

### **Rule 103. Criteria for Intake**

(a) Delinquency cases. In determining whether the best interest of the respondent or the public require that a petition be filed, the intake unit shall consider the following factors:

(1) The seriousness of the alleged act(s). With regard to the seriousness of the alleged act(s), the intake unit may proceed with discretion, except that the filing of a petition shall be recommended in all cases where the complaint alleges that the respondent committed one or more of the following offenses: Homicide, forcible rape, robbery while armed, attempt to commit any such offense, assault with intent to commit any such offense, and burglary in the first degree.

(2) The respondent's record of prior police and court contacts. With regard to the respondent's record of prior police and court contacts, the intake unit may proceed with discretion, giving due weight to the number and nature of such prior contacts, except that no act found not committed at a factfinding hearing shall be considered. The filing of a petition shall be recommended in all cases (A) where the respondent is on probation and the complaint alleges an offense which would be a felony if committed by an adult, or (B) where the respondent is 16 or more years of age and is already under commitment to an agency or institution as a delinquent child.

(3) Whether the alleged delinquent act was committed under mitigating circumstances or other conditions rendering judicial action inappropriate. With regard to mitigating circumstances or conditions rendering judicial action inappropriate, the intake unit may proceed with discretion, taking into account the respondent's age and other circumstances surrounding the offense, and giving particular weight to the existence and availability of non-judicial community services which might serve the respondent's needs without the filing of a petition.

(4) Whether a petition has been or will be filed against an alleged co-respondent for substantially similar acts. With regard to the pendency of other petitions filed against co-respondents, the intake unit shall, whenever possible, assign the same officer for all the alleged co-respondents in a given case, and shall attempt to give fair and equal treatment to all persons involved in a given offense.

(b) Need of supervision cases. In determining whether the best interest of the respondent or the public require that a petition be filed, the intake unit shall consider the following factors:

(1) In habitual truancy cases, the mental and physical condition of the respondent, the number of alleged absences from school, the circumstances surrounding such absences, the efforts of the school or other community resources to remedy the situation, and whether or not judicial action appears appropriate and reasonably likely to remedy the situation.

(2) In cases of offenses committable only by children, the nature and seriousness of the alleged offense, the circumstances surrounding the offense, and whether or not judicial action appears appropriate and reasonably likely to help.

(3) In cases of habitual disobedience and ungovernability, the specific acts of disobedience charged, the circumstances surrounding such acts, the reasonableness of the parental commands allegedly violated, the reasonableness of the respondent's actions in the light of prevailing community standards, whether or not there are non-judicial community services which might better serve the respondent's or the family's needs

without the filing of a petition, and whether or not judicial action appears appropriate and reasonably likely to help.