

JuCR 7.3
DETENTION AND RELEASE

(a) Time for First Appearance Generally. A juvenile who has been taken into custody without a warrant and who is to be detained or released on any conditions other than the promise to appear in court at subsequent hearings must receive a judicial determination on the issues of probable cause no later than 48 hours following the juvenile's arrest.

(b) Determination of Probable Cause. The court shall determine probable cause based on an affidavit, a statement as provided in GR 13, or sworn testimony. The sworn testimony shall be electronically or stenographically recorded. The evidence shall be preserved. The evidence shall be subject to constitutional limitations for probable cause determinations and may be hearsay in whole or in part.

(c) If No Information Filed Before Custody. If a juvenile alleged to have committed a juvenile offense is taken into custody before an information is filed, the court shall make every reasonable effort to conduct a hearing on the issue of detention by the end of the next judicial day. The juvenile shall be released unless an information is filed within 72 hours (excluding Saturdays, Sundays, and holidays) after taking the juvenile into custody. In the absence of any prior determination, a juvenile held in detention after the filing of an information shall be given a hearing to determine whether continued detention is necessary. The juvenile shall be released unless this determination is made within 72 hours (excluding Saturdays, Sundays, and holidays) after the information has been filed.

(d) If Information Filed Before Custody. If a juvenile alleged to have committed a juvenile offense is taken into custody after an information has been filed and is held in detention, the juvenile shall be given a hearing to determine whether continued detention is necessary. The court shall make every reasonable effort to conduct the hearing by the end of the next judicial day. The juvenile shall be released unless this determination is made within 72 hours (excluding Saturdays, Sundays, and holidays) after the juvenile is taken into custody.

(e) If Motion Not Filed Before Custody. If a juvenile alleged to have violated a diversion agreement, a conditional release order, a disposition order, or a deferred adjudication or deferred disposition order is taken into custody and held in detention before a petition to terminate the diversion agreement, a motion to modify the conditional release order or the disposition order, or a motion to revoke the deferred adjudication or deferred disposition order is filed, the court shall make every reasonable effort to conduct a hearing on the issue of detention by the end of the next judicial day. The juvenile shall be released unless a motion is filed within 72 hours (excluding Saturdays, Sundays, and holidays) after taking the juvenile into custody. In the absence of any prior determination, a juvenile held in detention after the filing of a motion shall be given a hearing to determine whether continued detention is necessary. The juvenile shall be released unless this determination is made within 72 hours (excluding Saturdays, Sundays, and holidays) after the juvenile is taken into custody.

(f) If Petition or Motion Filed Before Custody. If a juvenile alleged to have violated a diversion agreement, a conditional release order, a disposition order, or a deferred adjudication or deferred disposition order is taken into custody and held in detention after a petition to terminate the diversion agreement, a motion to modify the conditional release order or the disposition order, or a motion to revoke the deferred adjudication or deferred disposition order is filed, the juvenile shall be given a hearing within 72 hours (excluding Saturdays, Sundays, and holidays) after taking the juvenile into custody, or the juvenile shall be released.