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Juvenile Sanctions Act

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Amended by the following acts

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05.06.2002	RT I 2002, 53, 336	01.07.2002
12.06.2002	RT I 2002, 56, 350	01.09.2002
19.06.2002	RT I 2002, 61, 375	01.08.2002
20.06.2002	RT I 2002, 63, 389	29.07.2002
Consolidated text in paper version of RT I 2002, 82, 479		
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16.10.2002	RT I 2002, 90, 521	01.01.2003
12.02.2003	RT I 2003, 26, 156	21.03.2003
14.04.2004	RT I 2004, 30, 206	07.05.2004
19.05.2004	RT I 2004, 46, 329	01.07.2004
08.12.2004	RT I 2004, 89, 603	01.01.2005
26.01.2006	RT I 2006, 7, 42	04.02.2006
15.11.2006	RT I 2006, 55, 405	01.01.2007
18.11.2009	RT I 2009, 60, 395	01.07.2010
09.06.2010	RT I 2010, 41, 240	01.09.2010
19.06.2014	RT I, 29.06.2014, 109	01.07.2014, official titles of ministers replaced on the basis of subsection 107 ³ (4) of the Government of the Republic Act since the wording in force as of 1 July 2014.
19.11.2014	RT I, 13.12.2014, 2	01.01.2016
09.12.2015	RT I, 30.12.2015, 5	01.01.2016

Chapter 1 GENERAL PROVISIONS

§ 1. Scope of application of Act

(1) This Act provides sanctions applicable to minors and the competence of juvenile committees.

(2) This Act applies to a minor:

- 1) who, at less than 14 years of age, commits an unlawful act corresponding to the necessary elements of a criminal offence prescribed by the Penal Code;
- 2) who, at less than 14 years of age, commits an unlawful act corresponding to the necessary elements of a misdemeanour prescribed by the Penal Code or another Act;
- 3) who, between 14 and 18 years of age, commits a criminal offence prescribed by the Penal Code, although a prosecutor or court finds that the person can be influenced without the imposition of a punishment or the application of a sanction prescribed in § 87 of the Penal Code and criminal proceedings with respect to him or her have been terminated;

4) who, between 14 and 18 years of age, commits a misdemeanour prescribed by the Penal Code or another Act, although a body conducting extra-judicial proceedings finds that the person can be influenced without the imposition of a punishment or a court finds that the person can be influenced without the imposition of a punishment or the application of a sanction prescribed in § 87 of the Penal Code and misdemeanour proceedings with respect to him or her have been terminated.

(3) This Act also applies to minors who:

1) are subject to the duty to attend school but have not been enrolled in any school or have been absent from more than 20 per cent of the lessons during a quarter of the academic year without good reason;

[RT I 2010, 41, 240 – entry into force 01.09.2010]

2) consume alcoholic beverages, narcotic or psychotropic substances.

(4) The provisions of the Administrative Procedure Act apply to administrative proceedings prescribed in this Act, taking account of the specifications provided for in this Act.

[RT I 2003, 26, 156 – entry into force 21.03.2003]

§ 2. Minor

For the purposes of this Act, a minor is a person between seven and eighteen years of age.

[RT I 2002, 53, 336 – entry into force 01.07.2002]

Chapter 2 SANCTIONS. IMPOSITIONS THEREOF AND SUPERVISION

§ 3. Sanctions

(1) One or several of the following sanctions may be imposed on a minor:

1) warning;

2) sanctions concerning organisation of study;

3) referral to a psychologist, addiction specialist, social worker or other specialist for consultation;

4) conciliation;

5) an obligation to live with a parent, foster-parent, guardian or in a family with a caregiver or in a substitute home;

[RT I 2006, 55, 405 – entry into force 01.01.2007]

6) community service;

7) surety;

8) participation in youth or social programmes or social rehabilitation service provided for in subsection 56 (3) of the Social Welfare Act or in medical treatment;

[RT I, 30.12.2015, 5 – entry into force 01.01.2016]

9) sending to school for pupils who need special treatment due to behavioural problems.

(2) The following may be imposed on a minor:

1) warning, referral to a psychologist, addiction specialist, social worker or other specialist for consultation, conciliation, obligation to live with a parent, foster-parent or guardian or in a substitute home, surety, participation in youth or social programmes or social rehabilitation service provided for in subsection 56 (3) of the Social Welfare Act in the cases provided for in subsections 1 (2) and (3) of this Act;

[RT I, 30.12.2015, 5 – entry into force 01.01.2016]

2) community service in the cases provided for in subsections 1 (2) and (3) of this Act;

3) sanctions concerning organisation of study in the cases provided for in clause 1 (3) 1) of this Act;

4) referral to medical treatment in the cases provided for in clause 1 (3) 2) of this Act;

5) sending to a school for pupils who need special treatment due to behavioural problems in the cases provided for in subsection 1 (2) of this Act in accordance with § 6 of this Act.

§ 4. Sanctions concerning organisation of study

(1) Juvenile committees may impose the following sanctions concerning the organisation of study to pupils acquiring basic education in accordance with the Basic Schools and Upper Secondary Schools Act:

1) transfer of the pupil to a class for pupils with behavioural problems;

2) transfer to long day groups.

(2) Before the hearing of a juvenile offence matter in a juvenile committee, the secretary of the committee shall ascertain which disciplinary measures have been applied with regard to the minor at school.

[RT I 2010, 41, 240 – entry into force 01.09.2010]

§ 5. Community service

(1) Minors shall perform community service of ten to fifty hours only with their consent and while they are not engaged in work or studies.

(2) Community service of up to ten hours may be imposed on minors under 13 years of age.

§ 6. Sending to school for pupils who need special treatment due to behavioural problems

(1) A school for pupils who need special treatment due to behavioural problems is a school formed on the basis of the Basic Schools and Upper Secondary Schools Act where pupils are sent on the application of juvenile committees on the basis of a court ruling.

(2) A juvenile committee has the right to apply for a court to send a minor to a school for pupils who need special treatment due to behavioural problems if the minor has committed an act provided for in subsection 1 (2) of this Act, and the sanctions applied therefor have not yielded any results, and if the minor is sent to the school for pupils who need special treatment due to behavioural problems in the interests of disciplinary supervision over him or her.

(3) A juvenile committee may apply for a court to permit to send a minor who is of 12 years of age or older to a school for pupils who need special treatment due to behavioural problems. As an exception, a permit for sending to a school for pupils who need special treatment due to behavioural problems may also be applied for if the minor is of at least 10 years of age and has committed an act provided for in clause 1 (2) 1) of this Act.

(4) A minor is placed in a school for pupils who need special treatment due to behavioural problems for up to two years. Upon determining the term, the end of the academic year shall be taken into consideration.

[RT I 2004, 46, 329 – entry into force 01.07.2004]

§ 6¹. Special treatment due to behavioural problems at schools for pupils who need special treatment due to behavioural problems

(1) Pupils of the schools for pupils who need special treatment due to behavioural problems shall not hold items and substances listed in a regulation approved by of the Government of the Republic.

(2) The director of a school for pupils who need special treatment due to behavioural problems or a person authorised by the director has the right to open postal and other consignments sent to a pupil in the presence of the pupil.

(3) The director of a school for pupils who need special treatment due to behavioural problems or a person authorised by the director has the right to confiscate items and substances indicated in the list specified in subsection (1) of this section from a pupil in the presence of the pupil.

(4) The director of a school for pupils who need special treatment due to behavioural problems or a person authorised by the director do not have the right to examine the contents of a pupil's correspondence and messages forwarded by telephone or other public communication channels.

(5) The director of a school for pupils who need special treatment due to behavioural problems or a person authorised by the director shall immediately prepare a report concerning confiscation of items and substances indicated in the list specified in subsection (1) of this section which shall set out:

- 1) the time and place of preparation of the report;
- 2) the given name and surname of the person who prepares the report;
- 3) the given name and surname of the pupil from whom the items and substances were confiscated;
- 4) a list of confiscated items and substances;
- 5) signatures of the pupil and the person who prepared the report.

(6) The items and substances indicated in the list specified in subsection (1) of this section which are confiscated from a pupil shall be given to the legal representative of the pupil against a signature, the person who sent the postal or other consignment or shall be destroyed pursuant to the procedure provided by law concerning which a corresponding notice shall be made in the report specified in subsection (5) of this section.

(7) For the exercise of constant disciplinary supervision, pupils are prohibited from leaving the territory of a school for pupils who need special treatment due to behavioural problems, except in the cases provided for in the statutes of the school.

§ 6². Isolation room at schools for pupils who need special treatment due to behavioural problems

(1) A pupil of a school for pupils who need special treatment due to behavioural problems may be placed in an isolation room to calm down, however not for longer than twenty-four hours. The director of a school for pupils who need special treatment due to behavioural problems or a person authorised by the director shall immediately prepare a reasoned directive concerning the placing of a pupil in isolation and the director of a school for pupils who need special treatment due to behavioural problems or a person authorised by the director shall notify the pupil thereof against a signature on the date on which the directive is prepared.

(2) A pupil may be placed in an isolation room if there is an immediate danger of bodily harm to themselves or violence toward other persons and verbal appealing has been insufficient.

(3) A registration journal shall be kept concerning the placing in the isolation room which shall set out the following information:

- 1) given name and surname of the pupil;
- 2) reason for placing in the isolation room;
- 3) the starting time of placing in the isolation room;
- 4) the end of the time of placing in the isolation room;
- 5) the given name and surname of the employee of the school under whose supervision the pupil stays in the isolation room;
- 6) a physician's notice concerning the pupil's state of health;
- 7) a list of items confiscated from the pupil;
- 8) information concerning the consultations and meetings specified in clauses (9) 1) and 2) of this section;
- 9) information concerning the consultation specified in subsection (10) of this section and the result thereof.

(4) The director of a school or a person authorised by the director shall inform the parent, guardian or caregiver of the placing of a pupil in the isolation room immediately after the issue of the directive specified in subsection (1) of this section.

(5) Health protection and safety requirements set for the furnishings of isolation rooms and for the goods required to meet the immediate needs of a pupil shall be established by a regulation of the minister responsible for the area.

(6) All items which the pupil may use to endanger his or her life and health shall be confiscated from the pupil who is placed in the isolation room.

(7) A pupil who is placed in the isolation room must be under the constant supervision of an employee of the school.

(8) Pupils who have become ill shall not be placed in the isolation room. If a pupil becomes ill during his or her stay in the isolation room, the pupil shall be transferred in medical isolation facilities.

(9) A pupil who is placed in the isolation room has the right to:

- 1) converse with the school psychologist or the director of the school or a person authorised by the director;
- 2) meet with a parent, guardian or caregiver;
- 3) read literature;
- 4) leave the isolation room if accompanied by an employee of the school.

(10) After the end of the time of the pupil's stay in the isolation room, the school psychologist, the director of the school or a person authorised by the director shall converse with the pupil to identify the reasons of the pupil's behaviour which caused the pupil to be placed in the isolation room, and take the results of the conversation into account in the process of the pupil's education in the future.

[RT I 2002, 61, 375 – entry into force 01.08.2002]

§ 6³. Filing of challenges

(1) If a pupil or his or her legal representative believes that his or her rights provided for in an Act or legislation established on the basis thereof have been violated or his or her freedoms restricted, the pupil or his or her legal representative has the right to file a challenge with the minister responsible for the area or a county governor.

(2) The decision on the challenge shall be sent to the director of the school by post.

[RT I 2002, 90, 521 – entry into force 01.01.2003]

§ 7. Purpose and choice of sanction

(1) The purpose of a sanction is to provide assistance in the re-socialisation of a juvenile offender and to prevent him or her from committing offences in the future.

(2) In choosing a sanction prescribed in this Act, a juvenile committee shall take into account the personality of the offender, the gravity of the committed offence and the efficiency of earlier sanctions imposed on the offender.

(3) Upon imposition of a sanction, a juvenile committee shall take into account the opinions of the representative of the minor, the social worker, representative of the educational institution and the police officer and the consent of the minor to accept obligations voluntarily.

(4) In choosing a sanction, a juvenile committee may:

- 1) combine a sanction prescribed in clause 3 (1) 1) of this Act with all other sanctions, except sending to a school for pupils who need special treatment due to behavioural problems;
- 2) combine several sanctions from among sanctions prescribed in clauses 3 (1) 2)-8) of this Act and impose these together on the basis of one resolution.

§ 8. Authorities exercising supervision

(1) The secretary of a juvenile committee which adopts a resolution shall, together with an authority enforcing a sanction, exercise supervision over the performance of obligations arising from the imposition of the sanction.

(2) Pursuant to the list of sanctions set out in subsection 3 (1) of this Act, sanctions are imposed by:

- 1) a juvenile committee;
- 2) a representative of a school;
- 3) a corresponding specialist;
- 4) a conciliator designated by a juvenile committee;
- 5) a child protection official designated by a juvenile committee;
- 6) a social worker designated by a juvenile committee;
- 7) a surety;
- 8) a youth worker of a county government;
- 9) the director of a school for pupils who need special treatment due to behavioural problems.

§ 9. Exercise of supervision

(1) An authority enforcing a sanction is required to provide information, at least once per quarter, to the secretary of a juvenile committee information on the basis of which the secretary shall report to the juvenile committee on the efficiency of imposition of the sanction.

(2) If a report shows that a minor does not perform the obligations arising from a sanction imposed on him or her, a juvenile committee shall impose a new sanction.

§ 10. Premature termination of sanction

(1) According to competence provided for in § 13 of this Act, a juvenile committee shall adopt a resolution on termination of application of a sanction prematurely, except release from a school for pupils who need special treatment due to behavioural problems, on the proposal of the authority enforcing the sanction or a social worker of the residence of the minor.

(2) Premature release from a school for pupils who need special treatment due to behavioural problems shall be carried out pursuant to the procedure provided for in the Code of Criminal Procedure.
[RT I 2006, 7, 42 – entry into force 04.02.2006]

Chapter 3 JUVENILE COMMITTEE

§ 11. Formation of juvenile committees

(1) A juvenile committee shall be formed in a county by an order of the county governor.

(2) A local government may form a city or rural municipality juvenile committee with the approval of the county juvenile committee.

(3) A city district government may form a city district juvenile committee with the approval of the city government.

§ 12. Membership of juvenile committees

(1) A juvenile committee shall comprise seven members. The secretary of a juvenile committee shall organise the administration of the juvenile committee.

(2) A county governor shall approve the members of a juvenile committee formed within the county government. The committee shall comprise persons with practical experience in the areas of education, social welfare and health care, a police officer, a probation officer and a staff employee of the county government who is the secretary of the juvenile committee.

(3) A city mayor or rural municipality mayor shall appoint the members of a juvenile committee formed within the city or rural municipality government. The committee shall comprise persons with experience in education, social welfare and health care, representatives of the police and local government council, and the secretary of the juvenile committee.

(4) A city district elder shall appoint the members of a juvenile committee formed within the city district government. The committee shall comprise persons with experience in education, social welfare and health

care, representatives of the police and local government administrative council, and the secretary of the juvenile committee.

(5) A juvenile committee shall elect a chairman and a deputy chairman from among its members. In the absence of the chairman, the deputy chairman shall perform the duties of the chairman.

(6) A member of a juvenile committee is prohibited from disclosing sensitive personal data concerning minors which have become known to the member in the performance of his or her functions.

§ 13. Competence of juvenile committees

(1) A county juvenile committee shall hear a juvenile offence matter if there is no corresponding local government committee. A city juvenile committee shall hear a juvenile offence matter if there is no city district juvenile committee.

(2) A juvenile committee co-ordinates work in the field of crime prevention carried out with minors within its administrative territory.

(3) After having heard a juvenile offence matter, a juvenile committee shall impose sanctions prescribed in clauses 3 (1) 1)-8) of this Act on the minor, or apply for a permit from a city or county court for imposition of a sanction prescribed in clause 3 (1) 9) of this Act.

§ 13¹. Financing

(1) The following costs relating to juvenile committees formed at county governments shall be financed from the state budget:

- 1) remuneration of the secretary;
- 2) management costs.

(2) Subsidies may be prescribed in the state budget for covering costs incurred by county governments in the application of sanctions on the basis of development plans for crime prevention.

Chapter 4 HEARING JUVENILE OFFENCE MATTERS IN JUVENILE COMMITTEES

§ 14. Application for juvenile offence matter to be heard

(1) The following may submit applications for juvenile offence matters to be heard in juvenile committees:

- 1) legal representatives of minors;
- 2) police officers;
- 3) authorised representatives of the rural municipality or city government of the minor's residence;
[RT I 2010, 41, 240 – entry into force 01.09.2010]
- 4) child protection officials;
- 5) social workers;
- 6) judges;
- 7) [Repealed - RT I 2001, 50, 288 – entry into force 01.07.2001]
- 8) prosecutors;
- 9) officials of environmental supervision agencies.

(2) An application for a juvenile offence matter to be heard together with an assessment concerning the minor by his or her school or place of employment and an opinion by a social worker concerning his or her family shall be submitted to the juvenile committee of the minor's residence.

(3) An application shall be submitted in writing and shall set out the following:

- 1) the minor's given name, surname, personal identification code or date of birth, permanent residence, educational institution or place of employment;
- 2) the fact of offence;
- 3) the name, postal address, place of employment and position of the person who submits the application.

(4) A juvenile committee hears a juvenile offence matter within thirty days after the receipt of the corresponding application or adjourns the hearing in accordance with § 17 of this Act.

(5) [Repealed - RT I 2002, 61, 375 – entry into force 01.08.2002]

§ 15. Preparation of hearing of juvenile offence matter

(1) In preparing for the hearing of a juvenile offence matter, the secretary of a juvenile committee shall require the educational institution, the minor or his or her legal representative or other persons to submit the necessary documents concerning the minor and the act committed by him or her.

(2) The chairman of a juvenile committee shall determine the time and place of the hearing of a juvenile offence matter and the persons whose participation in the hearing is necessary.

(3) The secretary of a juvenile committee shall send a written summons to persons specified in subsection (2) of this section which sets out the time and place of the hearing of the juvenile offence matter.

(4) A summons sent to a minor and his or her legal representative shall set out the possibility of compelled attendance arising from § 18 of this Act.

§ 16. Quorum of juvenile committee

A juvenile committee has a quorum if the chairman or deputy chairman of the juvenile committee and at least three members of the juvenile committee participate in the hearing.

§ 17. Adjournment of hearing of juvenile offence matters

(1) A juvenile committee shall adjourn the hearing of a juvenile offence matter if the minor or his or her representative or persons specified in subsection 15 (2) of this Act fail to appear at the hearing of a juvenile committee or if deficiencies exist in the application.

(2) The secretary of a juvenile committee shall ascertain the reasons for absence of the persons who failed to appear at the hearing and, if necessary, shall take measures to ensure appearance of the persons at the next hearing.

(3) The hearing of a juvenile offence matter shall not be adjourned for more than thirty days after the making of a corresponding decision.

(4) Upon the expiry of the term specified in subsection (3) of this section, a juvenile committee shall terminate the hearing of the juvenile offence matter pursuant to clause 25 6) of this Act.
[RT I 2002, 61, 375 – entry into force 01.08.2002]

§ 17¹. Organisation of hearing of juvenile offence matter upon change of his or her place of residence

(1) If after the submission of the application, a minor settles in the territorial jurisdiction of another juvenile committee, the juvenile committee which started the hearing of the juvenile offence matter shall complete the adjudication of the juvenile offence matter.

(2) If the place of residence of a minor changes after the submission of the application and new place of residence is not known to the juvenile committee, the juvenile committee shall adjourn the hearing of the juvenile offence matter.

(3) In the case specified in subsection (2) of this section, a juvenile committee is required to take measures to ascertain the place of residence of the minor.

(4) If the juvenile committee has done everything in its power to ascertain the minor's place residence and after one month of the change of the place of residence of the minor, the committee has not succeeded in ascertaining the place of residence, the juvenile committee shall terminate the hearing of the juvenile offence matter pursuant to clause 25 7) of this Act.

(5) If a minor settles in a foreign state after the submission of the application, the juvenile committee shall terminate the hearing of the minor's juvenile offence matter pursuant to clause 25 8) of this Act.

§ 18. Compelled attendance of minor at hearing of juvenile committee

(1) If a minor who is ordered to appear at a hearing of a juvenile committee fails to appear without good reason, compelled attendance may be enforced on the basis of a resolution of the juvenile committee.

(2) At the respective applications of a minor or his or her legal representative and the juvenile committee's consent, juvenile committee shall deem illness, general breakdown of transportation systems or other reason to be a good reason for failure to appear.

(3) Compelled attendance of a minor shall be enforced by the police. The minor shall be informed of the reason for compelled attendance, explained his or her rights and granted the opportunity to notify at least one person close to and chosen by him or her of the compelled attendance.

(4) A minor who is staying in the same district as the juvenile committee may be detained for up to eighteen hours prior to the commencement of a hearing. Upon the compelled attendance of a minor who stays in another district, the term for detention shall not exceed forty-eight hours.

§ 19. Hearings of juvenile committees

- (1) Hearings of juvenile committees shall be closed.
- (2) A hearing shall be chaired by the chairman of a juvenile committee, and, in his or her absence, by the deputy chairman.
- (3) A juvenile committee shall review the material collected concerning a juvenile offence matter, shall hear the testimony of the minor and his or her legal representative and, if there are victims or witnesses, their testimony if possible.
- (4) A minor, his or her representative and a person who has submitted an application for a juvenile offence matter to be heard or a representative of the institution having submitted an application shall be present at the hearing of the juvenile committee.
- (5) The judge or prosecutor who has submitted an application for the hearing of the juvenile offence matter attends the hearings of a juvenile committee at his or her discretion.

§ 20. Rights and obligations of juvenile committees

- (1) A juvenile committee has the right to:
 - 1) require explanations and necessary materials from persons who may have relevant information concerning the minor and the offence committed by him or her;
 - 2) in the interests of the minor, temporarily remove the minor or his or her legal representative from the hearing of the matter;
 - 3) make a proposal to the rural municipality or city government of a minor's residence for separation of the minor from family;
[RT I 2009, 60, 395 – entry into force 01.07.2010]
 - 4) approve an application of a minor for appointment of a representative pursuant to subsection 21 (3) of this Act;
 - 5) appoint a representative for a minor if his or her legal representative or a representative applied for by the minor is unable to defend his or her interests or if the interests of his or her representative are not in accordance with the interests of the minor. The representative shall approve his or her consent to represent a minor by a signature;
 - 6) adopt a resolution on compelled attendance of a minor pursuant § 18 of this Act.
- (2) A juvenile committee is required:
 - 1) at the beginning of the hearing and against a signature, to explain to a minor and his or her representative their rights and obligations;
 - 2) to send a summons to the persons specified in subsection 15 (4) of this Act by registered letter at least one week before the hearing of a juvenile committee is held;
[RT I 2002, 61, 375 – entry into force 01.08.2002]
 - 3) to adopt a resolution not later than three days after hearing pursuant to § 23 of this Act;
 - 4) to adopt a resolution on informing the place of employment or educational institution of a minor of the resolution of the juvenile committee with the knowledge of the minor.

§ 21. Rights and obligations of minor and his or her representative

- (1) At the hearing of a juvenile offence matter in a juvenile committee, a minor and his or her representative have the right to:
 - 1) know which offence matter is to be heard;
 - 2) know on the basis of which materials the offence matter is heard and examine the collected materials;
 - 3) participate in the hearing of the juvenile offence matter, except in the case provided for in clause 20 (1) 2) of this Act;
 - 4) receive information concerning the consequences of giving testimony;
 - 5) receive information concerning possible sanctions applicable to the minor.
- (2) A representative of a minor has the right to make relevant requests and protests.
- (3) If the interests of the legal representative of a minor are in conflict with the interests of the minor, the minor has the right to apply for the designation of a new representative.
- (4) At the hearing of a matter in a juvenile committee, a representative of a minor is required to:
 - 1) provide relevant information to the minor;
 - 2) explain to the minor the consequences of his or her testimony;
 - 3) make the testimony and requests of the minor understandable and to submit these to the juvenile committee based on the interests of the minor.
- (5) Upon receipt of a summons, a minor and his or her representative are required to appear before a juvenile committee for the juvenile offence matter to be heard.

§ 22. Minutes of hearing of juvenile committee

(1) Minutes of a hearing of a juvenile committee shall be taken. The minutes shall set out:

- 1) the time and place of the hearing and the names of persons who participated in the hearing;
- 2) that the rights of the minor and his or her representative have been explained to them;
- 3) the content of the testimony of the minor and his or her representative, their requests and protests;
- 4) the content of the testimony of a witness or victim, upon existence thereof;
- 5) proposals and opinions of the members of the juvenile committee.

(2) The secretary of a juvenile committee shall prepare the minutes. The minutes shall be signed by the chairman or deputy chairman who chaired the hearing of the juvenile committee and the secretary.

Chapter 5 RESOLUTION OF JUVENILE COMMITTEE

§ 23. Adoption of resolution of juvenile committee

(1) A juvenile committee shall adopt a resolution at a hearing of the committee after the termination of the hearing of the juvenile offence matter or not later than three days after the hearing if adoption of the resolution requires more time.

(2) If a resolution is not adopted after the termination of the hearing of a juvenile offence matter, the person who chaired the hearing of the juvenile committee shall give notice when and where the resolution is communicated.

(3) A juvenile committee shall adopt a resolution by a simple majority of the members of the juvenile committee participating in the hearing. Upon equal division of votes, the vote of the chairman of the juvenile committee prevails; in the absence of the chairman, the vote of the deputy chairman prevails. Only members of the juvenile committee and the secretary may be present in the chambers during deliberations.

§ 24. Resolution of juvenile committee

(1) A resolution of a juvenile committee shall:

- 1) impose a sanction;
- 2) adjourn the hearing of a matter pursuant to § 17 of this Act or
- 3) terminate proceedings of a matter pursuant to § 25 of this Act;
- 4) conduct compelled attendance pursuant to § 18 of this Act.

(2) A resolution of a juvenile committee shall set out:

- 1) the place and date on which the resolution is made;
- 2) the given names and surnames of members of the juvenile committee who participated in the hearing;
- 3) the minor's given name, surname, date and place of birth, permanent residence, and educational institution or place of employment;
- 4) the given name and surname of the person who submitted the application;
- 5) the content of the application;
- 6) the reasoning part of the resolution;
- 7) in case a sanction is imposed, the authority enforcing the sanction, the time of and procedure and conditions for enforcing the sanction;
- 8) the procedure and term for contesting the resolution.

(3) A resolution of a juvenile committee shall be signed by the chairman or deputy chairman who chaired the hearing of the juvenile committee and the secretary.

(4) A resolution of a juvenile committee shall be signed by the person who directed the work of the committee and shall be communicated by post to the minor and his or her representative against a signature and to the authority enforcing a sanction.

[RT I 2002, 61, 375 – entry into force 01.08.2002]

§ 25. Bases for termination of hearings of juvenile offence matters

Hearings of a juvenile offence matter shall be terminated:

- 1) if the juvenile offence matter being heard falls within the jurisdiction of a court;
- 2) if the person who submitted the application withdraws the application for the juvenile offence matter to be heard and the juvenile committee consents thereto;
- 3) if the person who submitted the application and the minor reach an agreement before the juvenile offence matter is heard and the juvenile committee accepts the agreement;

- 4) if the application is based on false information;
 - 5) upon death of the minor whose offence matter is heard;
 - 6) if the juvenile committee has adjourned the hearing of the juvenile offence matter for up to thirty days and by such time all information and documents specified in subsections 14 (2) and (3) of this Act have not been submitted to the juvenile committee;
 - 7) if the place of residence of the minor is unknown to the juvenile committee;
 - 8) if the minor settles in a foreign state.
- [RT I 2002, 61, 375 – entry into force 01.08.2002]

§ 26. Challenging of resolution of juvenile committee

A challenge against the imposition of sanctions specified in clauses 3 (1) 1)-8) of this Act and acts and resolutions of juvenile committees may be filed with the county governor.

[RT I 2002, 61, 375 – entry into force 01.08.2002]

§ 27. Entry into force of resolution of juvenile committee

A resolution of a juvenile committee shall enter into force as of the date following the date on which the term of appeal against the resolution expires.

Chapter 6 FINAL PROVISIONS

§ 28. [Omitted from this text.]

§ 29. Implementing provisions

- (1) The statutes of juvenile committees shall be approved by the Government of the Republic.
 - (2) The procedure for referral to consultation to a person designated by a juvenile committee, sending to school for pupils who need special treatment due to behavioural problems and participation in youth programmes shall be established by the minister responsible for the area.
 - (3) The Government of the Republic or a minister designated by the government establishes the procedure for surety, procedure for application of the obligation to live with a parent, foster-parent, guardian or in a family with a caregiver or in a substitute home, procedure for conciliation, procedure for application of the obligation to participate in social programmes or medical treatment, performance of community service and a list of medical contra-indications upon the existence of which minors are not sent to a school for pupils who need special treatment due to behavioural problems.
- [RT I 2006, 55, 405 – entry into force 01.01.2007]
- (4) [Repealed - RT I 2001, 50, 288 – entry into force 01.07.2001]
 - (5) The list of community services shall be approved by the Government of the Republic.
 - (6) Legislation necessary for the implementation of this Act shall be approved by the date of entry into force of this Act.
- (6¹) The isolation rooms specified in § 6² of this Act shall be brought into compliance with the requirements established by a regulation of the Minister of Social Affairs no later than by 1 July 2002.

§ 30. Entry into force of Act

- (1) This Act enters into force on 1 September 1998.
- (2) The amendment to the Child Protection Act provided for in § 28 of this Act enters into force on the tenth day after publication of the Act in the *Riigi Teataja*.