

218/2003 Coll.,

ACT

dated June 25, 2003

Concerning Youth Responsibility for Unlawful Acts and Justiciary in Suits of Youth and Amendments to Some Acts
(Act on Justiciary in Suits of Youth)

The Parliament decided on the following Act of the Czech Republic:

PART ONE

RESPONSIBILITY OF YOUTH FOR UNLAWFUL ACTS AND JUSTICIARY IN THE SUITS OF YOUTH

TITLE I

GENERAL PROVISIONS

Article 1

Purpose of Act and Its Relation to Other Acts

- (1) This Act governs conditions of youth responsibility for unlawful acts as stated in the Criminal Act, measures imposed upon such unlawful acts, procedure, decisions and administration of justice in the suits of youth.
- (2) By hearing of unlawful actions committed by children under fifteen years of age and juveniles it is pursued that such measures shall be used for a person who committed such an action that shall effectively contribute to the fact that he/she shall further abstain from any unlawful action and find such a social position that corresponds to his/her abilities and intellectual development and shall contribute as to his/her powers and abilities to the compensation of the harm incurred by his/her unlawful action; the proceedings must be conducted in such a way that it shall contribute to precede and prevent commitment of such unlawful actions.
- (3) Unless in this Act stated otherwise, general legislation shall apply to a person who to the day of the action commission had not exceeded the age of eighteen.1)

1) Criminal Act.

Criminal Procedure Act.

Civil Procedure Code.

Act No 94/1963 Coll., Family Act, as amended.

Act No 359/1999 Coll., Social Rights and Protection of Children, as amended.

Article 2

Definitions

Pursuant to this Act it shall be understood by:

- a) “unlawful action” a wrongdoing, a criminal action or an offence otherwise punishable,
- b) “youth” children under fifteen years of age and juveniles,
- c) “child under fifteen years of age” a person who, to the date of committing a criminal offence otherwise punishable, has not completed the age of fifteen,
- d) “juvenile” a person who to the date of committing a wrongdoing has completed the age of fifteen, however he/she has not completed the age of eighteen yet,

- e) “measures” a corrective measure (Articles 15 to 20), protective measures (Articles 21 to 23) and criminal measures (Articles 24 to 35); adequate restrictions and adequate duties in the sense of the Criminal Act and Criminal Procedure Code that substitute the corrective measure,
- f) “bodies functioning pursuant to the Act” bodies of police, Prosecuting Attorneys and courts for youth, 2)
- g) “Court for Youth” a special senate or in cases stated in the Act a chairman of such a senate or a single judge of the competent District Court, Regional Court, High Court and Supreme Court,
- h) “general court” another senate or a single judge of the same court or another court that does not debate unlawful acts of youth.

2) Criminal Code, Articles 12 (1) to (5).

Article 3

Basic Principles

- (1) In accordance with this Act no one can be sanctioned for an action that was not criminal pursuant to the Act when having been committed, and only this Act in relation to the Criminal Act states which conduct shall be a wrongdoing, and sanctions and the way of their impositions that aim particularly towards restoration of violated social relations, integration of a child under fifteen years of age or a juvenile in a family and social environment and prevention of unlawful actions.
- (2) Criminal measures can be used only if special ways of procedure and measures, particularly those that restore violated social relations and contribute to prevent any unlawful actions, would not probably result in reaching the purpose of this Act.
- (3) Measures imposed pursuant to the Act shall take into account the personality of the person on whom they have been imposed, including his/her age and intellectual and ethical development level, his/her state of health, and his/her personal, familial and social conditions, and it must correspond to the nature and level of dangerousness of the committed crime. Political, national, social or religious inclination of the juvenile or the child under fifteen years of age, of his/her family or the family in which he/she lives or the way of the education of the juvenile or the child under fifteen years of age cannot be a ground to impose measures pursuant to the Act.
- (4) The proceedings pursuant to the Act must proceed with regard to the age, state of health, intellectual and ethical development level of the person against whom it is conducted so that his/her future development is effected as little as possible and the heard actions and their reasons and circumstances that allowed them are properly solved and the responsibility for their commitment pursuant to the Act is drawn. The proceedings are to be conducted in such a way that it assists in prevention of other unlawful actions. Bodies functioning pursuant to the Act shall cooperate with the relevant body for the social and legal protection of children.
- (5) Personal data of the person against whom the proceedings is conducted and his/her privacy shall be protected within the proceedings pursuant to the Act, so that each such person is protected against harmful effects, on adhering to the principle that the person is deemed innocent till his/her guilt is proven by the law.
- (6) Each child under fifteen years of age or a juvenile, unless this Act stipulates otherwise, has the right to have his/her action heard immediately and within the adequate term before the Court for Youth.
- (7) Proceedings pursuant to the Act must aim to the situation that the injured achieves compensation for the damage caused by the unlawful action or he/she is relevantly satisfied in another way.
- (8) Judges, Prosecuting Attorneys, members of police bodies and officers of the Probation and Mediation Service active in the criminal suits concerning youth must have special preparation for treating youth.

Article 4

Exercising Justiciary in Suits of Youth

Justiciary in the suits of juveniles and in the suits of judging actions otherwise punishable committed by children under fifteen years of age shall be exercised by the Court for Youth.

TITLE II

JUVENILES

Section 1

Criminal Responsibility of Juveniles

Article 5

Responsibility of Juvenile

- (1) A juvenile who in the time of committing the action did not reach such a level of intellectual and ethical development to be able to recognize its dangerousness for the society or to control his/her conduct shall not be criminally liable for this action.
- (2) Should a juvenile given in paragraph 1 committed an action otherwise punishable or if he/she is not criminally liable for other legal reasons, procedures and measures applied pursuant to the Act for children under fifteen years of age can be applied against him/her.

Article 6

Wrongdoing

- (1) A crime 3) committed by a juvenile is called a wrongdoing.
- (2) An act the elements of which are stated in the Criminal Act shall not be a wrongdoing if it has been committed by a juvenile and its degree of the dangerousness for the society is small.
- (3) The Criminal Act shall apply for considering a wrongdoing committed by a juvenile, unless in this Act stated otherwise,

3) Articles 3, 7, 8, 10 and Article 89 (1) of the Criminal Act.

Section 2

Extinction of Punishability

Article 7

Effective Repentance

Criminality of an action, for which the Criminal Act sets a sentence of imprisonment the upper level of which does not exceed five years, that has been committed by a juvenile, shall lapse if the juvenile after he/she had committed the action

- a) has voluntarily removed or corrected the caused consequences, or has attempted to do so, particularly has compensated caused damage, has taken measures necessary for its substitution or has attempted otherwise to compensate the caused consequences,
- b) has proved effective effort to achieve correction and
- c) the action has not had permanently adverse consequences for the injured or for the society.

Article 8

Limitation of Criminal Prosecution

- (1) Punishability of actions shall extinguish by expiration of the period of limitation which amounts to

- a) ten years if it is a wrongdoing upon which the Criminal Act sets the extraordinary sentence,
- b) five years, if the upper limit of duration of imprisonment sentence amounts to ten years, at least,
- c) three years for other wrongdoings.
- (2) Regarding commencement, suspension and interruption of the period of limitation, provisions of the Criminal Act shall apply similarly.4)
- (3) The punishability of a wrongdoing shall not extinguish by expiration of the period of limitation if the Criminal Act stipulates so regarding limitation of crimes.5)

4) Article 67(2 to 4) of the Criminal Act.

5) Article 67a of the Criminal Act..

Section 3

Measures Imposed on Juveniles.

Article 9

Measures Intention

- (1) The intention of measures towards a juvenile is particularly to create conditions for a social and mental development of the juvenile taking into account his/her attained degree of mental and moral development, his/her personal characteristics, family upbringing and the environment he/she comes from, and his/her protection from any harmful effects and to prevent any further commitment of wrongdoing.
- (2) Provisions of Criminal Act concerning a particularly dangerous perpetual 6) shall not apply for juveniles.

6) Articles 41 and 42 of the Criminal Act.

Article 10

Types of Measures

- (1) The following measures only can be imposed on a juvenile:
 - a) upbringing measures,
 - b) protective measures and
 - c) criminal measures.
- (2) Corrective measures can be imposed on a juvenile against whom the proceedings is conducted after his/her approval during these proceedings prior the court decides on his/her guilt.

Article 11

Refrain from Imposing Criminal Measure

- (1) The Court for Youth can refrain from imposing a criminal measure to a juvenile who committed a wrongdoing less dangerous for the society, he/she regrets it and expresses an effective effort for remedy,
 - a) if considering the nature of the committed actions and the previous life of the juvenile it can be reasonably expected, that the hearing before the Court for Youth itself is sufficient for his/her rehabilitation,
 - b) if he/she has committed the action because of ignorance of the legislation, that is justifiable considering particularly his/her age, level of intellectual development and environment that has surrounded him/her, or

- c) if the Court for Youth has accepted a guarantee for the rehabilitation of the juvenile and considers that taking into account the upbringing influence of the person that has provided the guarantee, the nature of committed actions and the person of the juvenile, imposing a criminal measure does not seem necessary.
- (2) If the Court for Youth has refrained from imposing a criminal measure, it can solve the matter by urging the juvenile or can leave the sanction against the juvenile upon a statutory representative, the school attended by the juvenile, or the school facility for performance of the institutional or protective treatment⁷⁾ (hereafter "institutional facility"), in which he/she lives; in such a case the Court for Youth shall ask a position of the school or the institutional facility in advance. The statutory representative, school or institutional facility has the obligation to notify the Court for Youth of the result.

 7) Act No 109/2002 Coll., on execution of institutional upbringing or protective upbringing in school facilities and on preventive and educational care in school facilities and on amendment to other Acts.

Article 12

The Court for Youth can refrain from imposing a criminal measure to a juvenile also if

- a) the juvenile has committed a wrongdoing in the state incited by mental disease and the Court for Youth considers that the protective treatment imposed at the same time shall provide for the rehabilitation of the juvenile better than a criminal measure, or
- b) the institutional or protective measure has been applied on him/her and a criminal measure need not be used to achieve the purpose of this Act.

Article 13

If the Court for Youth has refrained from imposing a criminal measure, the juvenile is considered not to be convicted.

Article 14

Conditional Discharge from Imposing Criminal Measure

- (1) Under conditions given in Article 11(1), the Court for Youth can refrain from imposing a criminal measure conditionally, if the Court considers necessary to monitor the conduct of the juvenile for a given period of time.
- (2) In case of conditional discharge from imposing a criminal measure, the Court for Youth shall set a probationary period up to one year. It can concurrently impose on the juvenile a protective measure or a corrective measure intended to maintain ordinary life; usually the court shall impose also on the juvenile to remedy the damage caused by the wrongdoing according to his/her ability.
- (3) Taking into account circumstances of the case and the person of the juvenile, the Court for Youth can let conditional discharge from imposing a criminal measure effective even though the juvenile has given a reason to impose a criminal measure, and
 - a) set supervision over the juvenile, unless it has been imposed already,
 - b) adequately extend the probationary period, not for more than one year, however, or
 - c) set corrective measures not imposed yet, given in Articles 15 to 20 intended for the purpose that the juvenile will maintain ordinary life.
- (4) If a juvenile, for whom it has been refrained from imposing a criminal measure conditionally, maintained the ordinary life in the probationary period and has satisfied imposed measures, the Court for Youth shall render, that he/she has made good; otherwise the Court shall decide on imposing a criminal measure, possibly already during the probationary period.

- (5) If the court has not produced a decision pursuant to paragraph 4 within one year since the probationary period had lapsed, and the juvenile, for whom it has been refrained from imposing a criminal measure conditionally, has not been guilty for it, the juvenile is deemed to have made good.
- (6) If it has been stated, that a juvenile, for whom it has been refrained from imposing a criminal measure conditionally, has made good, or if he/she is deemed to have made good, he/she is considered not to be convicted.

Section 4

Corrective measures

Article 15

Imposing and Types of Corrective measures

- (1) When refraining from a criminal measure or refraining from a criminal measure conditionally, corrective measures can be imposed on a juvenile to achieve the purpose of the Act. If their nature allows so, a corrective measure can be imposed on a juvenile beside an imposed protective or criminal measure or in relation to the special ways of procedure. Corrective measures can be imposed up to the time of the concurrently set probationary period for a conditional sentence or a conditional suspension of a financial measure; if they are imposed separately or beside another protective or criminal measure, they can be imposed for a period up to three years.
- (2) The corrective measures are
 - a) supervision of a probation officer,
 - b) probation program,
 - c) educational duties,
 - d) upbringing restrictions,
 - e) admonition with warning.
- (3) The Court for Youth and the Prosecuting Attorney within the preparation proceedings can impose corrective measures with the approval of the person, against whom the proceedings is conducted, already within the criminal proceedings, however, until its conclusion upon a final, at the latest. Any time within the proceedings until its conclusion upon a final, the juvenile can withdraw from his/her consent to the statement addressed to the Court for Youth and to the Prosecuting Attorney in preliminary proceedings who precedes the proceedings. Execution of the protective measures shall be hereby terminated.
- (4) Corrective measures shall conduct the juvenile's way of life and thus support and safeguard his/her upbringing.
- (5) Should it turn out that the full and timely execution of the corrective measures is impossible for the juvenile or cannot be duly demanded from him/her the Court for Youth and the Prosecuting Attorney in the preliminary proceedings shall cancel or reverse the corrective measures ordered.

Article 16

Probation Officer Supervision

- (1) A probation officer supervision shall be understood to be a regularly conduct supervision of the juvenile in his/her family and the way of upbringing influence of his/her parents, the watch whether he/she observes the probation program ordered and the upbringing duties and limitations ordered to the juvenile by the Court for Youth and by a Prosecuting Attorney in the preliminary proceedings or ensuing from the Act and his/her positive conduct by a probation officer towards the life in accordance with the rule of law.
- (2) The probation officer supervision objectives shall be:
 - a) supervision and control of the conduct of the juvenile, intended to provide for the society protection and limit possibilities to continue in criminal activities,

- b) professional guidance and assistance to the juvenile to provide for his/her maintaining the ordinary life in the future.
- (3) The juvenile to whom the supervision of a probation officer has been imposed, shall
 - a) cooperate with the probation officer in the way set by the probation officer to him/her based on the program of its execution,
 - b) attend before the probation officer in the periods of time set by the probation officer to him/her; the probation officer shall on determining these periods to the situation of the juvenile, his/her life position in the time of supervision execution and to the environment in which he/she lives,
 - c) inform the probation officer about his/her stay, job, observance of the imposed adequate restrictions or duties and other circumstances important for supervision execution set by the probation officer,
 - d) not to make obstacles in the way of the probation officer on entering his/her dwelling.

Article 17

Probation Program

- (1) The probation program, particularly, is the program of social training, psychological advisory, therapeutic program, program involving community service activities, educational, vocational, requalification or another program suitable for development of social skills and the personality of the juvenile, under various regimes of restrictions in the common way of life intended to the purpose that the juvenile shall avoid such a conduct that contradicts the Act, and to support a suitable social background for him/her and to settle the relation between him/her and the injured. The probation program shall be approved by the Minister of Justice and it shall be recorded in the list of probation program kept by the Ministry of Justice.
- (2) The Court for Youth and the Prosecuting Attorney in the preliminary proceedings can impose on the juvenile the duty to subject to a probation program pursuant to paragraph 1, if
 - a) it is suitable taking into account the needs of the juvenile and the interests of the society,
 - b) adequate opportunity to acquaint him/herself with its content of the probation program has been provided to him/her, and
 - c) the juvenile has agreed to take part in it.
- (3) If the wrongdoing has caused a damage, usually it is imposed to the juvenile to compensate it as to his/her abilities.
- (4) The Court for Youth and the Prosecuting Attorney in the preliminary proceedings shall delegate a probation officer to survey the execution of the probation program. If the juvenile does not adhere to the probation program, the probation officer shall follow Article 80(4).
- (5) The probation officer shall report to the Court for Youth or the Prosecuting Attorney who has imposed the probation program on termination of the probation program and its result immediately.

Article 18

Reformatory Duties

- (1) The Court for Youth and the Prosecuting Attorney in the preliminary proceedings can impose a reformatory duty on the juvenile, where they shall set him/her particularly
 - a) to live with a parent or another adult who is responsible for his/her upbringing,
 - b) to pay an adequate sum of money, in a lump sum or in instalments, that is set concurrently, for a financial assistance provided pursuant to a special act to the victims of criminal activities,
 - c) to perform community service activities of a certain type free of charge in his/her free time,
 - d) to make effort to settle with the injured,
 - e) to compensate the damage caused by the wrongdoing as to his/her abilities or contribute to remove the

wrongdoing effect in another way,

- f) to submit him/herself to a drug addiction treatment that is not a protective treatment pursuant to the Criminal Act,
 - g) in his/her free time, to submit him/herself to a suitable social training, psychological advisory, therapeutic, educational, vocational, requalification program or another program desirable for development of social skills and the personality of the juvenile which is not any probation program.
- (2) The upbringing duty to pay a pecuniary amount shall be imposed upon him/her if it can be assumed that the pecuniary amount shall be paid from financial means with which the juvenile can separately dispose. The Court for Youth and the Prosecuting Attorney in the preliminary proceedings can determine that the pecuniary amount shall be paid in adequate monthly instalments.
 - (3) Execution of community service activities of a special type can be imposed on the juvenile in such a way only not to disturb his/her professional training, in particular to fulfil duties in connection with the school educational program or execution of occupation or employment and for the period of four hours per day, eighteen hours per week and sixty hours in total at the maximum.
 - (4) When having imposed educational duties pursuant to paragraph 1 (c) and (g) the Court for Youth shall take into consideration the state of health of the juvenile.

Article 19

Upbringing Limitations

- (1) The Court for Youth and the Prosecuting Attorney in the preliminary proceedings can impose upbringing limitations in which they determine that the juvenile shall not in particular
 - a) visit such special activities, facilities or other places that are not desirable for him/her,
 - b) contact certain persons,
 - c) dwell in a certain place,
 - d) receive things that could serve for committing other wrongdoings,
 - e) abuse drugs,
 - f) participate in gambling, betting and gaming with slot machines,
 - g) change his/her place of dwelling without a previous notice to the probation officer,
 - h) change his/her job without previous notification of the probation officer without a reason.
- (2) Reformatory restrictions pursuant to paragraph 1 clauses a), b), c), d) and g) may be imposed on the juvenile only in such a way not to disturb his/her professional training, particularly performance of duties in connection with the educational school program, or execution of his/her job or occupation.

Article 20

Admonition with Warning

- (1) The Court for Youth and the Prosecuting Attorney in the preliminary proceedings shall warn the juvenile under presence of his/her statutory representative that his/her action is illegal using admonition with warning and shall show actual consequences that he/she may face pursuant to the Act if he/she commits other criminal activities in the future.
- (2) If it is purposeful and suitable, the Court for Youth and the Prosecuting Attorney in the preliminary proceedings can upon stating the admonition with warning concurrently leave the infliction of the juvenile to his/her statutory representative, the school that the juvenile attends, or the reformatory facility where he/she lives; in such a case the Court for Youth shall ask the position of the school or the reformatory facility in advance. The statutory representative, school or reformatory facility shall report the result to the Court for

Youth or the Prosecuting Attorney.

- (3) If the Court for Youth or the Prosecuting Attorney in the preliminary proceedings has warned the juvenile and has imposed on him/her the warning concurrently, or if the Court for Youth or the Prosecuting Attorney has left the infliction of the juvenile his/her statutory representative, school or the reformatory facility, the juvenile is considered not to be convicted.

Section 5

Protective Measures

Article 21

Types of Protective Measures

- (1) Protective measures are the protective treatment,8), security detention, confiscation of a thing 9) and protective upbringing. Their purpose is to positively influence the mental, ethical and social development of the juvenile and to protect the society from wrongdoings committed by juveniles.
- (2) The protective upbringing can be imposed just pursuant to the Act, other protective measures are imposed pursuant to the Criminal Act.10)

8) Article 72 of the Criminal Act.

9) Article 73 of the Criminal Act.

10) Articles 72 and 73 of the Criminal Act.

Article 22

Protective Upbringing

- (1) The Court for Youth can impose protective upbringing on the juvenile, if
 - a) the upbringing of the juvenile is not properly cared for and lacking proper upbringing cannot be remedied within his/her family or in the family where he/she lives,
 - b) the previous upbringing of the juvenile has been neglected, or
 - c) the environment where the juvenile lives does not provide a guarantee for his/her proper upbringing, and imposing institutional upbringing pursuant to the Act on family is not sufficient.
- (2) The protective upbringing shall continue till its purpose requires so, however, until the juvenile reaches the age of eighteen at the latest; if the interest of the juvenile require so the Court for Youth can prolong the protective upbringing until the juvenile reaches the age of nineteen.
- (3) In case the protective upbringing cannot be executed immediately, the Court for Youth shall order probation officer supervision until commencement of the upbringing.
- (4) The Court for Youth shall refrain from the protective upbringing if before its commencement the grounds for which it has been ordered have lapsed.

Article 23

Institutional and Protective Upbringing Transformation

- (1) If retraining of the juvenile has moved forward to that extent that it can be expected that he/she shall behave and work properly even without any limitation he/she has been subject to within the execution of the protective upbringing, however, all the circumstances, for which the protective upbringing have been adjudicated, have not elapsed yet, the court can convert the protective upbringing in the institutional

upbringing, or can decide on conditional release from the corrective facility. It can at the same time impose on the juvenile supervision of a probation officer or other corrective measures.

- (2) If the juvenile has not satisfied those expectations that without any limitation that he/she has been submitted to in the corrective facility, where the protective upbringing has been executed, he/she would behave properly, the Court for Youth shall cancel his/her conditional release from the corrective facility and shall decide on continuation of the protective upbringing. Similarly, the Court for Youth shall proceed in case of conversion from institutional upbringing to protective one.

Section 6

Criminal Measures

Article 24

Types of Criminal Measures

- (1) For a committed wrongdoing the Court for Youth can impose on the juvenile only the following criminal measures:
 - a) community service activities,
 - b) financial measures,
 - c) financial measures with conditional suspension of sentence,
 - d) confiscation of a thing,
 - e) prohibition to undertake activities,
 - f) banishment,
 - g) house confinement,
 - h) ban from sport, cultural and other social events,
 - i) imprisonment conditionally suspended for a probationary period (conditional sentence),
 - j) imprisonment conditionally suspended for a probationary period under supervision,
 - k) unconditional imprisonment.
- (2) Criminal measures imposed pursuant to the Act in relation to the Criminal Act must, taking into account circumstances of the case and the person and situation of the juvenile, assist to create suitable conditions for future development of the juvenile; the execution of a criminal measure may not diminish the dignity of an individual.

Article 25

Imposing Criminal Measure

- (1) Upon setting the terms of punishment of a criminal measure, particularly the following circumstances shall be taken into consideration as mitigating, if the offender
 - a) has successfully passed the probation program or another suitable program of social training, psychological advisory, therapeutic program, program involving community service activities, educational, vocational, requalification program or another suitable program for development of social skills and the personality of the juvenile,
 - b) has provided satisfaction to the injured, has compensated the caused damage fully or partially, at least, has redressed or mitigated, at least, the detriment that he/she had caused to the injured, and has worked out to recover legal and social relations that he/she had disturbed by his/her conduct, or
 - c) after committing the wrongdoing has conducted in such a manner that one can reasonably expect that he/she

will not commit criminal activities in the future.

- (2) On determining the type of a criminal measure and its terms, the Court for Youth shall take into consideration also that the juvenile has committed the wrongdoing in the condition of diminished sanity that he/she caused to him/herself applying a drug.
- (3) If the Court for Youth imposes an accumulative or cumulative criminal measure to a juvenile who has committed a wrongdoing both before and after exceeding eighteen years of age, it shall follow provisions on the accumulative or cumulative punishment,¹¹⁾ or on refraining from imposing a cumulative or other punishment,¹²⁾ and the severity of sentence for the wrongdoing that has been committed prior the juvenile has turned eighteen, shall be judged pursuant to this Act.

11) Article 35 of the Criminal Act.

12) Article 37 of the Criminal Act.

Article 26

Community Service Activities, Prohibition to Undertake and Banishment

- (1) Within the conditions stated in the Criminal Act the Court for Youth can impose community service activities¹³⁾ on the juvenile taking into consideration his/her position concerning the possibility to impose them which the Court is obliged to ascertain; the upper sentence limit for this criminal measure for the juvenile may not exceed half of the upper limit set by the Criminal Act. Community service activities may not as to their nature or circumstances in which they are executed endanger health, security or moral development of the juvenile. Besides the criminal measure of community service activities the Court for Youth can impose also suitable corrective measures.
- (2) The Court for Youth can impose on the juvenile a prohibition to undertake if it does not hinder him/her to prepare him/herself for an occupation, and the upper sentence limit may not exceed five years. Besides the prohibition to undertake the Court for Youth can impose also appropriate corrective measures.
- (3) The Court for Youth can impose a banishment only under conditions stated in the Criminal Act¹⁴⁾ in the terms of one up to five years. It shall take into consideration the family and personal situation of the juvenile at the same time and it shall ensure that the punishment will not expose him/her to danger of depravity.

13) Articles 45 and 45a of the Criminal Act.

14) Article 57 of the Criminal Act.

Article 27

Financial Measures

- (1) Financial measures in the terms from CZK 1,000 up to CZK 500,000 can be imposed on the juvenile by the Court for Youth under conditions set in the Criminal Act,¹⁵⁾ if the juvenile is gainfully employed or if his/her property situation enable to impose such a criminal measure. Besides the financial measures the Court for Youth can impose also appropriate corrective measures.
- (2) For the juvenile who is gainfully employed it is possible to set a financial measure also in a form of a daily rate taking into consideration his/her daily income, in the amount of CZK 100 up to CZK 1,000 per a day for the period of 5 to 500 days. At the same time the Court for Youth shall set the total amount of the financial measure and the way of payment.
- (3) If the Court for Youth imposes any financial measures, it shall, for a case it would not be executed within the stated period, set a substitute criminal measure of imprisonment up to one year. The substitute criminal measure may not, however, even together with imposing the imprisonment, exceed the upper limit of the sentence duration decreased pursuant to Article 31 (1).

- (4) The Court for Youth can decide on imposing financial measures after the decision legal force and after the expression of the juvenile, that his/her payment or the remainder that has not been executed shall be replaced by that the juvenile convicted shall do community service activities within the probation program created for that purpose.

15) Articles 53 and 54 (1), (2) of the Criminal Act.

Article 28

Financial Measure with Conditional Suspension of Execution

- (1) The Court for Youth can suspend the execution of a financial measure conditionally,
 - a) if taking into account the person of the juvenile, particularly taking into consideration his/her previous life and the environment in which he/she lives and works, and the circumstances of the case, the Court has reasonably concluded that the purpose of a criminal measure will be achieved even without executing it, or
 - b) if the Court has accepted a guarantee for the rehabilitation of the juvenile and considering the upbringing influence of the guarantor, the Court has reasonably concluded that the purpose of a criminal measure will be achieved even without executing it.
- (2) The approval to a conditional suspension of execution of a financial measure does not apply on execution of other criminal measures imposed beside this criminal measure, unless the judgment stipulates otherwise.

Article 29

Probationary Period

- (1) Upon a conditional suspension of execution of a financial measure, the Court for Youth shall set a probationary period in duration up to three years; the probationary period shall start when the judgment becomes effective.
- (2) The Court for Youth can impose on the conditionally sentenced juvenile corrective measures.
- (3) The period for which the conditionally sentenced juvenile has maintained the ordinary life and has satisfied imposed conditions in the probationary period shall be included in the probationary period newly set on a conditional suspension of execution of a financial measure for the same action or in the probationary period set on imposing an accumulative or cumulative criminal measure.

Article 30

Decision on Made Good

- (1) If a juvenile on whom the execution of a financial measure has been conditionally suspended has maintained the ordinary life and has satisfied imposed conditions in the probationary period, the Court for Youth shall state that he/she has made good; otherwise the Court shall decide, even during the probationary period, that the financial measure shall be executed.
- (2) If the guarantee for rehabilitation of the juvenile to whom the execution of a financial measure has been conditionally suspended has been recalled by the guarantor, the Court for Youth shall review the conduct of the juvenile during the probationary period, and when the Court for Youth finds that that conditionally suspended execution of a financial measure does not meet its function, the Court shall decide that the financial measure shall be executed; otherwise the Court shall keep the conditionally suspended execution of the financial measure effective.
- (3) If the Court for Youth has not done a decision pursuant to paragraph 1, without any guilt of the juvenile, to whom the execution of a financial measure has been conditionally suspended, within a year since the probationary period has lapsed, the juvenile is considered to made good.
- (4) If it has been stated that the juvenile to whom the execution of a financial measure has been conditionally

suspended has made good or if it is considered that he/she has made good, he/she is considered not to be convicted.

- (5) If the Court for Youth has decided pursuant to paragraph 1 or 2 that the criminal measure shall be executed, the Court shall decide on an alternative criminal measure of imprisonment concurrently (Article 27 (3)).
- (6) Provisions of Article 27 (4) shall be applied analogously.

Article 31

Imprisonment

- (1) The duration of the imprisonment sentence set in the Criminal Act shall be halved for juveniles, the upper limit of the duration of sentence shall not, however, exceed five years and the lower limit shall not exceed one year.
- (2) The Court for Youth can impose the sentence of unconditional imprisonment on a juvenile only if considering the circumstances of the case, the person of the juvenile or the previous applied measures, imposing another criminal measure would not satisfy to achieve the purpose of the Act evidently.
- (3) In case that a juvenile has committed a wrongdoing for which the Criminal Act in its special part allows to impose the extraordinary sentence and that the level of danger of such a wrongdoing for the society is extraordinary high taking into account the particularly condemnable way of committing the action or the particularly condemnable motive or the effect particularly serious and hard to remedy, the Court for Youth can impose on the juvenile the sentence of imprisonment for five to ten years, if the Court considers that the imprisonment in the extent given in paragraph 1 does not satisfy to achieve the purpose of a criminal measure.

Article 32

Extraordinary Reduction of Imprisonment Term

- (1) If the Court for Youth taking into account circumstances of the case or taking into account the situation of the juvenile considers that the application of the imprisonment sentence set in the Criminal Act would be inadequately severe for the juvenile and that the purpose of a criminal measure can be achieved even using a shorter sentence of imprisonment, the Court can reduce the imprisonment duration under the low limit of the sentence duration given in the Act without the restriction given in the Criminal Act.16)
- (2) The Court for Youth can reduce the term of imprisonment under the low limit of the sentence duration without the restriction given in the Criminal Act also if the Court condemns the juvenile for a preparation to wrongdoing or an attempted wrongdoing and considering the nature and the degree of seriousness of the preparation or the attempt the Court considers that using the sentence duration given in the Act would be inadequately severe for the juvenile and that the purpose of a criminal measure can be achieved even using a shorter sentence of imprisonment.17)

16) Article 40 (4) of the Criminal Act.

17) Article 40 (2) of the Criminal Act.

Article 33

Conditional Sentence and Conditional Sentence under Supervision

- (1) On conditional sentence18) of the juvenile or on his/her conditional sentence for imprisonment under supervision19), the Court for Youth shall set the probationary period for one up to three years. The Court for Youth can impose also corrective measures at the same time.
- (2) As to the case circumstances and the person of the juvenile, the Court for Youth can leave the conditional sentence valid although the sentenced juvenile has given reasons to the order to execute the criminal measures

of imprisonment, and

- a) impose a supervision on the sentenced juvenile if it has not been imposed, yet,
 - b) extend the probationary period adequately, however, not longer than by two years and it may not exceed the upper limit of the probationary period in the duration of five years,20) or
 - c) impose another corrective measure as stated in Articles 15 to 20 leading him/her to maintain a proper life.
- (3) Provisions of Article 16 shall be used accordingly for supervision execution.

18) Articles 58 to 60 of the Criminal Act.

19) Articles 60a and 60b of the Criminal Act.

20) Article 59 (1) of the Criminal Act.

Article 34

Limitation of Criminal Measures Execution

- (1) The imposed criminal measure cannot be executed after the limitation period, which is five years, has lapsed and if an extraordinary criminal measure of imprisonment for more than five and up to ten years has been imposed, the limitation period shall be ten years.
- (2) Provisions of the Criminal Act.21) shall apply regarding commencement, suspension and interruption of the limitation period.
- (3) The execution of a criminal measure imposed for criminal actions that the Criminal Act,22) defines shall not be subject to limitation.

21) Article 68 (2) to (4) of the Criminal Act.

22) Articles 67a and 68a of the Criminal Act.

Article 35

Deletion of Conviction

- (1) The juvenile on whom a criminal measure of imprisonment has been imposed or reduced or remitted by a President of the Republic decision in the term not exceeding one year shall be considered as if he/she had not been sentenced as soon as it has been executed or refrained from execution of such a criminal measure or its part.
- (2) The Court for Youth shall decide, considering his/her conduct when executing the sentence of imprisonment, whether the sentence of imprisonment of the juvenile on which paragraph 1 does not apply, shall be expunged or not, after the sentence of imprisonment has been executed. If the criminal measure of imprisonment has been mitigated pursuant to a decision of the President of the Republic, the Court for Youth shall proceed in such a way after the juvenile has been released after executing the mitigated sentence of imprisonment.
- (3) If the Court for Youth has stated, that the juvenile conditionally convicted, conditionally convicted to imprisonment under supervision or conditionally released from the sentence of imprisonment has made good, he/she is considered not to be convicted.
- (4) The juvenile on whom a financial measure has been imposed is considered not to be convicted as soon as the criminal measure has been executed or it has been refrained from the execution of the criminal measure or its remaining part lawfully.
- (5) The juvenile who has been sentenced to confiscation of a thing shall be considered not to be convicted as soon as soon as the judgement by which the sentence has been imposed becomes lawful.

- (6) The juvenile on whom a criminal measure of community service works or prohibition to undertake has been imposed shall be considered not to be convicted as soon as the judgement has been executed or it has been refrained from the execution of the criminal measure or its remaining part lawfully.
- (7) The juvenile on whom a criminal measure of banishment has been imposed shall be considered not to be convicted as soon as period for which it has been imposed elapses.

Section 7

Proceedings in Criminal Legal Process of Juveniles

Division 1

Court and Persons Participated in Proceedings

Article 36

Personal and Professional Presumptions

In the proceedings against juveniles it is necessary to ensure that the investigation, hearing and decision in their criminal cases and decision making about their criminal cases is awarded to persons whose knowledge of issues related to the youth upbringing shall guarantee fulfilment of the upbringing purpose of the proceedings. Bodies functioning pursuant to the Act shall proceed cooperating with the relevant body for social and legal protection of children and with the Probation and Mediation Service.

Article 37

Territorial Jurisdiction

- (1) The Court for Youth in the territory of which the juvenile dwells shall carry out the proceedings, and if the juvenile has no permanent residence, the Court in the territory of which the juvenile stays or works.
- (2) If such a place cannot be established or if it is out of the territory of the Czech Republic, the Court for Youth in the territory of which the wrongdoing has been committed shall carry out the proceedings; if the place of action cannot be established the Court for Youth in the territory of which the action has emerged shall carry out the proceedings.

Article 38

Common Proceedings

- (1) Common proceedings shall be carried out on all wrongdoings of the juvenile and against all juveniles whose wrongdoings are interrelated, if it is suitable considering a general and objective explanation of the case, economy and speed of the proceedings taking into consideration the personality of juveniles which the proceedings concern.
- (2) Only exceptionally it is possible to execute a common proceeding against a juvenile and an adult if it is necessary for a general and objective explanation of the case and if it is not to the detriment of the juvenile. Such common proceedings shall be executed by the Court for Youth and as concerns the juvenile provisions of this Act shall be used in the joint trial.
- (3) If the conditions stated in paragraph (2) are not fulfilled and if a joinder of indictment against the juvenile and the adult has been submitted the Court for Youth shall exempt the case of the adult and shall transfer the case to the competent general Court.

Article 39

Transfer to Competent Court

If the juvenile's benefit requires so the competent Court can transfer the case to the Court for Youth in which the execution of the criminal proceedings with respect to the juvenile will be the most efficient.

Article 40

Cooperation with Social and Legal Protection of Children Body with Interest Associations of Citizens and Persons Implementing Probation Programs

- (1) Bodies functioning pursuant to the Act and officers of the Probation and Mediation Service shall cooperate with the relevant body for the social and legal protection of children, interest associations of citizens and persons implementing probation programs to improve the upbringing influence of the proceedings in the suits of juveniles, to create conditions for individual approach to address the cases, to respond to the needs and interests of juveniles and injured and all other subjects effected by the criminal activity in time and also to limit and prevent criminal activities this way. Interest associations of citizens and other subjects operating in the social environment of the juvenile where the wrongdoing occurred and the close social environment of the accused and the injured shall be also involved in settlement of the wrongdoings pursuant to the Act.
- (2) Interest associations of citizens and persons implementing the probation and other programs or involved in the social works can notify the bodies functioning pursuant to the Act and the relevant body for the social and legal protection of children of the facts indicating that a wrongdoing has been committed in the manner set in the Act, and submit moves for a suitable reaction to it this way. At the same time they can participate in the execution of the court decisions and to cooperate in rehabilitation of juveniles and in creation of their suitable social background.

Division 2

Executing Acts of Proceedings in Suits of Juveniles

Article 41

Method of Executing Acts of Proceedings in Suits of Juveniles

- (1) On executing acts of proceedings in the suits of juveniles, the persons involved in the acts must be treated adequately to the importance and the upbringing purpose of the proceedings; their personality must be always protected. When treating juveniles, it is to be proceeded taking into consideration their age and mental development so that their psychical and social balance is not disturbed and their future development is threatened as least as possible.
- (2) The acts of the preparation proceedings where juveniles are involved shall be carried out by the police body set for actions in the criminal cases of juvenile persons, and the Prosecuting Attorney specialised in cases of youth or the judge of the Court for Youth, unless the stage cannot be executed by such a body functioning pursuant to the Act and the stage execution cannot be postponed. This applies also to the execution of a request.

Division 3

Juvenile

Article 42

Right of Juvenile

- (1) A juvenile has the right to be treated adequately to his/her age, level of mental development and state of health.
- (2) A juvenile must have a counsel since the moment when measures pursuant to the Act have been used against him/her or acts performed pursuant to the Criminal Order, including exigent and unrepeatable acts, unless the act execution cannot be postponed and the notification of the counsel about it cannot be provided for.

- (3) A juvenile must have a counsel within the execution proceedings,
 - a) if the Court for Youth shall decide in open and the juvenile has not achieved eighteen years of age yet,
 - b) if it is a conditional release from execution of a criminal measure of imprisonment of the juvenile who in the time of open hearing has not achieved nineteen years of age
- (4) In proceedings concerning complaints for breach of the Act, within proceedings about an appellate review and within proceedings about motion for a new trial permit the juvenile must have a counsel if he/she has not achieved eighteen years of age to the date of trial held in public.
- (5) All prosecuting and adjudicating bodies pursuant to the Act are always obliged to inform the juvenile about his/her rights and enable him/her the full possibility of their assertion. In relevant cases they shall inform him/her also about the conditions for discontinuance of the criminal prosecution, settlement or withdrawal from the criminal prosecution.

Article 43

Statutory Representative of Juvenile

- (1) The statutory representative of the juvenile is entitled to represent the juvenile, particularly to choose him/her a counsel, make proposals on behalf of the juvenile, submit applications and remedial measures on behalf of him/her; the statutory representative is also entitled to take part in such actions in which pursuant to the Act the juvenile can take part. For the benefit of the juvenile the statutory representative can perform these rights also against his/her will.
- (2) In cases in which the statutory representative of the juvenile cannot execute his rights as stated in the paragraph (1) and there is a danger in delay, the chairing judge and the Prosecuting Attorney in the preliminary proceedings shall set a guardian for the juvenile for execution of these rights. A complaint against decisions concerning the decision on a guardian appointment is admissible.

Article 44

Juvenile's Counsel

- (1) A person who at the same time represents a person the interests of which are in conflict with the juvenile's interests cannot be the counsel of the juvenile, neither it can be a person that has been selected to become a counsel to the juvenile by the above mentioned one.
- (2) Should the juvenile not used the right to choose a counsel and should neither his/her statutory representative do so then this can be done by his/her relative in the direct line of descent or his/her sibling, adoptive parent, husband/wife, cohabitee and a participant person. These persons can do so even against his/her will.
- (3) The juvenile can choose another counsel instead of the one that has been appointed to him/her or selected by a competent person.

Division 4

Injured

Article 45

Interests and Rights of Injured

- (1) Prosecuting and administrative bodies pursuant to the Act are obliged to take account the justified interests of the injured, instruct him/her of his/her rights and provide him/her with the full possibility to assert them; the Prosecuting Attorney and the chairing judge in the proceedings before the Court shall consider suitability and efficiency of some of the special ways of proceedings that inter alia shall lead to reimbursement of damage or to another redemption of harmful consequences of the action.
- (2) The injured whose residence, registered office or place of business are known must be informed by a

competent body involved pursuant to the Act, if the juvenile announces that he/she is prepared to reimburse the damage incurred by his/her action, compensate for or otherwise contribute to settle harmful consequences of the action. The same applies in case that the juvenile undertakes a duty that is directly connected with the interests of the injured.

Division 5

Special Provisions Concerning Custody and Detention of Juvenile

Article 46

Custody of Juvenile

- (1) A juvenile can be taken in the custody only if the purpose of custody cannot be reached in another way.
- (2) The statutory representative of the juvenile, his/her employer, the relevant centre of the Probation and Mediation Service and the relevant body for the social and legal protection of children shall be notified of detention, arrest or taking into custody immediately; if it is a juvenile on whom protective upbringing has been imposed, the corrective facility where he/she executes the protective upbringing shall be notified.

Article 47

Imprisonment Duration

- (1) Custody in proceedings in the suits of the juveniles shall not exceed two months, and if it is a particularly serious wrongdoing²³), it shall not exceed six months. After this period of time has lapsed, the custody can be extended by up to other two months in exceptional cases and in proceedings on a particularly serious wrongdoing by up to other six months, if the criminal prosecution could not be terminated because the case is difficult or for other serious reasons within the term and releasing the juvenile could obstruct or significantly endanger to achieve the purpose of the criminal prosecution. Such an extension may be just one in the preliminary proceedings and one in the proceedings before the Court for Youth.
- (2) A judge of the District Court for Youth shall decide on the extension of custody in the preliminary proceedings based on a proposal of the Prosecuting Attorney. The Prosecuting Attorney shall deliver the proposal to extend the custody to the Court 15 days before the term expires, at the latest; the Prosecuting Attorney shall proceed in the same way if he has brought a criminal action in the time less 15 days before the term of custody terminates.
- (3) The judge of the Court for Youth of the superior Court for Youth that is competent to hear the case or that hears the case already shall decide on extension of the custody in proceedings before the Court. The chairing judge shall deliver the proposal to extend the custody term to the superior Court for Youth 15 days before the term expires, at the latest.
- (4) If the proposal has not been delivered in the manner given in paragraph 2 or 3, the chairing judge and the Prosecuting Attorney in the preliminary proceedings shall release the juvenile the first day after the term for which the imprisonment duration has been limited expires, at the latest.
- (5) The terms given in paragraph 1 shall be counted since the time when the arrest or detention of the juvenile occurred, or if the arrest or detention has not preceded, then since the time when the personal freedom of the juvenile has been restricted based on the decision on custody. When returning the case to the Prosecuting Attorney for additional investigation, the term given in paragraph 2 shall start since the day when the file has been delivered to the Prosecuting Attorney.
- (6) The imprisonment duration about which it has been decided within extraordinary remedial measures,²⁴) shall be judged separately and independently from the custody in the original proceedings.
- (7) After the juvenile is released from custody, supervision by a probation officer can be imposed on the juvenile that can continue till the criminal prosecution is terminated. The supervision execution shall follow Article 16.

23) Article 41 (2) of the Criminal Act.

24) Article 2650 (2), Article 275 (3), Article 287 and Article 314k (1) of the Criminal Act.

Article 48

Review of Cause for Custody

All bodies functioning pursuant to the Act are obliged to review in each period of the criminal prosecution whether the reasons for the custody continue or have changed; if the reason for the custody has lapsed the juvenile must be released immediately. If any of the of causes for custody has been found for the juvenile, the bodies functioning pursuant to this Act are obliged to investigate whether further execution of custody of the juvenile can be replaced for another measure. As soon as such a replacement measure has been prepared the juvenile must be released from the custody without any unreasonable delay. Bodies functioning pursuant to the Act proceed at the same time in cooperation with the Probation and Mediation Service and with the relevant body for social-legal protection of children.

Article 49

Custody Replacement by Other Measure

- (1) Custody of a juvenile can be replaced by a guarantee, supervision, promise²⁵⁾ or putting him/her in the care of a trustworthy person.
- (2) Custody of a juvenile can be replaced by a financial guarantee²⁶⁾

25) Article 73 of the Criminal Procedure Act.

26) Article 73a of the Criminal Procedure Act.

Article 50

Replacement of Custody of Juvenile by Putting Him in Care of Trustworthy Person

- (1) A juvenile for which reasons exist for a custody can be instead of taking into custody put in care of a trustworthy person, if
 - a) such a person is desirous and able to care for him/her and to undertake a supervision over him/her, shall commit himself/herself in written that he/she shall take care for the juvenile and shall take the responsibility for the fact that se juvenile shall appear on summons before the body functioning pursuant to the Act and shall fulfil further conditions that have been set by the Court,
 - b) the juvenile agrees with the fact that he/she will be committed into his/her care and shall commit him/herself in written that he/she will conduct according to agreed conditions and meet other conditions set by the Court for Youth.
- (2) If the credible person or the juvenile does not meet its obligations pursuant to paragraph 1, the body deciding on custody shall decide upon a proposal of the juvenile, of the credible person, in the care of which the juvenile is, or without any proposal, that
 - a) the Court shall relieve the person and the juvenile from the obligations that they have accepted pursuant to paragraph 1, and
 - b) the Court shall concurrently set another credible person under conditions pursuant to paragraph 1 or adopts another measure substituting custody, and if this is not possible, the Court shall decide on custody or issues a warrant to arrest the juvenile.

Article 51

Detention of Juvenile

- (1) The juvenile who has not reached eighteen years of age in the time of detention must be placed separately from adults.
- (2) The provisions of paragraph 1 shall not apply, if
 - a) the juvenile cannot be detained in the place for execution of juveniles detention because of the necessity to guarantee his/her safety or safety of other persons, or
 - b) no achievable place for execution of juveniles detention is available.

Division 6

Protection of Juveniles Privacy and Public Nature of Proceedings

Article 52

Disclosing Information

The bodies functioning pursuant to the Act can disclose only such information about the proceedings conducted against a juvenile that will not endanger to achieve the purpose of the criminal proceedings and that do not contradict required protection of the personality of the juvenile and of personal data, also of other persons involved in the proceedings till the criminal prosecution is terminated lawfully.

Article 53

Scope of Prohibition to Disclose

- (1) No one shall disclose any information that presents the name, or names, and the family name of the juvenile, or that contains information that would enable to identify the juvenile in any way, unless the Act stipulates otherwise.
- (2) Giving information during the criminal proceedings is not deemed to contradict paragraph 1 if the purpose of such approach is not to disclose it, or if the purpose is the search for the juvenile. The same applies similarly on providing information to other persons by the probation officer, if this information is necessary to get information that is related to preparation of a report required by this Act, or without which the supervision over the juvenile or the care for the juvenile cannot be executed professionally or the satisfaction of conditions and restrictions set to him/her cannot be inspected, and the safety of persons coming into contact with him/her cannot be provided.
- (3) The persons to whom the information pursuant to paragraph 2 has been presented shall not communicate it to any one further, unless this communication is necessary for the purposes given in this provision. They shall be instructed about it.
- (4) The persons to whom the information pursuant to paragraph 2 has been presented shall
 - a) store the information separately from any other records about the juvenile to whom the information is related,
 - b) provide that no one has access to the information, unless the Act stipulates otherwise.

Article 54

Trial Held Open and Publishing Information about It

- (1) Only the accused juvenile, his/her two confidants,27), his/her counsel, his/her statutory representatives and relatives in the direct line of descent, siblings, husband or wife or cohabitee, the injured and his/her deputy, witnesses, experts, interpreters, the relevant body of the social and legal protection of children, officers of the Probation a Mediation Service and the school or the corrective facility representative can take part in the main Trial and in the public hearing. The Trial or the public hearing can be executed in public on a proposal of the juvenile.28)

- (2) Publishing the information on the trial or public hearing course that could result in identification of the juvenile in the mass media or in another way will be prohibited. It is prohibited to publish any text or any picture which concerns the identity of the juvenile, as well.
- (3) The judgment shall be announced to the public in the trial under the presence of the juvenile. A judgement of conviction can be published in the mass media only without stating the name and surname of the juvenile and under adequate protection of the juvenile from undesirable influences of its publishing. Taking into consideration the nature and the character of the wrongdoing and the adequate protection of interests of the juvenile, the chairing judge can decide on another way of publishing and on limitations connected with that. Against such a resolution no complaint is admissible.

27) Article 201 (2) of the Criminal Procedure Act.

28) Article 199 of the Criminal Procedure Act.

Division 7

Evidence

Article 55

Ascertainment of Personal Situation of Juvenile

- (1) In the criminal cases concerning accused juveniles the bodies functioning pursuant to the Act are obliged to clarify and prove the reasons of their wrongdoing and the facts important for judgement of their personal, family and other relations with special care. The bodies functioning pursuant to the Act perform with due diligence all investigations for identifying the personality and the previous life of the juvenile as well as the means appropriate for his/her inclusion in the society and preventing repeated wrongdoings.
- (2) The proceedings shall establish, as thoroughly as possible, the level of the intellectual and ethical development of the juvenile, his/her character, situation and the environment where he/she lived and has been raised, his/her conduct before and after committing the wrongdoing and other circumstances important for selection of means suitable for his/her rehabilitation, including assessment whether and in what scope a corrective measure, a protective measure or a criminal measure shall be imposed.
- (3) Bodies functioning pursuant to the Act shall impose the task to establish the personal situation of the juvenile on the relevant body for social and legal protection of children, possibly also on the Probation and Mediation Service.

Article 56

Report on Personal, Familial and Social Relations and Actual Life Position of Juvenile

- (1) If it is necessary to establish detailed information for subsequent progress of the proceedings and for imposing the most suitable measure, a report on personal, familial and social relations of the juvenile and the actual life position of the juvenile is to be drawn, and the Court for Youth and the Prosecuting Attorney in the preliminary proceedings shall take it into consideration on deciding the case with final effect.
- (2) The chairing judge and the Prosecuting Attorney in the preliminary proceedings shall impose the task to draw the detailed report on personal, familial and social relations of the juvenile and the actual life position of the juvenile on the relevant body for social and legal protection of children, possibly also on the Probation and Mediation Service.
- (3) The report on personal, familial and social relations of the juvenile and the actual life position of the juvenile must be in written, unless the chairing judge and the Prosecuting Attorney in the preliminary proceedings have not stipulated otherwise, and it must contain particularly the age of the juvenile, the level of his/her development, further his/her position to the wrongdoing and his/her willingness to provide for correction of the caused damage or redemption of other consequences, familial relations of the juvenile, including relation of the juvenile to his/her parents, the degree of parents' influence on him/her and relation between the

juvenile, his/her broader family and close social environment, records of his/her school attendance, his/her conduct and achievement in school, and if he/she is employed, also facts important to assess his/her conduct in job, overview of his/her previous wrongdoings and measures imposed, as well as description of their execution, including the way how the juvenile has conducted.

Article 57

Examination and Interrogation of Juvenile

- (1) When examining or interrogating the accused juvenile, it is to be considerate and to save his/her personality.
- (2) A confrontation of a juvenile is to be done just exceptionally, only in the proceedings before the Court for Youth.

Article 58

Examining Mental Health

- (1) Two medical experts specialised in child psychiatry shall be called to perform examination of the mental health state of the juvenile.
- (2) The examination of the mental health state shall not exceed one month; the expertise must be submitted within this time. The Court for Youth on a justified request of experts and the judge in the preliminary proceedings on a proposal of the Prosecuting Attorney can extend this term, but not more than by one month. A complaint is admissible to be lodged against a decision concerning the terms of prolongation.

Division 8

Common Provisions on Preparatory Proceedings

Article 59

General Provision

The Prosecuting Attorney is obliged to pay particular attention to execution of the inspection in suits of wrongdoing of juveniles 29); he/she ensures that the police authorities shall treat juveniles thoughtfully and shall organize his activities so that it is possible in all suitable cases to use adequate corrective measures and special ways of proceedings.

29) Article 157 (2) and Article 174 of the Criminal Procedure Act.

Article 60

Criminal Prosecution Commencement

Juvenile's statutory representative, the competent social and legal protection of children body and the Probation and Mediation Service must be informed on commencement of a criminal prosecution of the juvenile without unreasonable delay, 30).

30) Article 160 of the Criminal Procedure Act.

Division 9

Common Provisions on Proceedings before Court

Article 61

Preliminary Indictment Hearing

- (1) The chairing judge can hear a juvenile, provide necessary explanations and clarify the situation of the juvenile in order to make the decision easier at the preliminary indictment hearing. A probation officer can be authorized to clarify the situation of the juvenile and the probation officer can be also requested to provide non-judicial negotiations between the accused and the injured with the aim to decide on a conditional discontinuance of the criminal prosecution or a settlement.
- (2) The chairing judge shall also order a preliminary indictment hearing in criminal cases of juveniles when the judge presumes that there are circumstances reasoning the withdrawal from the criminal prosecution pursuant to Article 70 (1).

Article 62

Decision after Indictment Preliminary Hearing

- (1) After the indictment preliminary hearing, the Court for Youth can also withdraw from the criminal prosecution in case there are circumstances given v Article 70 (1).
- (2) A single judge of the Court for Youth shall not take any preliminary hearing of an indictment,³¹⁾ however, as to the results of its revision the judge can also withdraw from the criminal prosecution if circumstances exist as stated in the Article 70 (1).
- (3) The Prosecuting Attorney, the accused and the injured can submit a complaint against a decision pursuant to paragraph 1 or 2 and the complaint has the suspending effect.

31) Article 314c of the Criminal Prosecution Act.

Article 63

Inadmissibility of Criminal Order

No Criminal order can be issued in the proceedings in a juvenile case.

Article 64

Trial and Public Hearing

- (1) If it is not proceedings against a fugitive, the Trial and public hearing cannot be held without the presence of the juvenile.
- (2) The relevant body for the social and legal protection of children must be notified of the trial and the public hearing. The Prosecuting Attorney must be always present to the public hearing.
- (3) On the trial and the public hearing against a juvenile,
 - a) if it is for the benefit of the juvenile, the Court for Youth shall exclude the public, even though the Court has already decided to hold a public hearing pursuant to Article 54 (1),
 - b) a representative of the relevant body for the social and legal protection of children has the right to submit proposals and to place questions to the interrogated; the word to the closing speech shall belong to the representative after the juvenile.
- (4) The chairing judge shall care for the protection of interests of the accused juvenile and interests of the injured within the whole trial and the public hearing.

Article 65

Court Decision in the Trial

- (1) In making the decision, the Court for Youth shall take into consideration also circumstances ensuing from the report on personal, familial and social relations of the juvenile and the actual life position of the juvenile, if it has been requested and presented.
- (2) The Court for Youth in the trial can also withdraw from the criminal prosecution, if there are circumstances given in Article 70 (1).
- (3) The Prosecuting Attorney, the accused and the injured can submit a complaint against a decision pursuant to paragraph 2 and the complaint has the suspending effect.

Article 66

Court Decision outside the Trial

- (1) If circumstances reasoning a decision pursuant to Article 70 (1) occur outside the trial, the Court for Youth can withdraw from the criminal prosecution.
- (2) The Prosecuting Attorney, the accused and the injured can submit a complaint against a decision pursuant to paragraph 2 and the complaint has the suspending effect.

Article 67

Decision Delivery

- (1) A copy of the judgment shall be always delivered to the relevant body for the social and legal protection of children and the Probation and Mediation Service.
- (2) If the representative of the relevant body for the social and legal protection of children has not been present when the resolution, against which a complaint is admissible or through which the criminal prosecution has been discontinued or suspended or the case has been transferred, has been pronounced, a copy of the resolution shall be delivered to him/her.

Division 10

Special Methods of Proceedings

Article 68

General Provision

Special methods of proceedings can be used in criminal cases of juveniles, only if a suspicion that a wrongdoing has been committed seems to be completely justified based on adequate clarification of the facts of the cause and the juvenile is ready to bear the responsibility for the committed action, to settle with its causes and to contribute to remove harmful consequences of his/her wrongdoing. In necessary cases, the juvenile can be required to undertake to such a conduct that would limit possible committing of other wrongdoings.

Article 69.

Types of Special Methods of Proceedings

The following special methods of proceedings can be used in criminal cases of juveniles:

- a) conditional discontinuance of criminal prosecution,³²⁾
- b) settlement³³⁾ and

- c) withdrawal from criminal prosecution.

32) Articles 307 and 308 of the Criminal Procedure Act.

33) Articles 309 to 314 of the Criminal Procedure Act.

Article 70

Withdrawal from Criminal Prosecution

- (1) In proceedings on wrongdoing upon which the Criminal Act sets a sentence of imprisonment the upper limit of which does not exceed three years, the Court for Youth and the Prosecuting Attorney in the preliminary proceedings can, due to absent public interest in the further prosecution of the juvenile and taking into consideration the degree of danger for the society of the wrongdoing and the person of the juvenile, withdraw from the criminal prosecution of the juvenile, if
 - a) the criminal prosecution will not be purposeful and
 - b) punishment is not necessary to prevent the juvenile from committing further wrongdoing. ??ažsem??
- (2) A statement of discontinuance of the criminal prosecution for the act in which a wrongdoing has been seen that has been connected with the withdrawal from the criminal prosecution is also a part of the decision concerning the criminal prosecution.
- (3) It is possible to withdraw from the criminal prosecution particularly in case the juvenile has already executed the suitable probation program satisfactory, the damage caused by the wrongdoing has been fully or at least partially compensated and the injured has agreed upon with that compensation or an admonition has been pronounced to the juvenile with a warning and such a solution can be regarded as sufficient considering the proceedings purpose.
- (4) A complaint is admissible against the resolution pursuant to paragraphs (1) and (2) and it has the effect of suspending. The injured shall be informed about the criminal prosecution withdrawal.
- (5) It shall, however, be continued in the criminal prosecution of the juvenile from which it has been refrained if the juvenile within three day from the date when the resolution of withdrawal from the criminal prosecution has been announced to him/her informs that he/she insists on the trial. The accused must be informed about that.
- (6) If it has been withdrawn from the criminal prosecution of the juvenile and the proceedings has continued only because the juvenile has insisted on the hearing, the Court for Youth shall state the guilt, but it shall not impose a punishment, unless it finds grounds to release the juvenile.

Article 71

Withdrawal from criminal prosecution shall be registered as a fact important for criminal proceedings pursuant to a special act.³⁴⁾

34) Act No 269/1994 Coll., on the Criminal Register, as amended in Act No. 126/2003 Coll.,

Division II

Remedial Measures and Proceedings about Them

Article 72

Persons Qualified to Submit Remedial Measures

- (1) The relevant body for the social and legal protection of children can bring an application for a remedial

measure for the benefit of the juvenile, also against his/her will; the term to bring the remedial measure runs independently.

- (2) Also his/her relatives in the direct line of descent, his/her sibling, husband or wife or cohabitee can submit a complaint for the benefit of the juvenile; the term to submit a complaint shall terminate on the same day as to the juvenile.
- (3) Only the Prosecuting Attorney can bring a motion for new trial against the accused within six months since the Prosecuting Attorney has been informed about facts reasoning to submit the motion for new trial, however, not after half of the period of criminal prosecution limitation has lapsed.

Division 12

Common Provisions

Article 73

- (1) Special provisions on criminal proceedings in the suits of juveniles shall not apply
 - a) in proceedings on wrongdoings that the accused has committed both before and after he/she has reached eighteen years of age, if the Criminal Act sets the same or more strict punishment for the act committed after he/she has reached eighteen years of age, or
 - b) if the criminal prosecution started after the juvenile has reached nineteen years of age.
- (2) Provisions of this Act on participation of the body charged with the care for youth shall not apply, if the stage is executed after the juvenile has reached nineteen years of age.

Division 13

Execution of Decision

Article 74

General Provision

If this title does not contain special provisions, general provisions of the Criminal Procedure Act on execution of adequate protective measures and punishments shall be applied on execution of protective and criminal measures.

Article 75

Competence of Probation and Mediation Service on Judgment Execution

- (1) The Probation and Mediation Service shall provide for the supervision of a juvenile in proceedings pursuant to the Act and if the supervision has not been imposed, it shall execute acts intended that the juvenile maintains ordinary life in the probationary period, if it has been decided
 - a) about releasing the juvenile from custody under concurrent supervision imposed,
 - b) about a conditional discontinuance in a criminal prosecution,
 - c) about a conditional discharge from a criminal measure under supervision,
 - d) about imposing community service work under concurrent corrective measures imposed,
 - e) about imposing a financial measure with conditional suspension of sentence,
 - f) about conditional sentence, including conditional sentence under supervision,
 - g) about conditional release from imprisonment execution, including conditional release from imprisonment execution under concurrent supervision imposed, and

- h) about imposing other criminal, protective and corrective measures, and the Court has transferred the case to the Probation and Mediation Service.
- (2) The chairing judge can delegate a probation officer to find required data on the person of the juvenile and his/her relations also within the execution proceedings.

Article 76

Execution of Criminal Measure of Imprisonment

The execution of a criminal measure of imprisonment is governed by a special Act.

Article 77

Special Reason to Suspend Execution of Criminal Measure of Imprisonment

- (1) The execution of imprisonment sentence not exceeding one year imposed to the juvenile can be upon his/her proposal suspended for the time necessary to finish his/her education or another preparation for profession, however, not for more than two years.
- (2) If during the suspended execution the juvenile has not committed any wrongdoing or crime and has successfully finished his/her education or another preparation for his/her profession, the Court for Youth can decide on release from imprisonment taking into consideration the nature and seriousness of the wrongdoing committed, the duration of education or preparation for profession, the person of the juvenile, and his/her situation.
- (3) Against the decision pursuant to paragraph (2) complaint is admissible that has a suspensive effect.
- (4) If it has been refrained from imprisonment pursuant to paragraph (2) the juvenile shall be considered not to be convicted.

Article 78

Conditional Release of Juvenile

- (1) The juvenile can be conditionally released from imprisonment on the Prosecuting Attorney or the prison governor proposal under conditions stated in the Criminal Act³⁵⁾ also earlier before he/she executed the half or two thirds of it.
- (2) On a conditional release pursuant to paragraph (1) the Court shall set a probationary period for one up to five years.

35) Articles 61 and 62 of the Criminal Act.

Article 79

Reclassification of Juvenile

- (1) If the juvenile completes within his/her imprisonment the nineteenth year of age the Court for Youth can decide that the convicted shall be reclassified in the prison for other convicted. When deciding, it shall take into consideration particularly the degree of his/her retraining and to the term of imprisonment remainder. Should the Court for Youth reclassify the convicted in a prison for other convicted it must concurrently decide in which type of prison the convicted shall be assigned for the further execution of the sentence.
- (2) The decision on reclassification of the convicted into a prison for other convicted persons shall be always deemed for a decision on a reclassification to a prison with a more strict regime.

Article 80

Execution of Supervision by Probation Officer

- (1) The execution of supervision shall be ordered by the Chairing Judge of the Court for Youth to the Centre for Probation and Mediation Service in the district of which the juvenile lives or dwells.
- (2) During the supervision execution, the probation officer shall supervise execution of duties imposed on the juvenile and for that purpose he/she regularly shall visit the juvenile whom the probation officer supervises, in his/her residence, place of work and at school.
- (3) Assistance and advisory shall be executed by the probation officer within preparation and implementation of an individually prepared program of supervision execution for the juvenile.
- (4) Should the juvenile, on whom supervision has been imposed, breach seriously or repeatedly the supervision conditions or other imposed corrective measures, the probation officer shall inform about the fact the Chairing Judge of the Senate of the Court for Youth who has imposed the supervision, without any unreasonable delay. In case of less serious breach of the set conditions and of the corrective measures, the probation officer can place an admonition to the juvenile; these admonitions can be placed two within a year, at maximum. Imposing an admonition is not a decision pursuant to the Criminal Procedure Act.
- (5) The probation officer shall draw once in six months the report to inform the Chairing Judge of the Senate of the Court for Youth that imposed the supervision on progress of the execution of supervision over the juvenile, on meeting imposed corrective measures by the juvenile and on personal, familial and social relations of the juvenile and the actual life position of the juvenile, unless the chairing judge stipulates otherwise.

Article 81

Change in Corrective measures

- (1) The District Court for Youth that has imposed a corrective measure shall decide about a change or cancellation of the corrective measure in a public hearing upon a proposal of the Prosecuting Attorney, of a probation officer, of the relevant body for social and legal protection of children, or without such a proposal.
- (2) A complaint against the decision pursuant to paragraph 1 is admissible and it has a suspensive effect.

Article 82

Execution of Protective Upbringing

- (1) Protective upbringing shall be executed in the corrective facilities; if the state of health of the juvenile requires so his/her placing in a health centre takes precedence over the execution of protective upbringing.
- (2) Execution of the protective upbringing shall be ordered by the chairing judge pursuant to a special act to a psychiatric reformatory for delinquent juveniles.7)
- (3) If the juvenile is not placed in custody and there are no grounds for concern that he/she will escape the chairing judge can provide him/her with an adequate time period before the registering to procure his/her matters.

7) Act No 109/2002 Coll., on the execution of treatment in a special institution or protective upbringing in school facilities and on preventive upbringing care in school facilities and amendments to other Acts.

Article 83

Refraining from Execution of Protective Upbringing

- (1) The Court for Youth that the protective treatment has imposed shall decide about refraining from execution of protective upbringing before it starts upon a proposal of the Prosecuting Attorney, of the probation officer, of the relevant body for social and legal protection of children, or without such a proposal in a public hearing.

- (2) A complaint against the decision pursuant to paragraph 1 is admissible and it has a suspensive effect.

Article 84

Release from Protective Upbringing

- (1) The District Court for Youth in the territory of which the protective upbringing is executed shall decide about release from protective upbringing upon a proposal of the Prosecuting Attorney, of the relevant body for social and legal protection of children, of the probation officer, of the juvenile, or of the corrective facility, or without such a proposal in a public hearing.
- (2) If the proposal pursuant to paragraph 1 has not been submitted by the corrective facility, a representative of this facility shall be questioned before the decision.
- (3) A complaint against the decision pursuant to paragraph 1 is admissible and it has a suspensive effect.

Article 85

Conditional Release outside Corrective facility

- (1) The District Court for Youth in the territory of which the protective upbringing is executed shall decide on conditional placement of the juvenile outside the corrective facility where he/she executes the protective upbringing on a proposal of the Prosecuting Attorney, of the relevant body for social and legal protection of children, of the probation officer, of the corrective facility, on request of the juvenile, or without such a proposal in a public hearing.
- (2) A complaint against the decision pursuant to paragraph 1 is admissible and it has a suspensive effect.

Article 86

Extension of Protective Upbringing

- (1) The District Court for Youth in the territory of which the protective upbringing is executed shall decide on extension of protective upbringing on a proposal of the Prosecuting Attorney, of the relevant body for social and legal protection of children, of the probation officer, of the corrective facility, or without such a proposal in a public hearing.
- (2) If the proposal pursuant to paragraph 1 has not been submitted by the corrective facility, a representative of this facility shall be questioned before the decision.
- (3) The protective upbringing can be extended only if its execution has already started.
- (4) A complaint against the decision pursuant to paragraph 1 is admissible.

Article 87

Change of Protective Upbringing

- (1) The District Court for Youth in the territory of which the protective upbringing is executed shall decide to change protective upbringing in institutional upbringing, and opposite, on a proposal of the Prosecuting Attorney, of the probation officer, of the relevant body for social and legal protection of children, of the corrective facility, or of the juvenile, or without such a proposal in a public hearing.
- (2) A complaint against the decision pursuant to paragraph 1 is admissible and it has a suspensive effect.

Article 88

Expungement of Conviction

- (1) The chairing judge of the Court for Youth that has decided in the case in first instance shall decide on expungement of conviction without a proposal or request.
- (2) A complaint against the decision on expungement of conviction is admissible and it has a suspensive effect.

TITLE III

PROCEEDINGS IN THE SUITS OF OF CHILDREN UNDER FIFTEEN YEARS OF AGE

Article 89

Child under Fifteen Years of Age

- (1) A child under fifteen years of age is not criminally liable.
- (2) If a child under fifteen years of age has committed an action otherwise punishable the Court for Youth shall take measures necessary for its remedy that are given in Article 93 (hereafter "the Measures").
- (3) Conduct of a child under fifteen years of age that is another unlawful action, than given in paragraph 2, shall be judged and heard pursuant to general regulations.

Article 90

Start of Proceedings

- (1) A measure can be imposed to the proposal of the prosecuting attorney's office on a child under fifteen years of age that has committed an action otherwise punishable. The prosecuting attorney's office shall submit the proposal immediately after it has found that the criminal prosecution is inadmissible because it is a person that is not criminally liable because of the lacking age.
- (2) If proceedings on imposing measures on a child under fifteen years of age that has committed an action otherwise punishable has not started to the proposal of the prosecuting attorney's office pursuant to paragraph 1, the Court for Youth can start it without a proposal.
- (3) The Court for Youth shall stop proceedings on imposing measures on a child under fifteen years of age that has committed an action otherwise punishable, submitted by anyone else than the prosecuting attorney's office. This does not exclude to start the proceedings by the Court pro youth pursuant to paragraph 2.

Article 91

Participants in Proceedings

- (1) Participants in proceedings on imposing measures on a child under fifteen years of age that has committed an action otherwise punishable, are the minor, the relevant body for the social and legal protection of children, statutory representatives of the minor, persons to whom the minor has been placed in upbringing or other similar care, and other persons whose rights and duties shall be heard in the proceedings. If the prosecuting attorney's office has submitted a proposal pursuant to Article 90 (1), it is also a participant in the proceedings.
- (2) The Court for Youth shall appoint usually an attorney-at-law to be the child's guardian.

Article 92

Proceedings

- (1) The child need not be examined within the proceedings, if his/her conduct in which an action otherwise punishable is found has been reliably proven in another way. His/her relevant opinion must be always established.
- (2) Unless the Court for Youth has decided otherwise, the proceedings in the suits of imposing a measure on a child under fifteen years of age let that has committed an action otherwise punishable shall take place

excluding the public; the Court for Youth shall allow participation in the proceedings always to the officers of the Probation and Mediation Service.

- (3) Provisions of Articles 52 to 54 shall apply analogously.

Article 93

Measures

- (1) If a child under fifteen years of age has committed an action otherwise punishable, the Court for Youth can impose on him/her, usually based on results of a previous pedagogic and psychological examination, the following measures:
 - a) supervision of a probation officer,
 - b) placing in a therapeutic, psychological or another suitable upbringing program in a centre for upbringing care, 7)
 - c) protective upbringing.
- (2) The Court for Youth shall impose the protective upbringing on a child that has committed an action, for which the Criminal Act in its special part allows to impose the exceptional punishment, and that in the time of committing the action has reached twelve years of age and is under fifteen years of age.
- (3) The protective upbringing can be imposed also on a child under fifteen years of age, if the nature of the committed action otherwise punishable gives grounds for it and if it is necessary to guarantee his/her orderly upbringing.
- (4) The supervision of a probation officer shall adequately follow provisions of Article 16 (1) and (2) and Article 80 (1), (3), (4) and (5), taking into consideration the age of the child. The probation officer shall visit the child under fifteen years of age on whom the probation officer supervises regularly in his/her place of dwelling and in school when executing the supervision.
- (5) The Court for Youth shall care for the upbringing influence on the child and follow also the preventive influence of the measure when imposing a measure pursuant to paragraph 1 clause a) and b).
- (6) More measures can be imposed on a child at the same time, if it is necessary to achieve the purpose of the Act (Article 1 (2)).
- (7) The Court for Youth can refrain from imposing a measure, if hearing the actions of the child by the Prosecuting Attorney or before the Court for Youth satisfies to achieve the purpose of the Act (Article 1 (2)).
- (8) The Court for Youth shall decide on imposing a measure in a judgment.

7) Act No 109/2002 Coll., on execution of institutional upbringing or protective upbringing in school facilities and on preventive upbringing care in school facilities and on amendments to other Acts.

Article 94

Publishing Results of Proceedings

- (1) The result of the proceedings on imposing a measure on a child under fifteen years of age that has committed an action otherwise punishable can be published in the mass media only when the decision that has terminated the proceedings has become applicable, and only without presenting the name and surname of the child, of other participants in the proceedings and their guardians or other representatives.
- (2) The Court for Youth can allow exceptions from the ban to publish given in paragraph 1 in justified cases.

Article 95

Reimbursement of Proceedings Costs

- (1) A fee, reimbursement of cash expenditures and reimbursement for loss of time in the amount and under conditions given in a special regulation shall belong to the attorney-at-law for providing legal services in executing the function of the guardian of the child;³⁶⁾ the amount of fee shall follow provisions of the special regulation on out-of-court fee.
- (2) The state shall pay for the fee, reimbursement of cash expenditures and reimbursement for loss of time for the provided legal services. The state shall provide an adequate advance payment to the attorney-at-law in justified cases on attorney's request.
- (3) The Court for Youth shall adjudicate to the state reimbursement of expenses that the state incurred by paying the fee, reimbursement of cash expenditures and reimbursement for loss of time to the attorney-at-law in justified cases pursuant to paragraph 2, against the child, his/her statutory representatives, persons to whom the child has been entrusted in upbringing or another similar care, or against other persons, about the rights and duties of which the proceedings has been held, if some of the measures given in Article 93 (1) has been imposed, if this can be fairly requested against them and if the property owned by them gives a reason for it. If the reimbursement of costs has been imposed to more persons, they are obliged to provide it to the state jointly and severally.

36) Regulation No 177/1996 Coll., on attorney-at-law fees and reimbursement for attorney-at-law for providing legal services (attorney's fee), as amended.

Article 96

Using Regulations on Civil Process

The Court for Youth shall follow in the proceedings pursuant to this Title pursuant to regulations adjusting civil court proceedings, unless the Act stipulates otherwise.

TITLE IV

COMMON AND TRANSITIONARY PROVISIONS TO PART ONE

Article 97

- (1) If other regulations treat punishments, also Criminal measures pursuant to the Act are understood to belong among them according to the nature of the suit.
- (2) If other regulations treat the criminal proceedings, also proceedings in the suits of juveniles pursuant to the Act are understood to belong among them according to the nature of the suit.

Article 98

The proceedings in the suits where the formal accusation has been submitted before the Act becomes effective shall follow the current regulations.