

RULE 9.145 | APPEAL PROCEEDINGS IN JUVENILE DELINQUENCY CASES

(a) Applicability. Appeal proceedings in juvenile delinquency cases will be as in rule 9.140 except as modified by this rule.

(b) Appeals by Child. To the extent adversely affected, a child or any parent, legal guardian, or custodian of a child may appeal:

- (1) an order of adjudication of delinquency or withholding adjudication of delinquency, or any disposition order entered thereon;
- (2) orders entered after adjudication or withholding of adjudication of delinquency, including orders revoking or modifying the community control;
- (3) an illegal disposition; or
- (4) any other final order as provided by law.

(c) Appeals by the State.

- (1) Appeals Permitted. The state may appeal an order:
 - (A) dismissing a petition for delinquency or any part of it, if the order is entered before the commencement of an adjudicatory hearing;
 - (B) suppressing confessions, admissions, or evidence obtained by search or seizure before the adjudicatory hearing;
 - (C) granting a new adjudicatory hearing;
 - (D) arresting judgment;
 - (E) discharging a child under Florida Rule of Juvenile Procedure 8.090;
 - (F) ruling on a question of law if a child appeals an order of disposition;
 - (G) constituting an illegal disposition;
 - (H) discharging a child on habeas corpus; or
 - (I) finding a child incompetent pursuant to the Florida Rules of Juvenile Procedure.



(2) Nonfinal State Appeals. If the state appeals a pre-adjudicatory hearing order of the trial court, the notice of appeal must be filed within 15 days of rendition of the order to be reviewed and before commencement of the adjudicatory hearing.

(A) A child in detention whose case is stayed pending a state appeal must be released from detention pending the appeal if the child is charged with an offense that would be bailable if the child were charged as an adult, unless the lower tribunal for good cause stated in an order determines otherwise. The lower tribunal retains discretion to release from detention any child who is not otherwise entitled to release under the provisions of this rule.

(B) If a child has been found incompetent to proceed, any order staying the proceedings on a state appeal will have no effect on any order entered for the purpose of treatment.

(d) References to Child. The appeal must be entitled and docketed with the initials, but not the name, of the child and the court case number. All references to the child in briefs, other documents, and the decision of the court must be by initials. This subdivision does not apply to transcripts.

(e) Confidentiality. Filings will not be open to inspection except by the parties and their counsel, or as otherwise ordered, pursuant to Florida Rule of General Practice and Judicial Administration 2.420.

Committee Notes

1996 Adoption. Subdivision (c)(2) is intended to make clear that in non-final state appeals, the notice of appeal must be filed before commencement of the adjudicatory hearing. However, the notice of appeal must still be filed within 15 days of rendition of the order to be reviewed as provided by rule 9.140(c)(3). These two rules together provide that when an adjudicatory hearing occurs within 15 days or less of rendition of an order to be reviewed, the notice of appeal must be filed before commencement of the adjudicatory hearing. This rule is not intended to extend the 15 days allowed for filing the notice of appeal as provided by rule 9.140(c)(3).

Subdivision (d) requires the parties to use initials in all references to the child in all briefs and other papers filed in the court in furtherance of the appeal. It does not require the deletion of



the name of the child from pleadings or other papers transmitted to the court from the lower tribunal.

