

## **Rule 102. Intake Procedures**

(a) Referral to intake unit. Complaints alleging delinquency or need of supervision shall be referred to the intake unit established by the Director of Social Services, which shall make a preliminary determination as to whether the facts presented in the complaint warrant further action within the Family Court and whether the respondent appears to be in need of care and rehabilitation.

(b) Preliminary investigation. Each preliminary investigation shall consider all available relevant factors to determine whether the interests of the public or the respondent require that a petition be filed. Such factors may include an examination of court records on the respondent; an interview with the respondent and the respondent's parents, guardian or custodian; an investigation of the respondent's home environment; an examination of the complaint(s); an examination of reports from the respondent's school or a discussion with school officials; and any other considerations deemed relevant to the inquiry. The preliminary investigation may be based upon oral inquiries made at the intake interview, or upon public records and other information of a non-private nature. Wherever possible, the intake unit shall ascertain from other records kept by the Court whether members of the respondent's family or household have been or are the subject of other judicial proceedings.

(c) Intake interview. Whenever possible a preliminary investigation shall include an interview with the respondent and the respondent's parents, guardian or custodian. The parties shall be informed that the intake interview is voluntary, but that if the parties fail to appear, the intake unit may immediately recommend the filing of a petition. The intake unit shall also inform the parties that the respondent will be represented by counsel at all judicial hearings, as provided in D.C. Code § 16-2304 and SCR-Juvenile 44, and shall inform them that the Family Court will appoint counsel to represent the respondent in court if the respondent is eligible for such appointment. Statements made by the respondent to the intake unit during an intake interview shall not be admissible for any purpose at a subsequent factfinding hearing or criminal trial based on the allegations set forth in the juvenile complaint.

(d) Recommendation of the intake unit. Upon conclusion of the preliminary investigation, the intake unit shall make a written recommendation as to whether a petition should be filed using the criteria set forth in SCR-Juvenile 103. A copy of this recommendation shall be forwarded to the Office of the Attorney General.

(e) Petitioning by Office of the Attorney General. The Office of the Attorney General shall determine whether to file a petition against the respondent after an inquiry into the facts of the complaint, including any interviews with the complainant(s), a review of the legal basis for the petition, and consideration of the recommendation of the intake unit.

## **COMMENT**

Paragraph (c) of this Rule has been amended to clarify and narrow the former prohibition on use of a respondent's and parents' statements at an intake interview. Under former SCR-Juvenile 102(f), there was disagreement about whether statements made by the respondent or the respondent's parent, guardian or custodian to the intake unit or to the Corporation Counsel prior to the filing of a petition could be admitted at any hearing (evidentiary or otherwise) prior to the disposition hearing, or in a criminal proceeding, at

any time prior to conviction. Paragraph (c) as revised bars only the admission of the respondent's statements, but not the parent's, at a factfinding hearing or a criminal trial based on the allegations of the juvenile complaint. This amendment permits use of the respondent's and parent's intake interview statements at an initial hearing. There is no statute that precludes use of such statements at the initial hearing, and the additional information provided by the statements will permit a more informed determination at the initial hearing. Paragraph (e) ensures that although the Corporation Counsel will normally conduct an interview with the complainant in a juvenile case at the same time the intake interview is being conducted, no petition will be filed by the Corporation Counsel until the intake unit's recommendation has been considered.