

Judicial Inquiry Commission

800 SOUTH MCDONOUGH STREET
SUITE 201
MONTGOMERY, ALABAMA 36104

April 3, 1990

The Judicial Inquiry Commission has considered your request for an advisory opinion concerning whether under the Alabama Canons of Judicial Ethics a juvenile court judge may participate in an informal adjustment process in truancy cases if the Supreme Court of Alabama adopts amendments to the Alabama Rules of Juvenile Procedure providing for an informal adjustment process as an alternative to formal proceedings within the court's jurisdiction and further providing for the participation of the judge in that process. The proposed amendments would provide that, within the court's jurisdiction, complaints against a juvenile may proceed through the juvenile court system either formally by the filing of a petition or informally by utilizing an informal adjustment process. Rule 15, concerning informal adjustment, would also be amended to specifically provide that the juvenile court judge is an appropriate person to participate in the informal adjustment process.

It is the opinion of the Commission that if the proposed amendments are adopted, the Canons of Judicial Ethics would not prohibit the judge's participation in the informal adjustment process.

Amended Rule 15 of the Alabama Rules of Juvenile Procedure would provide that the judge could participate in "counseling and advising the child and his parents or custodian ... in the informal adjustment process. Therefore, such counseling and advice would fall within the judge's judicial duties governed by Canon 3 of the Alabama Canons of Judicial Ethics. A judge should be ever mindful of the provisions of that Canon when participating in this process paying particular attention to Canon 3C concerning disqualification.

Sincerely,

JUDICIAL INQUIRY COMMISSION