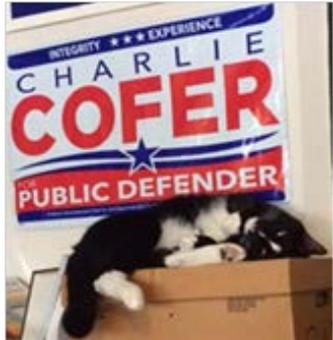


Domestic exception	Court needs to make written findings that respite care is not available <u>and</u> that it's necessary to detain the child to protect the victim from injury; requires 48 hour review	985.255(2) 741.28 (Defines Domestic violence)
More Restrictive Detention Status than RAI	Court needs clear and convincing reasons in writing why it's disregarding the RAI	985.255(3)(b)
72 hour Detention	Failure (Willful) to Appear for Trial on the current case; Failure (Willful) to Appear two or more court hearings on the current case	985.255(1)(i) 1 985.255(1)(i) 2
72 hour Detention for Comprehensive Evaluation	If residential commitment is anticipated or recommended- detention may also be extended 72 additional hours	985.26(5) 985.43(1)(c) Applies to children who weren't in secure detention at the time of the adjudicatory hearing
Upward Deviation from PDR recommendation	Court must give reasons related to the characteristics of the restrictiveness level and the needs of the child- the reasons have to be supported by the record and established by a preponderance of the evidence.	985.433(7)(b) <i>E.A.R. v. State</i> , 4 So.3d 614 (2009)
21 Day Trial & 9 day extension	Court can extend detention to 30 days with good cause; must be 2 nd degree violent felony or higher	985.26(2) But see 985.26(4) re: continuance
15 days of detention between plea/trial and sentencing	But see 985.26(4) which discusses a continuance for cause that may extend the time with 72 hour reviews	985.26(3)
Secure Detention pending residential commitment	Mandatory secure detention for Nonsecure, High or Maximum risk commitments awaiting placement.	985.27
Prolific Juvenile Offender	Qualifications Length of Detention Adjudicatory Hearings	985.255(1)(j) 985.26(2)(c) 985.35(1)(b)
Limitations on commitment level for misdemeanor offenses or technical misdemeanor probation violations	Misdemeanor offenses or technical violations of misdemeanor probation are generally limited to minimum risk commitments. However, the court may commit a child to a nonsecure residential commitment if the child has either a prior felony, 3 misdemeanors within the previous 18 months, the instant case for disposition is 800.03 (exposure of sexual organ), 806.031 (arson with injury), or 828.12 (cruelty to animals), or if the court finds (in writing) by a preponderance of the evidence that the protection of the public requires such placement or that the particular needs of the child would be best served by such placement.	985.441 (2)

Sex Offender Registration	<p>Adjudications of delinquency for committing, attempting, soliciting, or conspiring to commit the following offenses, when the offender is 14 years of age or older at the time of the offense:</p> <ul style="list-style-type: none"> * All Sexual Batteries * Lewd Batteries if victim was under age 12 or if sexual activity was by force or coercion. * Lewd Molestation if victim was under age 12 or if sexual activity was by force or coercion and the offense involved unclothed genitals. 	<p>943.0435(1)(a)d</p> <p>794.011</p> <p>800.04(4)(b)</p> <p>800.04 (5)(c) & (d)</p>
Contempt	<p>5 days for first contempt, 15 for second or subsequent violations.</p> <p>Court must follow proper procedure in finding child in contempt</p>	<p>985.037(2)</p> <p>See Rule 8.150 for significant procedural protections.</p> <p>985.037(4)</p>
Maximum Risk	Statute lists enumerated felonies and other Max Risk qualifications	985.465
Discretionary Direct File	<p>The state may direct file a 14 or 15 year old for attempts, conspiracy, or completed offenses for: Arson, Sexual battery, Robbery, Kidnapping, Aggravated child abuse, Aggravated assault, Aggravated stalking, Murder, Manslaughter, Unlawful throwing, placing, or discharging of a destructive device or bomb, Armed burglary, Burglary of a dwelling or structure with damage exceeding \$1,000, Burglary with an assault or battery, Aggravated battery, any lewd or lascivious offense committed upon or in the presence of a person less than 16 years of age, Carrying, displaying, using, threatening, or attempting to use a weapon or firearm during the commission of a felony, Grand theft if the property is valued over \$100,000 or causes damage exceeding \$1,000, Possessing or discharging any weapon or firearm on school property, Home invasion robbery, Carjacking, Grand theft of a motor vehicle</p> <p>Indictment (985.56) No floor as to age, offense must be punishable by life.</p> <p>The state may direct file a 16 or 17 year old for any felony or for a misdemeanor if the child has two prior delinquent acts, one of which was a felony.</p>	<p>985.557</p> 
Probable Cause	Court can detain child for 72 hours followed by 24 additional hours with good cause for a probable cause hearing.	8.010 (h)

Courtesy of the Florida Public Defenders Association Juvenile Justice Steering Committee, Southern Juvenile Defender Center, and the Center for Children’s Rights, rmason@pd4.coj.net (Rob Mason) (March, 2018)