

CERTIFICATION OF JUVENILE FELONY CHARGE**Using This Form**

1. Copies
 - a. Original with court case file
 - b. Copies as determined by local practice.
2. Prepared by clerk or judge; signed by judge. Can be prepared by judge on the bench.
3. Attachments
 - a. Form DC-511, JUVENILE PETITION or warrant charging an offense which is to be considered pursuant to Virginia Code § 16.1-269.1(B) or (C), and any ancillary charges.
 - b. Notice of intent from attorney for the Commonwealth (not a court form) if proceeding pursuant to Virginia Code § 16.1-269.1(C).
 - c. Form DC-510, JUVENILE SUMMONS
4. Preparation details
 - a. This form is designed for use in the situations described in Virginia Code § 16.1-269.1(B) and (C) where the juvenile and domestic relations district court conducts a preliminary hearing to determine whether the charge should be certified to the grand jury of the circuit court of the jurisdiction.
 - b. "Ancillary charge" is defined in Virginia Code § 16.1-228 as "... any delinquent act committed by a juvenile as a part of the same act or transaction as, or which constitutes a part of a common scheme or plan with a delinquent act which would be a felony if committed by an adult." Ancillary charges to those set out in Virginia Code § 16.1-269.1(B) and (C) are also certified to the circuit court at the same time as the felony which triggers certification.
 - c. Data element No. 9: If the charge is reduced and the juvenile court retains jurisdiction, another hearing may be scheduled to dispose of the charge.
 - d. Data element No. 10: If the Commonwealth's Attorney withdraws notice of intent for certification, with the court's permission, he or she may seek transfer pursuant to Virginia Code § 16.1-269.1(A). Form DC-519, NOTICE OF TRANSFER HEARING would then be used.

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Data Elements

1. Court case number(s).
2. Court jurisdiction.
3. Style of case - name of juvenile accused.
4. Check appropriate boxes and indicate names of those present.
5. Check appropriate box indicating basis for proceeding.
6. Describe charge or charges - i.e., "malicious wounding in violation of Virginia Code § 18.2-51."
7. Check if notice required by Virginia Code § 16.1-289.1(C) has been given.
8. Check if, upon hearing the evidence, probable cause is found to believe that the juvenile committed the alleged felony. Add a description of any ancillary charges as defined in Virginia Code § 16.1-228.
9. Check if probable cause is not found on the alleged offense but probable cause exists that the juvenile committed a lesser-included offense(s). Enter a description of the lesser-included offense(s).
10. Check if appropriate, upon Commonwealth's Attorney's withdrawal of notice.
11. Check if probable cause is not found and case is dismissed.
12. Check if appropriate.
13. Check boxes appropriate to actions of the court, including remand to custody, release or bail amount. Enter information as to bail amount, name of detention facility or other order.
14. Date order signed by judge.
15. Judge's signature.

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VA. CODE ANN. § 16.1-269.1 B and C

CASE NO(S): 1

2

Juvenile and Domestic Relations District Court

In re: 3

Present: ☐ Juvenile ☐ Mother ☐ Father

4 ☐ Attorney for the juvenile ☐ Commonwealth's Attorney

The above-named juvenile is within the jurisdiction of this Court by reason of a verified petition or warrant filed against the juvenile, alleging the commission of an offense 5 ☐ as enumerated in Va. Code § 16.1-269.1(B) OR 5 ☐ as enumerated Va. Code § 16.1-269.1(C), namely:

6

7 ☐ If proceeding pursuant to § 16.1-269.1(C), notice of intent has been given by the Commonwealth's Attorney at least seven days prior to the preliminary hearing.

8 ☐ The Court finds from the evidence presented that the said juvenile was fourteen (14) years of age or older at the time of the alleged offense and that there is probable cause to believe that the juvenile committed the offense alleged in the petition or warrant. The said charge and the following ancillary charge(s): 8

are ORDERED certified to the grand jury of the Circuit Court of this jurisdiction.

9 ☐ The Court ORDERS the warrant or petition amended to charge the following lesser-included offense(s):

9

10 ☐ The Commonwealth's Attorney has elected to withdraw the notice of intent prior to certification, and may proceed pursuant to § 16.1-269.1(A).

11 ☐ The Court finds that the evidence is insufficient to establish probable cause to believe that the juvenile committed the alleged offense(s) and therefore the case is dismissed.

12 ☐ A nolle prosequi is ordered on the motion of the Commonwealth's Attorney.

12 ☐ The Court finds that the juvenile was not fourteen (14) years of age or older at the time of the alleged offense(s).

The Court further ORDERS that the juvenile be:

☐ Remanded to jail. ☐

☐ Released into the care and custody of the juvenile's parent(s), guardian, or person standing in loco parentis.

13 ☐ Bail is set in the amount of \$ ☐ Continued on bail in the amount of \$

☐ Detained in the detention facility.

14

DATE

15

JUDGE