, ADJUDGED AND DECREED** that:

1. The child is found guilty by the Court of the above-mentioned offense(s).
2. **The child is an UNRULY child and is in need of treatment and rehabilitation** within the meaning of Title 37, Chapter 1, Part 1, of Tennessee Code Annotated, for the reasons set forth above.
3. This Order shall constitute a Valid Court Order, the violation of which may result in said child's placement in state's custody or in a juvenile detention facility in accordance with the Tennessee Rules of Juvenile Procedure (Appendix). During any hearing regarding such violation of this Order, said child has all due process rights indicated in such rules, including the right to legal counsel and the right to have such counsel appointed by the Court if indigent. Further, violation of this Order by any of the parties charged hereby may be considered Contempt of Court and punished as indicated in T.C.A. § 37-1-158.

When a child found to be an Unruly or Delinquent child, Quest is updated as follows:

The **Case status history** is updated to add the date and type of adjudication, either Unruly Child or Delinquent Child.

- Case status history	<a href="#">Close case</a>	<a href="#">Top</a>
6/10/2019 - Adjudicated; Unruly Child		
5/29/2019 - Case Filed		

The **Filed statutes** are updated to show the disposition of each allegation.

<b>- Filed statutes</b> <a href="#">Top</a>			
Count	Petition	Plea	Disposition
1 - Unruly Behavior (TCA 37-1-102), a Status Offense; Filed 5/29/2019	19-000262	Guilty	Guilty



## Violation of the Drug Free Youth Act

If an offense the child was found guilty of is a violation of the drug free youth act, you can select this paragraph:

- The child is found to be in violation of the Drug Free Youth Act. Your driver's license or your ability to obtain a driver's license is suspended per Order of Denial. (When an Order of Denial is issued, you cannot get your license back or obtain a license until you have completed an approved program as provided by the law of the State of Tennessee and have provided proof of completion and have filed a Motion for an Order of Withdrawal.)

This will cause a **Deadline** to be added due in 2 days for the Clerk to do the DFYA Abstract.

It will add a **Case status**, so you know in which case the Order of Denial was entered.

<b>- Case status history</b> <a href="#">Close case</a> <a href="#">Top</a>
7/16/2019 - Order of Denial of Driving Privileges Entered
7/16/2019 - Adjudicated; Delinquent Child
6/13/2019 - Case Filed

[See more about DFYA - Driver's License Suspended](#)

## Sex Offender Registry:

If an offense the child was found guilty of is an offense that requires registration in the Sex Offender Registry, you can click on these options.

- The court finds that the convictions are qualifying convictions requiring registration in the Tennessee Sex Offender Registry database, pursuant to T.C.A. § 40-39-201 et.seq.
- The court further finds that the victim is under the age of twelve (12) years old, requiring registration for life as an Offender Against Children as defined in T.C.A. § 40-39-202.

(prompt: **\*\* DON'T FORGET \*\*** Adjudication of certain statutes require notice to be sent to the TBI.)

# Assessment

RISK AND NEEDS ASSESSMENT must be completed when a child is placed on a JUDICIAL DIVERION FOR A DELINQUENT OFFENSE or ADJUDICATED DELINQUENT.

- The Court orders the child to undergo a risk & needs assessment to be completed by <name of agency>.
- The Court finds that the risk & needs assessment has been completed and the results have been submitted to the Court.

[See more information about Assessments](#)

# Disposition

## Transfer temporary legal custody or grant permanent guardianship

(1) Subject to conditions and limitations as the court prescribes, transfer temporary legal custody or grant permanent guardianship in accordance with part 8 of this chapter to any relative or other individual with a relationship with the child who is found by the court to be qualified to receive and care for the child, if the court finds that such a transfer or grant is in the best interest of the child;

Temporary custody of the child, Laura Ingalls, is hereby awarded to Charles Ingalls (Father), who shall have the authority granted under T.C.A. § 37-1-140, including the authority to consent to any ordinary or necessary medical, surgical, hospital, psychological, psychiatric, institutional or education care.

This will add a **Custody Requirement**.

- Requirements		Top				Add
Assigned	Requirement	Start	Status	Status date		
8/29/2019	Placement with Relative/Other Individual	8/29/2019 1 day				

Don't forget to update the **Relatives** with the new custody situation.

- Relatives		Top				Get from another Add
Name	Type	Address	Contact number			
Caroline Ingalls (6 - Non-custodial Parent)	Mother	Home Address: 636 E Main St. Gallatin, TN 37066	CELL: 615-225-8794 HOME: 615-452-1313			
	No financial info					
Charles Ingalls (4 - Legal Custody)	Father	Home Address: 356 W Main St Gallatin, TN 37066	HOME: 615-471-9652			
	No financial info					

## Placing the child on probation

(2) (A) (i) Placing the child on probation under the supervision of the probation officer of the court or the department of children's services, any person, or persons or agencies designated by the court, or the court of another state as provided in § 37-1-143, under conditions and limitations prescribed by the court in consultation with the supervising

authority and consistent with a validated risk and needs assessment, which may include completion of substance abuse and mental health treatment services where appropriate;

- The child is placed under the supervision of the State of Tennessee, Department of Children's Services, on **DCS juvenile probation** for a period not to exceed six (6) months. Said child and parent(s)/guardian(s) shall comply respectfully with any and all the lawful and reasonable requests of the Probation Officer and any and all rules of DCS juvenile probation.
- The child shall be placed under the supervision of the \_\_\_ County Juvenile Court on **intensive probation** <with PO name> for a period not to exceed six (6) months. Said child and parent(s)/guardian(s) shall comply respectfully with any and all the lawful and reasonable requests of the probation officer and any and all rules of intensive probation.
- The child shall be placed under the supervision of the \_\_\_ County Juvenile Court on **supervised county juvenile probation** <with PO name> for a period not to exceed six (6) months. Said child and parent(s)/guardian(s) shall comply respectfully with any and all the lawful and reasonable requests of the probation officer and any and all rules of supervised county juvenile probation.
- The child shall be placed under the supervision of the \_\_\_ County Juvenile Court on **unsupervised county juvenile probation** for a period not to exceed six (6) months. Said child and parent(s)/guardian(s) shall comply respectfully with any and all the lawful and reasonable requests of the probation officer and any and all rules of unsupervised county juvenile probation.

A **Probation Requirement** is automatically added to reflect the probation supervision.

## Requirement Detail

Requirement type:\*

Requirement code:\*

Provider:

Assigned date:  Start date:

Scheduled end date:  New end date:

Status:  Status date:

This will add the assigned date and start date as the date of the hearing. The scheduled end date represents the 6 months date.

A **Deadline** or “reminder” is also added to the case to remind the officers of the 6 month expiration date.

**- Open Deadlines for Sumner County Juvenile Court Top**  
**1/25/2020 7:36:32 AM - Check 6 month Status**

## Commit the child to DCS

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(4) (A) Subject to the restrictions of § 37-1-129(c) and this subdivision (a)(4), commit the child to the department of children's services, which commitment shall not extend past the child's nineteenth birthday;

(6) Committing the child to the custody of the county department of children's services in those counties having such a department, but only if the child is eligible for commitment to the department under subdivision (a)(4) and subject to the conditions applicable to department commitment under § 37-1-137;

## Findings

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If the child is being committed to DCS, there are findings that must be made in the order.

- Continuation of the child in the home is contrary to the best interests and welfare of the child for the following reasons: \_\_\_\_\_

There is no less restrictive alternative removal of the child from the home that will reduce the risk of flight or of serious physical harm to the child or to others.

- There is proof beyond a reasonable doubt that the child is a **delinquent child**, and the Court has determined that the child is in need of treatment and rehabilitation; AND
  - The current offense(s) for which the child has been adjudicated delinquent and is subject to disposition would constitute a felony if committed by an adult.
  - The current offense for which the child has been adjudicated delinquent and is subject to disposition would constitute a misdemeanor if committed by an adult; AND the child has previously been adjudicated delinquent for two (2) or more offenses arising from separate incidents that would constitute either a felony or misdemeanor if committed by an adult, including adjudications in other jurisdictions that, if committed in this jurisdiction, would constitute a felony or misdemeanor.
  - The court finds by clear and convincing evidence that the child is in imminent risk of danger to the child's health or safety and needs specific treatment or services that are available only if the child is placed in the custody of the Department of Children's Services in that \_\_\_\_.
- There is clear and convincing evidence that the child is an **unruly child**, and the court has determined that the child is in need of treatment and rehabilitation; AND
  - The child has previously been adjudicated for two (2) or more offenses arising from separate incidents that would constitute an unruly offense, or a felony or misdemeanor if committed by an adult, including adjudications in other jurisdictions that, if committed in this jurisdiction, would constitute a felony or misdemeanor.
  - The court finds by clear and convincing evidence that the child is in imminent risk of danger to the child's health or safety and needs specific treatment or services that are available only if the child is placed in the custody of the Department of Children's Services in that \_\_\_\_\_.
- This matter was referred to the juvenile-family crisis intervention program and it has been certified (in writing/through sworn testimony) that no other less drastic measure other than court intervention exists, pursuant to T.C.A. § 37-1-168.

- Reasonable efforts were made to prevent the child's removal from the home, which include: \_\_ \_\_
- It was reasonable to make no efforts to maintain the child in the home based on an assessment of the family and the child's circumstances that include: \_\_\_\_\_
- Reasonable efforts to prevent removal were not required because
  - This Court or another Court of competent jurisdiction has previously determined that the parent has subjected the child(ren), or any sibling or half-sibling or any other child residing temporarily or permanently in the home, to aggravated circumstances as defined in T.C.A. §36-1-102.
  - the parent has been convicted in a criminal court of one of the felony crimes against a child specified in T.C.A. § 37-1-166.
  - the parental rights of the parent to a sibling or half-sibling have been terminated involuntarily.
- The Department of Children's Services failed to provide reasonable efforts to prevent the child's removal from the home.

**Order**

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That Laura Ingalls is removed from the custody of Caroline Ingalls (Mother) and committed to the State of Tennessee, Department of Children's Services

- for a period not to exceed six (6) months.
- for a determinate period of \_\_\_\_\_.

Temporary custody of the child, Laura Ingalls, is hereby awarded to the State of Tennessee, Department of Children's Services, with the authority granted under T.C.A. § 37-1-140, including the authority to consent to any ordinary or necessary medical, surgical, hospital, psychological, psychiatric, institutional or education care.

The Court further orders that all state, county, or local agencies with information or records relevant to the child's situation, including any public or private medical or mental health treatment resources and all educational facilities, shall release such information or records as are necessary for the management of this case to the Department of Children's Services.

**Requirement**

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A requirement is automatically added to reflect the commitment. It also has a scheduled end date out 6 months. A 6 month deadline reminder is also added.

- Requirements		Top			Add
Assigned	Requirement	Start	Status	Status date	
8/28/2019	DCS Commitment - Delinquent/Unruly	8/28/2019		1 day	

When a DCS Commitment Requirement is added, a **Deadline** for Foster Care Review Board is automatically added.



## Case Plan

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Next is a section ordering the case plan be developed and complied with. A **CASE PLAN** must be completed for every child ADJUDICATED DELINQUENT or UNRULY.

The Court orders the <YSO/Probation Officer/DCS/Other> to develop and implement an individualized case plan in consultation with the child's parents, guardian, or legal custodian, school, and other appropriate parties. The child and the child's parents, guardian, or legal custodian are ordered to comply with the case plan.

[See more information about Case Plans](#)

## Special Probation Conditions

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The list of possible probation conditions is displayed for you to select from. Each of these conditions correlate to a matching Requirement which is automatically added if selected.

The list can be customized for each jurisdiction but appears something like this:

- The child shall successfully complete an alcohol and drug inpatient treatment program and comply with aftercare recommendations.
- The child shall successfully complete an alcohol and drug intensive outpatient treatment program and comply with aftercare recommendations.
- The child shall participate in AA/NA classes.
- The child shall complete a drug and alcohol assessment, follow any and all recommended treatment and provide the Court with proof of completion.
- The child shall participate and successfully complete an anger management program and provide the Court with proof of completion.
- The child shall be transported to and from school by the school bus or his parent or legal custodian(s).
- The child's cell phone shall be taken by the youth services officer/probation officer and held informally.
- The child's driver's license shall be taken by the youth services officer/probation officer and the Tennessee Department of Safety shall deny/suspend the driving privileges of said child until such time as an Order of Withdrawal is submitted by this Court or upon expiration of time, with the right to review the matter after at least ninety (90) days.
- The child shall complete a State-Certified Driving School Class and submit to the Court the certificate of completion.
- The child shall submit to random and regular drug tests.
- The child shall obtain employment.
- The child shall hand write an essay on
  - ( ) "The Harmful Effects of Marijuana",
  - ( ) "The Harmful Effects of Tobacco Products and How to Quit",
  - ( ) "The Effects of Shoplifting on the Economy and What I Learned From This Experience",
  - ( ) "The Harmful Effects of Alcohol on the Teenage Brain",to be submitted to a youth services officer/probation officer.
- The child shall participate in family counseling.

- The Family Crisis Intervention Program shall assess the child's needs, provide appropriate services, and submit a written report to the Court.
- The child shall submit to a forensic evaluation.
- The child shall obtain his General Education Diploma (GED).
- The child shall be under house arrest and comply with the rules.
- The child shall successfully complete a Hunter/Wildlife Safety Course and provide the Court with proof of completion.
- The child shall comply with In-Home Services.
- The child shall participate in individual counseling.
- The child shall not go onto the property of.
- The child shall not use any electronic devices and/or the internet unless for required school assignments and supervised by his parent or legal custodian(s) or teacher.
- The child shall apology in person or shall complete a hand written letter of apology to.
- The child shall submit to a medication evaluation, shall provide the Court with the results, and shall comply with all recommendations.
- The child shall submit to a mental health evaluation, shall provide the Court with the results, and shall comply with all recommendations.
- The child and parent or legal custodian(s) shall attend and complete the MRT Program.
- The child shall have no contact, directly or indirectly, socially or after school hours, with until further orders of this Court or upon expiration of time.
- The child shall not drive a vehicle.
- The child shall participate in parenting classes.
- The child shall complete a physical examination and shall provide the court with proof of examination with the bill from the doctor's visit, an explanation of benefits from the insurance company, or a note from the doctor stating a physical examination has been completed.
- The child shall obtain prenatal care.
- The child shall submit to a psychiatric evaluation, shall provide the Court with the results, and shall comply with all recommendations.
- The child shall submit to a psychological evaluation, shall provide the Court with the results, and shall comply with all recommendations.
- The child shall submit to a psychosexual evaluation, shall provide the Court with the results, and shall comply with all recommendations.
- The child shall complete hours of court-approved community service work and provide the Court with proof of completion.
- The child shall successfully complete residential treatment program.
- The child shall provide proof of vehicle repair as directed by the youth services officer/probation officer.

- Requirements <a href="#">Top</a>					<a href="#">Options</a>
Name	Assigned	Requirement	Start	Status	Status date
Laura Ingalls	5/13/2019	County Probation	5/13/2019 108 days		
Laura Ingalls	5/13/2019	Psychiatric Evaluation	5/13/2019 108 days		
Laura Ingalls	5/13/2019	No Contact	5/13/2019 108 days		
Laura Ingalls	5/13/2019	Mental Health Evaluation	5/13/2019 108 days		
Laura Ingalls	5/13/2019	Insight Program	5/13/2019 108 days		
Laura Ingalls	5/13/2019	Anger Management provided by Camelot	5/13/2019	Successfully Completed	6/20/2019

# Financial Obligations

Fines, Fees, and Restitution can be included in the Dispositional Order. If a parent is ordered to pay the fee, the parent can be added to the case as a "Responsible Party." This allows the Fee Requirement to be assessed to their name rather than the child's name.




Caroline Ingalls (Mother) will pay:

- Court costs in the amount of \$128.00.
- A Diversion/Informal fee in the amount of \$44.00.
- Sumner County Sheriff Service in the amount of \$42.00.
- Gallatin Police Department citation fee in the amount of \$27.00.
- A Juvenile Fine in the amount of \$50.00.
- A Tobacco Fine in the amount of \$20.00.
- A Traffic Fine in the amount of \$30.00.
- A Seatbelt Violation in the amount of \$30.00.

Laura Ingalls will pay:

- Restitution owed to the victim, (name), in the amount of \$500.00
- Restitution owed to the victim, (name), in the amount of \$200.00.

All fees and costs are to be paid to the Sumner County Juvenile Clerk. Payments may be made by cash, cashier's check/money order, or debit/credit card.

- Names associated with the case							Top	Add
Name	Case	Role	Start date	End date	Warrant	Attribute		
 Caroline Ingalls (6)	1	Resp Party	6/28/2019 62 days					
 Charles Ingalls (4)	1	Resp Party	4/30/2019 121 days					
 Laura Ingalls (2)	1	Defendant	4/15/2019 136 days					

- Requirements					Top	Options
Caroline Ingalls	5/13/2019	Court Costs		5/13/2019 108 days		(Balance: \$197.00)
Charles Ingalls	5/1/2019	Court Costs		5/1/2019	Paid in Full	5/1/2019
Charles Ingalls	4/30/2019	Court Costs		4/30/2019	Paid in Full	4/30/2019
Laura Ingalls	8/20/2019	Restitution		8/20/2019 9 days		(Balance: \$500.00)

If financial obligations are ordered, it is a good idea to schedule a Review Hearing out 5 ½ months in the event the child is ready to be released from probation but there are financial obligations unpaid.

**Example: Delinquent Adjudicatory/Dispositional Order with Probation Supervision**

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**IN THE JUVENILE COURT OF SUMNER COUNTY, TENNESSEE**

IN THE MATTER OF:  
**Laura Ingalls - DOB 3/23/2006 AGE 13 years**

Case No. 83SCJ-2019-JR-10

A child under 18 years of age  
(at the time of the offense)

CHARGE(S): Case 1, Count 1 - Simple possession or casual exchange (TCA 39-17-418), a Misdemeanor

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**ADJUDICATORY/DISPOSITIONAL ORDER**

---

This matter came on to be heard on 27th day of August, 2019, before the Honorable David R. Howard, upon petition filed alleging the above offense(s).

Those present were Laura Ingalls, Caroline Ingalls (Mother) and Charles Ingalls (Father).

**THE COURT FINDS:**

1. The child was advised of the charge(s) against them and of their right to a hearing and an attorney. The child was also advised of their right to appeal this matter. The Court finds that the meaning and effect of these rights have been fully explained to them.
2. The child executed a Waiver of Right to Counsel with written waiver duly filed.
3. The Court hereby accepts the plea agreement of guilty to the charge(s) of **TCA 39-17-418 Simple possession or casual exchange (Marijuana - 2.1 Grams)**.
4. The child is found to be in violation of the Drug Free Youth Act and their driving privileges are suspended accordingly.

It is, therefore, **ORDERED, ADJUDGED AND DECREED** that:

3. The child is found guilty by the Court of the above-mentioned offense(s).
4. The child is a **DELINQUENT** child and is in need of treatment and rehabilitation within the meaning of Title 37, Chapter 1, Part 1, of Tennessee Code Annotated, for the reasons set forth above.
5. The Court finds that the risk & needs assessment has been completed and the results have been submitted to the Court.
6. The child shall be placed under the supervision of the Marshall County Juvenile Court on supervised county juvenile probation. Said child and parent(s)/guardian(s) shall comply respectfully with any and all the lawful and reasonable requests of the probation officer and any and all the rules of county juvenile probation.
7. The child shall complete court-approved community service work and provide the Court with proof of completion. 15 hours is hereby ordered.
8. The child shall successfully complete the #CHOICES program.
9. The child shall successfully complete the YSEP program.
10. Elijah Jacob Smith is ordered by the court to find and participate in a school sponsored/related activity.
11. The Clerk shall waive the following fines and/or costs: All court costs and fines.

ENTERED this 10th day of June, 2019.

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The Honorable David R. Howard  
Juvenile Court Judge  
(T.C.A. § 16-1-115)

**CERTIFICATION OF SERVICE**

**Example: Unruly Adjudicatory/Dispositional Order with Change of Custody**

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**IN THE JUVENILE COURT OF SUMNER COUNTY, TENNESSEE**

IN THE MATTER OF:

Case No. 83SCJ-2019-JR-10

**Laura Ingalls - DOB 3/23/2006 AGE 13 years**

A child under 18 years of age  
(at the time of the offense)

CHARGE(S): Case 2, Count 1 - Unruly Behavior (TCA 37-1-102), a Status Offense

---

**ADJUDICATORY/DISPOSITIONAL ORDER**

---

This matter came on to be heard on 27th day of August, 2019, before the Honorable David R. Howard, upon petition filed alleging the above offense(s).

Those present were Laura Ingalls, Caroline Ingalls (Mother) and Charles Ingalls (Father).

**THE COURT FINDS:**

1. The child was advised of the charge(s) against her and of her right to a hearing and an attorney. The child was also advised of his right to appeal this matter. The Court finds that the meaning and effect of these rights have been fully explained to her.
2. The child executed a Waiver of Right to Counsel with written waiver duly filed.
3. The Court hereby accepts the plea agreement of guilty to the charge(s) of **TCA 37-1-102 Unruly Behavior**.

It is, therefore, **ORDERED, ADJUDGED AND DECREED** that:

4. The child is found guilty by the Court of the above-mentioned offense(s).
5. The child is an **UNRULY** child and is in need of treatment and rehabilitation within the meaning of Title 37, Chapter 1, Part 1, of Tennessee Code Annotated, for the reasons set forth above.
6. This Order shall constitute a Valid Court Order, the violation of which may result in said child's placement in state's custody or in a juvenile detention facility in accordance with the Tennessee Rules of Juvenile Procedure (Appendix). During any hearing regarding such violation of this Order, said child has all due process rights indicated in such rules, including the right to legal counsel and the right to have such counsel appointed by the Court if indigent. Further, violation of this Order by any of the parties charged hereby may be considered Contempt of Court and punished as indicated in T.C.A. § 37-1-158.
7. Temporary custody of the child, Laura Ingalls, is hereby awarded to Charles Ingalls, who shall have the authority granted under T.C.A. § 37-1-140, including the authority to consent to any ordinary or necessary medical, surgical, hospital, psychological, psychiatric, institutional or education care.
8. The Clerk shall waive the following fines and/or costs: All court costs and fines.

ENTERED this 10th day of June, 2019.

---

The Honorable David R. Howard  
Juvenile Court Judge  
(T.C.A. § 16-1-115)

**CERTIFICATION OF SERVICE**

**Example: Delinquent Adjudicatory/Dispositional Order with DCS Commitment**

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**IN THE JUVENILE COURT OF SUMNER COUNTY, TENNESSEE**

IN THE MATTER OF:

Case No. 83SCJ-2019-JR-10

**Laura Ingalls - DOB 3/23/2006 AGE 13 years**

A child under 18 years of age  
(at the time of the offense)

CHARGE(S): Case 1, Count 1 - Simple possession or casual exchange (TCA 39-17-418), a Misdemeanor

---

**ADJUDICATORY/DISPOSITIONAL ORDER**

---

This matter came on to be heard on 27th day of August, 2019, before the Honorable David R. Howard, upon petition filed alleging the above offense(s).

Those present were Laura Ingalls, Caroline Ingalls (Mother) and Charles Ingalls (Father).

The Court, having considered the testimony and evidence presented and the entire record, finds as follows:

1. The child was advised of the charge(s) against her and of her rights, pursuant to Rule 205 of the Rules of Juvenile Practice and Procedure, including the right to appeal this matter. The Court finds that the meaning and effect of these rights have been fully explained to the child.
2. The child requested appointed counsel to represent her in this matter.
3. It appearing, based upon the affidavit of indigency filed in this cause, and after due inquiry made, that the parent, guardian or legal custodian(s) is/are indigent and thereby the child qualifies for appointed legal counsel pursuant to T.C.A. § 37-1-126 and/or S.Ct. Rule 13, Sec. 1.
4. The Public Defender is appointed to represent the child in this matter.
5. The child entered a plea of guilty to the above-mentioned offense(s) after having waived her rights to a trial of this matter in writing in a separate document.
6. Continuation of the child in the home is contrary to the best interests and welfare of the child for the following reasons: The parents are unable to control the child.
7. There is no less restrictive alternative removal of the child from the home that will reduce the risk of flight or of serious physical harm to the child or to others.
8. Reasonable efforts were made to prevent the child's removal from the home, which include: Anger Management, Alcohol & Drug Assessments, restricted driver's license, county probation.
9. There is clear and convincing evidence that the child is an unruly child, and the court has determined that the child is in need of treatment and rehabilitation.
10. The court finds by clear and convincing evidence that the child is in imminent risk of danger to the child's health or safety and needs specific treatment or services that are available only if the child is placed in the custody of the Department of Children's Services in that the child is engaging in behaviors that puts her at risk.
11. This matter was referred to the juvenile-family crisis intervention program and it has been certified in writing that no other less drastic measure other than court intervention exists, pursuant to T.C.A. § 37-1-168.

It is, therefore, **ORDERED, ADJUDGED AND DECREED** that:

1. That Laura Ingalls is removed from the custody of Caroline Ingalls (Mother) and committed to the State of Tennessee, Department of Children's Services for a period not to exceed six (6) months. Temporary custody of the child, Laura Ingalls, is hereby awarded to the State of Tennessee, Department of Children's Services, with the authority granted under T.C.A. § 37-1-140, including the authority to consent to any ordinary or necessary medical, surgical, hospital, psychological, psychiatric, institutional or education care.

2. The Court further orders that all state, county, or local agencies with information or records relevant to the child's situation, including any public or private medical or mental health treatment resources and all educational facilities, shall release such information or records as are necessary for the management of this case to the Department of Children's Services.
3. The child shall complete a drug and alcohol assessment, follow any and all recommended treatment, and provide the Court with proof of completion.
4. Caroline Ingalls (Mother of Laura Ingalls) will pay: Court costs in the amount of \$64.00. Sumner County Sheriff Service in the amount of \$42.00.
5. All fees and costs are to be paid to the Sumner County Juvenile Clerk. Payments may be made by cash, cashier's check/money order, or debit/credit card.
6. This matter shall be scheduled for **Cost Review Hearing on January 7, 2020 at 8:30 AM**. The child and parent, guardian, or legal custodian(s) shall appear.

ENTERED this \_\_\_\_\_

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The Honorable David R. Howard  
Juvenile Court Judge  
(T.C.A. § 16-1-115)

**CERTIFICATION OF SERVICE**

# STATUTES

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## 37-1-131. Delinquent child -- Disposition -- Restitution.

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(a) If the child is found to be a delinquent child, the court may make any of the following orders of disposition best suited to the child's treatment, rehabilitation and welfare:

(1) Subject to conditions and limitations as the court prescribes, **transfer temporary legal custody** or grant permanent guardianship in accordance with part 8 of this chapter to any relative or other individual with a relationship with the child who is found by the court to be qualified to receive and care for the child, if the court finds that such a transfer or grant is in the best interest of the child;

(2) (A) (i) **Placing the child on probation** under the supervision of the probation officer of the court or the department of children's services, any person, or persons or agencies designated by the court, or the court of another state as provided in § 37-1-143, under conditions and limitations prescribed by the court in consultation with the supervising authority and consistent with a validated risk and needs assessment, which may include completion of substance abuse and mental health treatment services where appropriate;

(ii) (a) A child may be **placed on probation for a maximum period of six (6) months**, subject to this subdivision (a)(2)(A)(ii). Before expiration of the first six-month period or any extension period thereafter, and after notice and a hearing, the court may extend probation for additional periods not to exceed six (6) months each, but only if the court finds and issues a written order that:

(1) States that it is in the best interest of the child that a condition or conditions of probation remain in effect; and

(2) Specifies the condition or conditions that shall remain in effect and why that continued effectiveness is in the best interest of the child; and

(b) If the requirements of subdivision (a)(2)(A)(ii)(a) have been met, probation may continue only so long as it is in the best interest of the child that the condition or conditions of probation remain in effect;

(iii) If the supervising authority finds the child has violated the conditions or limitations of probation, the supervising authority may file a petition alleging a violation of the conditions or limitations of probation with the court; provided, that the court, in its discretion, may direct the supervising authority that, in some or all circumstances, such a petition should be filed only if the supervising authority makes and documents attempts to address the noncompliant behavior and determines and documents the reasons for which court intervention is needed to address the noncompliance;

(iv) If the court finds that no violation has occurred, the child shall be allowed to resume the former conditions of probation, or probation may be terminated; and

(v) If in a subsequent proceeding, the court finds the child has violated any of the conditions or limitations of probation, the court may modify conditions consistent with the results of the previously administered validated risk and needs assessment, including ordering a transfer or grant pursuant to subdivision (a)(1). The court shall not order a child placed in the custody of the department for a violation of the conditions or limitations of probation unless:

(a) The child is separately adjudicated dependent or neglected and placed pursuant to § 37-1-130;

(b) The child is separately adjudicated delinquent and placed pursuant to this section for an eligible delinquent offense arising out of a subsequent criminal episode other than the offense for which the child has been placed on probation; or

(c)

(1) The court finds by clear and convincing evidence that the child is in imminent risk of danger to the child's health or safety and needs specific treatment or services that are available only if the child is placed in the custody of the department; and

(2) A child placed in the custody of the department under this subdivision (a)(2)(A)(v)(c) shall remain in custody so long as necessary to complete the treatment or services, which shall be evidence-based and provided by a qualified provider, but shall remain in custody no longer than six (6) months; provided, that the court may



order that the child remain in custody for up to an additional six (6) month period if the court finds after a hearing or stipulation that:

**(A)** The child needs services or treatment that are available only if the child is in custody; and

**(B)** The services or treatment the child needs are evidence-based and will be provided by a qualified provider;

**(B)** The court shall make a finding that the child's school shall be notified, if:

**(i)** The adjudication of delinquency was for an offense involving:

- (a)** First degree murder;
- (b)** Second degree murder;
- (c)** Rape;
- (d)** Aggravated rape;
- (e)** Rape of a child;
- (f)** Aggravated rape of a child;
- (g)** Aggravated robbery;
- (h)** Especially aggravated robbery;
- (i)** Kidnapping;
- (j)** Aggravated kidnapping;
- (k)** Especially aggravated kidnapping;
- (l)** Aggravated assault;
- (m)** Felony reckless endangerment; or
- (n)** Aggravated sexual battery; or

**(ii)** The adjudication of delinquency was for a violation of:

- (a)** Voluntary manslaughter, as defined in § 39-13-211;
- (b)** Criminally negligent homicide, as defined in § 39-13-212;
- (c)** Sexual battery by an authority figure, as defined in § 39-13-527;
- (d)** Statutory rape by an authority figure, as defined in § 39-13-532;
- (e)** Prohibited weapon, as defined in § 39-17-1302;
- (f)** Unlawful carrying or possession of a firearm, as defined in § 39-17-1307;
- (g)** Carrying weapons on school property, as defined in § 39-17-1309;
- (h)** Carrying weapons on public parks, playgrounds, civic centers, and other public recreational buildings and grounds, as defined in § 39-17-1311;
- (i)** Handgun possession, as defined in § 39-17-1319;
- (j)** Providing handguns to juveniles, as defined in § 39-17-1320; or
- (k)** Any violation of § 39-17-417 that constitutes a Class A or Class B felony; and

**(iii)** School attendance is a condition of probation, or if the child is to be placed in the custody of a state agency and is to be placed in school by a state agency or by a contractor of the state agency;

**(C)** The court may make a finding that the child's school shall be notified based on the circumstances surrounding the offense if the adjudication of delinquency is for an offense not listed in this subsection (a);

**(D)** The court shall then enter an order directing the youth service officer, probation officer, or the state agency, if the child has been committed to the custody of the state agency, to notify the school principal in writing of the nature of the offense and probation requirements, if any, related to school attendance, within five (5) days of the order or before the child resumes or begins school attendance, whichever occurs first. In individual cases when the court deems it appropriate, the court may also include in the order a requirement to notify county and municipal law enforcement agencies having jurisdiction over the school in which the child will be enrolled;

**(E)** When the principal of a school is notified, the principal of the child's school, or the principal's designee, shall convene a meeting to develop a plan within five (5) days of the notification. Reasonable notice shall be given of the date and time of the meeting. The child, the department of children's services if the child is in state custody, the child's parent/guardian/legal caretaker if not in state custody, and other appropriate parties identified by the child, the department of children's services or parent/guardian/legal caretaker shall be invited to the meeting. The plan shall set out a list of goals to provide the child an opportunity to succeed in school and provide for school safety, a schedule for completion of the goals and the personnel who will be responsible for working with the child to complete the goals;

**(F)** The information shall be shared only with the employees of the school having responsibility for classroom instruction of the child and the school counselor, social worker or psychologist who is involved in developing a plan for the child while in the school, and with the school resource officer, and any other person notified pursuant to this section. The information is otherwise confidential and

shall not be shared by school personnel with any other person or agency, except as may otherwise be required by law. Notification in writing of the nature of the offense committed by the child and any probation requirements and the plan shall not become a part of the child's student record;

**(G)** In no event shall a child be delayed from attending school for more than five (5) school days from the date of notice;

**(H)** Notwithstanding any other state law to the contrary, the department of children's services shall develop a written policy consistent with federal law detailing the information to be shared by the department with the school for children in its legal custody when notification is required;

**(I)** Upon the subsequent enrollment of any such student in any other LEA, the parents or custodians of the student, and the administrator of any school having previously received the same or similar notice pursuant to this section, shall notify the school in the manner specified in § 49-6-3051;

**(J)** A violation of the confidentiality provisions of subdivision (a)(2)(F) is a Class C misdemeanor;

**(K)**

**(i)** If the court does not place the child in state custody, but orders the child to complete an inpatient mental health treatment program at a hospital or treatment resource as defined in § 33-1-101, upon leaving that hospital or treatment resource, the principal of the child's school shall be notified and the principal of the child's school or the principal's designee shall convene a meeting to develop a transition plan within five (5) days of the notification. Reasonable notice shall be given of the date and time of the meeting. The child, child's parent/guardian/legal caretaker, other relevant service providers, and other appropriate parties identified by the child and parent/guardian/legal caretaker shall be invited to the meeting;

**(ii)** If an information release is executed in compliance with § 33-3-109 that provides the principal or other designated school personnel access to certain information concerning the child, the principal or other designated school personnel may work with the child's mental health provider to develop this plan. The transition plan shall set out a list of goals to provide the child an opportunity to succeed in school and provide for school safety, a schedule for completion of the goals and the personnel who will be responsible for working with the child to complete the goals. The information shall be shared only with employees of the school having responsibility for classroom instruction of the child, but the information is otherwise confidential and shall not be shared by school personnel with any other person or agency, except as may be otherwise required by law. The notification in writing of the nature of the offense committed by the child, any probation requirements, and the transition plan developed pursuant to this subdivision (a)(2)(K)(ii) shall not become a part of the child's student record;

**(iii)** In no event shall a child be delayed from attending school for more than five (5) school days;

**(iv)** A violation of the confidentiality provisions of subdivision (a)(2)(K)(ii) is a Class C misdemeanor;

**(3)** Placing the child in an institution, camp, or other facility for delinquent children operated under the direction of the court or other local public authority. Pursuant to this subdivision (a)(3), the court may order detention for a maximum of forty-eight (48) hours for the delinquent child to be served only on days the school in which the child is enrolled is not in session. The court may order the delinquent child to participate in programming at a nonresidential facility for delinquent children operated under the direction of the court or other local public authority after the period of detention. The court shall report each disposition of detention to the administrative office of the courts;

**(4)**

**(A)** Subject to the restrictions of § 37-1-129(c) and this subdivision (a)(4), commit the child to the department of children's services, which commitment shall not extend past the child's nineteenth birthday;

**(B)** A child is eligible for commitment to the department only if:

**(i)** The current offense for which the child has been adjudicated delinquent and is subject to disposition would constitute a felony if committed by an adult;

**(ii)**

**(a)** The current offense for which the child has been adjudicated delinquent and is subject to disposition would constitute a misdemeanor if committed by an adult; and

**(b)** The child has previously been adjudicated delinquent for two (2) or more offenses arising from separate incidents that would constitute either a felony or misdemeanor if committed by an adult, including adjudications in other jurisdictions that, if committed in this jurisdiction, would constitute a felony or misdemeanor; or

**(iii)**

**(a)** The court finds by clear and convincing evidence that the child is in imminent risk of danger to the child's health or safety and needs specific treatment or services that are available only if the child is placed in the custody of the department; and

**(b)** A child placed in the custody of the department under this subdivision

(a)(4)(B)(iii) shall remain in custody so long as necessary to complete the treatment

or services, which shall be evidence-based and provided by a qualified provider, but shall remain in custody no longer than six (6) months; provided, that the court may order that the child remain in custody for up to an additional six (6) month period if the court finds after a hearing or stipulation that:

(1) The child needs treatment or services that are available only if the child is in custody; and

(2) The treatment or services the child needs are evidence-based and will be provided by a qualified provider;

(5) [Deleted by 2018 amendment, effective July 1, 2019.]

(6) Committing the child to the custody of the county department of children's services in those counties having such a department, but only if the child is eligible for commitment to the department under subdivision (a)(4) and subject to the conditions applicable to department commitment under § 37-1-137;

(7)

(A) Ordering the child to perform community service work with such work being in compliance with federal and state child labor laws. For first-time delinquent acts involving alcohol or beer, in its order for community service work, the court may require the juvenile to spend a portion of such time in the emergency room of a hospital, only if, and to the extent, the hospital agrees with such action;

(B) No charitable organization, municipality, county or political subdivision thereof utilizing juveniles performing community service work pursuant to this chapter shall be liable for any injury sustained by the juvenile or other person, proximately caused by the juvenile, while the juvenile is performing a work project for such organization or governmental entity, if the organization or governmental entity exercised due care in the supervision of the juvenile;

(C) No charitable organization, municipality, county or political subdivision thereof, nor any employee or officer thereof, shall be liable to any person for any act of a juvenile while the juvenile is on a community work project for such organization or governmental entity, if the organization or governmental entity exercised due care in the supervision of the juvenile;

(D) No charitable organization, municipality, county or political subdivision thereof, nor any employee or officer thereof, shall be liable to any juvenile or the juvenile's family for death or injuries received, proximately caused by the juvenile, while the juvenile is on a community work project for such organization or governmental entity, if the organization or governmental entity exercised due care in the supervision of the juvenile;

(E) The authority and protection from liability provided by this section is supplemental and in addition to any other authority and protection provided by law;

(F) The court shall not order a child placed in the custody of the department or otherwise remove the child from the child's home, including the home of a parent, guardian, or other legal custodian for any length of time, for failure to complete community service work or satisfy conditions associated with community service work as ordered by the court; and

(8) (A) In lieu of committing a child to the custody of the department of children's services and subject to the requirements of subdivision (a)(8)(B), the court may order any of the following if the child is found to be a delinquent child:

(i) Assign a long-term mentor to such child; or

(ii) Require that the delinquent child or any of the child's family members receive counseling services from any counseling service provided through or approved by the juvenile court;

(B) An order may be issued under subdivision (a)(8)(A) only if the funding necessary to implement such order is appropriated by the legislative body of the county in which the court is located or is provided by grants from public or private sources.

(1) If the child is found to be delinquent, the court shall determine if any monetary damages actually resulted from the child's delinquent conduct. Upon a determination that monetary damages resulted from such conduct, the court shall order the child to make restitution for such damages unless the court further determines that the specific circumstances of the individual case render such restitution, or a specified portion thereof, inappropriate. The court shall identify whether a restorative justice program addressing loss resulting from a delinquent act is available and may be utilized appropriately in the place of financial restitution. Any financial obligations or restitution assessed against the child or the child's parents, legal custodians, or guardians shall be considered collectively with community service work to ensure that the order of disposition is reasonable and, where applicable, prioritizes restitution to the victim. In determining whether an order of disposition is reasonable, the court may consider whether the child and the child's parents, legal custodians, or guardians have the ability to complete the requirements of the order within six (6) months.

(2) IF restitution is ordered pursuant to this subsection (b) in those cases where the court has made a finding that:

(i) A specified amount is owed;

- (ii) Such amount is ordered to be paid pursuant to a specific payment schedule; and
- (iii) The total amount of such ordered restitution is not paid by the time the juvenile court determines that discharge of a case is appropriate or no longer has jurisdiction over the child;

THEN, notwithstanding § 37-1-133(b) or any other law to the contrary, the recipient of such restitution may convert the unpaid balance of the restitution ordered by the court into a civil judgment in accordance with the procedure set out in this subsection (b). The payment of such civil judgment shall be at the same payment schedule as that as when the offender was a juvenile.

(B) Under such judgment, payments shall be continued to be made under the specific payment schedule ordered by the juvenile court until the judgment has been satisfied.

(3) The restitution recipient shall file a certified copy of the juvenile court's restitution order with any court having jurisdiction over the total amount of restitution ordered.

(4) Upon receipt of such a restitution order, the court shall take proof as to the amount of ordered restitution actually paid. If the court finds that the amount of restitution actually paid is less than the total amount of restitution ordered by the juvenile court, it shall enter a judgment in favor of the restitution recipient and against the offender for the amount of the unpaid balance of such restitution.

(5) A judgment entered pursuant to this subsection (b) shall remain in effect for a period of ten (10) years from the date of entry and shall be enforceable by the restitution recipient in the same manner and to the same extent as other civil judgments; however, such civil judgment shall not be referred to any collection service as defined by § 62-20-102.

(c) (1) This subsection (c) shall apply to a juvenile who is adjudicated delinquent, but not committed to the custody of the department of children's services, for an act that if committed by an adult would be one (1) or more of the following offenses:

- (A) First degree murder, as prohibited by § 39-13-202;
- (B) Second degree murder, as prohibited by § 39-13-210;
- (C) Voluntary manslaughter, as prohibited by § 39-13-211;
- (D) Criminally negligent homicide, as prohibited by § 39-13-212;
- (E) Rape, as prohibited by § 39-13-503;
- (F) Aggravated rape, as prohibited by § 39-13-502;
- (G) Rape of a child, as prohibited by § 39-13-522;
- (H) Aggravated rape of a child, as prohibited by § 39-13-531;
- (I) Aggravated robbery, as prohibited by § 39-13-402;
- (J) Especially aggravated robbery, as prohibited by § 39-13-403;
- (K) Kidnapping, as prohibited by § 39-13-303;
- (L) Aggravated kidnapping, as prohibited by § 39-13-304;
- (M) Especially aggravated kidnapping, as prohibited by § 39-13-305;
- (N) Aggravated assault, as prohibited by § 39-13-102;
- (O) Felony reckless endangerment, as prohibited by § 39-13-103;
- (P) Sexual battery, as prohibited by § 39-13-505;
- (Q) Aggravated sexual battery, as prohibited by § 39-13-504; or
- (R) Any other Class A or Class B felony.

(2) If a court finds a juvenile to be delinquent as a result of an act listed in subdivision (c)(1), the court shall have broad discretion to issue orders and, in conjunction with representatives from the LEA, to change the educational assignment of the juvenile. The court shall involve representatives of the LEA, as necessary, to ascertain a proper educational assignment and the availability of secure educational facilities for the juvenile who, through actions of the court, is facing personal restrictions or being released with compulsory attendance in school as a condition of personal restriction or release. There shall be a presumption in favor of issuing a court order prohibiting the juvenile from attending the same educational placement as the victim.

(3) The court shall have discretion to determine how best to restrict future contact of the defendant with the victim while the victim is at school or in other public settings.

(4) When consulted by the court, the representatives of the LEA shall provide a list of alternatives to attendance at the school which is attended by the victim. This information shall include the availability of programs including another school assignment within the district, alternative school, virtual education, homebound instruction, adult education programs, and high school equivalency testing eligibility.

(5) The school resource officer shall be authorized to assist school officials in the enforcement of orders issued by the court and shall be made fully aware of the confidential nature of any order and the student's educational assignment.

(6) [Deleted by 2018 amendment, effective July 1, 2018.]

(d)

- (1) Notwithstanding this section to the contrary, a juvenile who is adjudicated delinquent for conduct that, if committed by an adult, would constitute one (1) of the offenses set out in subdivision (d)(3) shall be committed to the department of children's services for a period of not less than one (1) year; provided, that for the offenses listed in subdivisions (d)(3)(D) and (E), a court may, upon a finding of good cause, order a commitment for a term of less than one (1) year or decline to order a commitment.
- (2) The commitment required by subdivision (d)(1) must be the least restrictive disposition permissible for an applicable juvenile, and nothing in this subsection (d) prohibits the court from:
- (A) Transferring a juvenile to whom this section applies to adult court to stand trial as an adult as provided in § 37-1-134;
  - (B) Extending the term of commitment beyond the one-year minimum required by this subsection (d); or
  - (C) Any other dispositional alternative more restrictive than this subsection (d).
- (3) The offenses to which this subsection (d) applies are:
- (A) First degree murder, as prohibited by § 39-13-202;
  - (B) Second degree murder, as prohibited by § 39-13-210;
  - (C) Voluntary manslaughter, as prohibited by § 39-13-211;
  - (D) Criminally negligent homicide, as prohibited by § 39-13-212; and
  - (E) Reckless homicide, as prohibited by § 39-13-215.

### **37-1-132. Unruly child -- Disposition. [Effective on July 1, 2019. See version effective until July 1, 2019.]**

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(a) If the child is found to be an unruly child, the court may make such disposition as authorized by this section or § 37-1-131(a)(1), (a)(2), (a)(7), or (b) that is best suited to such child's treatment. However, no child found to be an unruly child may be placed on probation under the supervision of the department, unless such child is found to also be a delinquent child or is found to have committed a violation of a valid court order as provided for in the Appendix to the Tennessee Rules of Juvenile Procedure. No county government shall be required to increase local funding to implement this provision. The court has the additional dispositional alternative of ordering the department to provide non-custodial services to a child found to be unruly.

- (b) (1) An unruly child is eligible for commitment to the department only if:
- (A) The child has previously been adjudicated for two (2) or more offenses arising from separate incidents that would constitute an unruly offense, or a felony or misdemeanor if committed by an adult, including adjudications in other jurisdictions that, if committed in this jurisdiction, would constitute a felony or misdemeanor; or
  - (B)
    - (i) The court finds by clear and convincing evidence that the child is in imminent risk of danger to the child's health or safety and needs specific treatment or services that are available only if the child is placed in the custody of the department;
    - (ii) A child placed in the custody of the department under this subdivision (b)(1)(B) shall remain in custody so long as necessary to complete the treatment or services, which shall be evidence-based and provided by a qualified provider, but shall remain in custody no longer than six (6) months; provided, that the court may order that the child remain in custody for up to an additional six (6) month period if the court finds after a hearing or stipulation that:
      - (a) The child needs treatment or services that are available only if the child is in custody; and
      - (b) The treatment or services the child needs are evidence-based and will be provided by a qualified provider.
- (2) If the court finds that it is in the best interest of the child and the public that any unruly child be removed from the home of a parent, guardian, or other legal custodian, the placement of the child shall be with the person, agency, or facility that presents the least drastic or restrictive alternative.
- (3) Prior to committing an unruly child to the custody of the department of children's services, the court shall refer such child to the department's juvenile-family crisis intervention program under § 37-1-168. The court may commit the child to the department after such juvenile-family crisis intervention program certifies to the court that there is no other less drastic measure than court intervention. Nothing in this subsection (b) shall preclude placing a child in protective service custody.
- (4) A disposition under this section shall, in no event, result in the child's detention in shelter care, as defined in § 37-1-116, or other temporary placement, without provision of necessary services consistent with the child's assessments or evaluations, in excess of thirty (30) days after entry of the court's order.



(5) Subject to subdivision (b)(6), an unruly child committed to the custody of the department under subdivision (b)(1)(A) for an indefinite time shall be discharged or placed on home placement supervision after a maximum of six (6) months, excluding any amount of time that a child is absent from placement for whatever reason, unless:

(A) The treatment and rehabilitation of the child require that the child remain in custody beyond six (6) months to complete an evidence-based program in a custodial setting addressing a treatment need identified by the previously administered validated risk and needs assessment;

(B) The child is alleged to have committed a new delinquent act; or

(C) The child is alleged to be an escapee from a secure juvenile facility or institution.

(6) The commissioner shall prescribe procedures whereby the child's treatment, rehabilitation, and progress shall be reviewed monthly and a recommendation for or against home placement or discharge shall be made to the commissioner or the commissioner's designee at least quarterly.

(7)

(A) When the department determines that a child who has been committed to the department under this section is ready to return home, the department shall notify the court in writing of its intention to place the child at home on a trial home visit. If the court objects to the trial home visit, it must notify the department of its objection in writing or set a hearing within fifteen (15) days of the date of the notice with such hearing being held at the earliest possible date. If a hearing is not set nor a written objection received within fifteen (15) days of the date of the notice, the department may place the child on a trial home visit. The notice shall include the provision that the department's legal custody of the child shall terminate in thirty (30) days.

(B) If during the thirty-day period the department determines that the trial home visit is not in the child's best interest and removes the child on an emergency basis or seeks to remove the child on a non-emergency basis, the department shall file a motion for review by the court of the trial home visit and shall provide notice to the parent, parents, guardian, or other custodian. The court shall hold a hearing on such motion within three (3) days of an emergency removal and shall set a hearing within fifteen (15) days to be held at the earliest possible date if the motion is for the court's permission to make a non-emergency removal.

(C) During the thirty-day trial home visit, the court may periodically review the child's status and may make any orders that the best interest of the child may require.

(c) (1) A child ordered to probation under subsection (a) may be placed on probation for a maximum period of six (6) months, subject to this subdivision (c)(1). Before expiration of the first six-month period or any extension period thereafter, and after notice and a hearing, the court may extend probation for additional periods not to exceed six (6) months each, but only if the court finds and issues a written order that:

(A) States that it is in the best interest of the child that a condition or conditions of probation remain in effect; and

(B) Specifies the condition or conditions that shall remain in effect and why that continued effectiveness is in the best interest of the child.

(2) If the requirements of subdivision (c)(1) have been met, probation may continue only so long as it is in the best interest of the child that the condition or conditions of probation remain in effect.

(3) If the supervising authority finds the child has violated the conditions or limitations of probation, the supervising authority may file a petition alleging a violation of the conditions or limitations of probation with the court; provided, that the court, in its discretion, may direct the supervising authority that, in some or all circumstances, such a petition should be filed only if the supervising authority makes and documents attempts to address the noncompliant behavior and determines and documents the reasons for which court intervention is needed to address the noncompliance.

(4) If the court finds that no violation has occurred, the child shall be allowed to resume the former conditions of probation or probation may be terminated.

(5) If in a subsequent proceeding, the court finds the child has violated any of the conditions or limitations of probation, the court may modify conditions consistent with the needs of the child, including ordering a transfer or grant pursuant to § 37-1-131(a)(1). The court shall not order a child placed in the custody of the department for a violation of the conditions or limitations of probation unless:

(A) The child is separately adjudicated dependent or neglected and placed pursuant to § 37-1-130;

(B) The child is separately adjudicated delinquent and placed pursuant to § 37-1-131 for an eligible delinquent offense arising out of a subsequent criminal episode other than the offense for which the child has been placed on probation; or

**(C)**

**(i)** The court finds by clear and convincing evidence that the child is in imminent risk of danger to the child's health or safety and needs specific treatment or services that are available only if the child is placed in the custody of the department;

**(ii)** A child placed in the custody of the department under this subdivision (c)(5)(C) shall remain in custody so long as necessary to complete the treatment or services, which shall be evidence-based and provided by a qualified provider, but shall remain in custody no longer than six (6) months; provided, that the court may order that the child remain in custody for up to an additional six (6) month period if the court finds after a hearing or stipulation that:

**(a)** The child needs treatment or services that are available only if the child is in custody; and

**(b)** The treatment or services the child needs are evidence-based and will be provided by a qualified provider.

**(d)** If a child is adjudicated unruly in whole or in part for habitual and unlawful absence pursuant to § 49-6-3007, it is the intent of the general assembly that any disposition of the court be oriented toward family services and those interventions that address educational barriers and the root causes of truancy.