

# DECLINES IN JUVENILE COURT

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# DECLINES “JUVENILE”

Two Components:



- 1) Under 18 years old
- 2) Not Subject to Adult Court

# DECLINES

## “JUVENILE”

### Under 18 years old

(at the time of filing thru adjudication)



# DECLINES

## “JUVENILE”

### Exceptions for over 18

Prior to age 18:

- 1) Order Extending
- 2) Disposition/Supervision
- 3) Failed Exclusive Adult (for disposition only)



# DECLINES

## “JUVENILE”

### Not Subject to Adult Court

#### Three Ways:

1. 16 or 17 and “Licensing” Offense
2. 16 or 17 and “Exclusive Adult”
3. Judicial “Decline” for any age

# DECLINES

## Process

What goes into consideration?

*Whether decline is in the best interest  
of the juvenile or the public*

*RCW 13.40.110(3)*



# DECLINES

## Process

What goes into consideration?



*“The Kent Factors”*

*Kent v. United States*

383 U.S. 541, 16 L.Ed.2d 84, 86 S.Ct. 1045 (1966)

# DECLINES

## *“The Kent Factors”*

- (1) SERIOUSNESS OF THE OFFENSE;
- (2) AGGRESSIVE, VIOLENT, PREMEDITATED, WILLFUL;
- (3) PERSONS OR PROPERTY;
- (4) MERIT (Probable Cause);

The Crime

- (5) ADULT CO-SUSPECTS;
- (6) SOPHISTICATION AND MATURITY;
- (7) HISTORY AND CONTACTS;
- (8) PROSPECTS FOR SAFETY AND REHABILITATION.

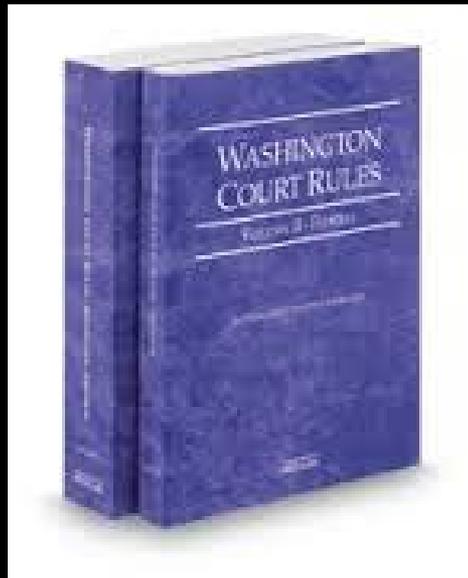
The Kid

# DECLINES

## *“The Kent Factors”*

Court Rules on evidence do not apply in decline hearings

ER 1101



# DECLINES

## Process

Discretionary for any age

Mandatory Hearings

16 or 17

+

Certain Offenses



# DECLINES

## Process

### Mandatory Hearings

*“Unless waived by the court, the parties, and their counsel”*

*Two contexts:*

*Decline Waiver for Retention*

*Decline Waiver to Adult Court*

# DECLINES

## Process

### Mandatory Hearings

DO WE NEED THEM?



# DECLINES

## Effect of Decline to Adult Court

No longer a “juvenile” by definition



*Once Declined Always Declined?*

*Exception already exists in statute:*

*Acquittal of the decline charge*

*Guilt on a lesser charge*

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