

## Juveniles Charged as Adults Decision Tree Section 223(a)(11)(B)

A juvenile charged as an adult shall not (1) have sight or sound contact with adult inmates or (2) be held in an adult jail or lockup except pursuant to one of the exceptions at 34 U.S.C. 11133(a)(13), *unless . . .* 223(a)(11)(B)(i)(I-II)

. . . the court finds after a hearing and in writing that it is in **the interest of justice** to do so.

In making that decision, the Court shall consider:

- the **age** of the juvenile
- the **physical and mental maturity** of the juvenile
- the **present mental state** of the juvenile, including whether the juvenile represents a risk of imminent harm to themselves
- the nature and circumstances of the alleged offense



- the juvenile's **prior delinquent acts**
- the ability of the available juvenile and adult facilities to **meet the needs** of the juvenile and protect public safety and other detained youth
- any other **relevant factor**

223(a)(11)(B)(ii)(I-VII)

**IF** the Court determines it is in the interest of justice to hold the juvenile in an adult jail or lockup, then: 223(a)(11)(B)(iii)

The Court shall hold a review hearing at least every 30 days (45 for rural jurisdictions) to determine whether it is still in the interest of justice to hold the juvenile in an adult jail or lockup and/or without sight or sound separation from adult inmates. 223(a)(11)(B)(iii)(I)

and

The juvenile **shall not be held in an adult jail or lockup** or in sight or sound contact with adult inmates for more than 180 days *unless . . .* 223(a)(11)(B)(iii)(II)

The Court **finds good cause**, in writing.

or

The juvenile expressly **waives 180-day limit**.