

IN THE MUNICIPAL COURT OF THE CITY OF TIGARD
COUNTY OF WASHINGTON, STATE OF OREGON

In the Matter of)
)
TIGARD YOUTH COURT) RULE 9
) Supplemental Court Rule

IT IS HEREBY ORDERED:

1. STATEMENT OF POLICY: As provided by ORS 419C.370, the Tigard Municipal Court will adjudicate juvenile law violations in the Tigard Youth Court under the conditions set forth in this Rule. The goals of the Court in accepting juvenile cases are to provide a local forum for minor juvenile matters, to complement programs currently offered by the Washington County Juvenile Department (“Juvenile Department”) and the Tigard Peer Court, and to further the policies articulated in ORS 419C.001.

2. The Tigard Youth Court will accept cases referred by the Tigard Police Department and other law-enforcement agencies on the following bases:

- a. Offenses classified as violations that are waived to the Court by the Washington County Juvenile Court as provided by ORS 419C.370;
- b. Offenses classified as misdemeanors that are alleged as violations under ORS 161.566 according to criteria developed by the Tigard City Prosecutor and Chief of Police. The criteria shall be designed to promote the referral of juvenile first offenders to the Court, while juveniles with prior adjudications will continue to be referred to the Juvenile Department.
- c. Non-felony traffic cases;
- d. Offenses referred to the Court by the Tigard Peer Court for failure to comply with any conditions of diversion; and,
- e. Juveniles referred to the Court must be at least 14 years of age.

The following categories of juvenile cases shall not be subject to this rule:

- a. Juveniles with prior adjudications for misdemeanors in any other court; and,
- b. Drug and alcohol offenses, including Driving Under the Influence of Intoxicants.

3. PROCEDURES IN JUVENILE CASES: The Court shall designate regular dates and times for arraignments and trials of juveniles subject to this Rule. Upon receipt of a complaint, the Court shall:

- a. Notify the Juvenile Department that a complaint has been received, as provided by ORS 419C.370(2)(a);
- b. Upon request from the Juvenile Department, waive the juvenile to that Court for further proceedings pursuant to ORS 419C.370(2)(b);

- c. As provided by ORS 419C.300, 419C.309 and 419C.374, a summons shall be issued to the parent or other person having physical custody of the juvenile, requiring the parent or other person to appear with the juvenile before the Court at the time and place stated in the summons. The summons may be served by mailing a copy thereof to the parent or other person as provided by ORS 419C.374(3).
- d. For all property offenses not reduced to violations, the Court shall notify the Juvenile Department of the disposition of each case as provided by ORS 419C.370(3)(a).
- e. For any juvenile previously adjudicated in the Tigard Municipal Court under this Rule, the Court may waive the juvenile to the Juvenile Department for further proceedings.
- f. Notify victims, as identified in police reports, of the pendency of the case and the time set for hearing.
- g. Provide for restitution where appropriate pursuant to ORS 419C.450.
- h. If any juvenile fails to appear as summoned, or is placed on probation or diversion and is alleged to have violated a condition of probation or diversion, the Court shall notify the Juvenile Department for further proceedings as provided by ORS 419C.370(3)(b). As appropriate, the Court may also enforce its orders by a contempt order pursuant to ORS 419A.180.
- i. Expunction of juvenile records shall be subject to the provisions of ORS 419A.262.
- j. Cases in which a juvenile enters a plea of “not guilty” shall be set for trial in the usual course. As provided by ORS 419C.200(1), juveniles accused of violations shall not be entitled to court-appointed counsel.
- k. Juveniles referred by the Tigard Peer Court for failure to comply with a condition of diversion shall be scheduled to appear at a special hearing to determine an appropriate disposition.

4. DISPOSITION OF JUVENILE CASES: In order to prevent further law violations, the Court will seek dispositions based on the following principles:

- a. As provided by ORS 419C.001, swift and decisive intervention by the Court for juvenile first offenders, emphasizing the goals of enhanced public safety and prevention of further criminal activity;
- b. Imposition of appropriate monetary sanctions, including restitution, to promote a sense of accountability and help deter future criminal conduct;
- c. Use of community-based programs, including alternative community service and other forms of diversion, that seek to rehabilitate the juvenile and enhance awareness of the consequences of criminal behavior; and,

d. Promote the active and continuing involvement of parents or legal guardians in every phase of the process.

5. INDEPENDENT EVALUATION: The Tigard Youth Court will assist in any evaluation of its programs, policies and services by the Juvenile Department or any other agency designated by the City of Tigard.

DATED: August 28, 2013.



Michael J. O'Brien
Presiding Judge