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Honorable Phyllis S. Nesbit  
Judge of the District Court  
of Baldwin County  
Baldwin County Courthouse  
Bay Minette, Alabama 36507

## Juveniles - Sentences - Courts

1. A Juvenile Court may order a juvenile who has been found delinquent because of acts of vandalism in a school to clean up or repair the "mess".
2. Such order should only require acts within the ability of the juvenile to perform.
3. Supervision of clean up and repairs should be under the supervision of the probation officer and not a volunteer group.
4. Consent of the school authorities should be obtained.

Dear Judge Nesbit:

I have your inquiry dated January 13, 1983 as follows:

"As a District Court Judge sitting as the Judge of Juvenile Court in Baldwin County, I have been contacted by a Parent and Teacher Association in Fairhope, Alabama, concerning a problem which has arisen in the school.

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Juveniles have been causing considerable vandalism to the school facilities and the PTA wants to do something about it, and have contacted me concerning what I might do with a juvenile who has been found guilty in my court for an act of vandalism. They want the juvenile in question to be made to clean up or repair the mess they have made in the school.

"On the surface of this, it sounds like a good idea, but I have some questions that I am enclosing, and would appreciate a response and your answers so that I can tell the PTA if this will work."

The questions enclosed are:

"May a District Court Judge, sitting as the Juvenile Judge, after conviction, sentence juveniles to perform community service where the juvenile has been convicted of an offense against the community. As an example, may a Judge sentence a juvenile to clean, wash or repair damage or defacement to a public or private school building where the juvenile committed the offense?

"In addition, may the juvenile, who has been sentenced to perform community service, as stated in the example above, be supervised in his or her labor by a group of volunteer citizens?

"If the program outlined above is permissible are there any limitations as to the type of labor that would be permitted?"

In my opinion when the child in question has been found to be delinquent due to committing an act of vandalism in or about a school the Juvenile Court has broad powers to include in its order conditions requiring the juvenile to perform simple clean up and repair operations, within the ability of the juvenile.

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In my opinion such clean up or repair if ordered should be ordered under the supervision of the probation officer or parents and not under a group of volunteer citizens.

Such clean up or repair should only be ordered with consent of the school authorities.

You do not specifically describe the act of vandalism performed by this juvenile, nor the "mess" made at the school. For the purposes of this opinion it must be assumed that the act constituted a crime under the law of this state and is a sufficient basis to constitute a "delinquent act" under the provisions of Section 12-15-1, Code of Alabama, 1975.

If the Juvenile Court, in proper proceedings, under a petition filed finds that the child is delinquent, the court may under provisions of Section 12-15-71, Code of Alabama, 1975:

"(1) Permit the child to remain with his parents, guardian or other custodian, subject to such conditions and limitations as the court may prescribe;

(2) Place the child on probation under such conditions and limitations as the court may prescribe;

\* \* \* \* \*

(5) Make such other order as the court in its discretion should deem to be for the welfare and best interests of the child, including assessment of fines not to exceed \$250 and such restitution as the court deems appropriate."

In my opinion such statutes are broad enough to authorize the Juvenile Court to order this juvenile to clean up or repair the "mess" made by the juvenile at the school. See in the matter of Haynes v. State, 349 So.2d 1104.

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Such order in my opinion may be considered to direct restitution in kind and as a condition of probation.

Obviously any clean up, work or repair ordered should be within his power or ability to perform taking into consideration his age and talents.

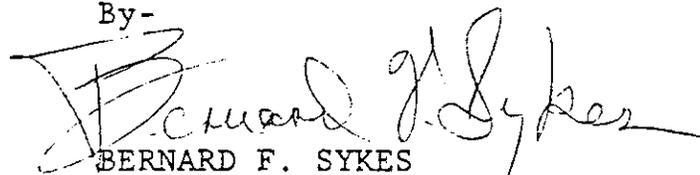
In my judgment the court should not designate a volunteer group of citizens as supervisors but should designate its own probation officer to perform such supervision.

Further, I do not think that such order should be made without consent of the school authorities. It may be that the school principal may prefer to have the "mess" cleaned up by professionals.

Very truly yours,

CHARLES A. GRADDICK  
ATTORNEY GENERAL

By-



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