Comment to Proposed JuCR 7.16 – Governing Warrant Quashes
9/14/20

The Superior Court Judges' Association (SCJA) understands and appreciates the intent of the proposed JuCR 7.16. Reducing the number of outstanding juvenile bench warrants, especially during the COVID-19 pandemic, is an admirable goal. We offer several comments for contemplation by the Supreme Court.

Judicial officers consider all the relevant facts of a particular case when determining the need to issue a warrant. Since the outset of the pandemic, courts have been careful to issue warrants under very limited circumstances. Quashing warrants that judicial officers have already determined are necessary in limited circumstances creates additional work for an overburdened justice system, with no real benefit.

Additionally, some courts utilize a two-tiered warrant system. The second tier warrant allows law enforcement to locate the youth and bring them to court without detention in a secure facility. This system is used when all attempts to contact the youth and their guardian have failed.

If this proposed rule is adopted by the Supreme Court, we suggest carving an exemption to issuing or quashing bench warrants specific to individual safety and welfare needs of the youth. The language in (a) requires "no new warrants shall issue unless a finding is made that the individual circumstances of the failure to appear poses a serious threat to public safety." It is not, necessarily, the circumstance of the 'failure to appear' that poses a threat. Courts often consider the threat posed to the health and safety of the youth, not the public, that leads to warrants issuing, particularly in ARY/CHINS cases.

Thank you for your consideration.

Superior Court Judges' Association

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Subject:	FW: JuCR 7.16 - Public Comment
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Subject: JuCR 7.16 - Public Comment

Good afternoon,

Please see the attached public comment regarding proposed Juvenile Court Rule 7.16 on behalf of the Superior Court Judges' Association.

Best,

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