

#### **14-9001. Children's court; general use note.**

When a uniform instruction is provided for the elements of a crime, a defense or a general explanatory instruction on evidence or trial procedure, the uniform instruction shall be modified and used in the children's court for delinquent acts. In no event may an elements instruction be altered other than as required for use in the children's court. An instruction shall not be given on a subject for which a use note directs that no instruction be given. In all instructions, the word "child" should be substituted for the word "defendant." For any other matter, if the court determines that a uniform instruction must be altered, the reasons for the alteration must be stated in the record.

For a delinquent act for which no uniform instruction on essential elements is provided, an appropriate instruction stating the essential elements must be drafted. However, all other applicable uniform instructions must also be given. For other subject matters not covered by a uniform instruction, the court may give an instruction which is brief, impartial, free from hypothesized facts and otherwise similar in style to these instructions.

The printed version of these instructions varies the use of pronouns in referring to the defendant, witnesses or victims. When an instruction is prepared for use, it must fit the situation.

Many of the instructions contain alternative provisions. When the instructions are prepared for use, only the alternative or alternatives supported by the evidence in the case may be used. The word "or" should be used to connect alternatives, regardless of whether the word is bracketed in the printed version of the instruction.