§ 330.1. Bill of particulars. 1. Definitions. (a) "Bill of particulars" is a written statement by the presentment agency specifying, as required by this section, items of factual information which are not recited in the petition and which pertain to the offense charged and including the substance of each respondent's conduct encompassed by the charge which the presentment agency intends to prove at a fact-finding hearing on its direct case, and whether the presentment agency intends to prove that the respondent acted as principal or accomplice or both. However, the presentment agency shall not be required to include in the bill of particulars matters of evidence relating to how the presentment agency intends to prove the elements of the offense charged or how the presentment agency intends to prove any item of factual information included in the bill of particulars.

(b) "Request for a bill of particulars" is a written request served by respondent upon the presentment agency, without leave of the court, requesting a bill of particulars, specifying the items of factual information desired, and alleging that respondent cannot adequately prepare or conduct his defense without the information requested.

2. Bill of particulars upon request. Upon a timely request for a bill of particulars by a respondent against whom a petition is pending, the presentment agency shall within fifteen days of the service of the request or as soon thereafter as is practicable, serve upon the respondent or his or her attorney and file with the court, the bill of particulars, except to the extent the presentment agency shall have refused to comply with the request pursuant to subdivision four of this section. If the respondent is detained, the court shall direct the filing of the bill of particulars on an expedited basis and prior to the commencement of the fact-finding hearing.

3. Timeliness of request. A request for a bill of particulars shall be timely if made within thirty days after the conclusion of the initial appearance and before commencement of the fact-finding hearing. If the respondent is not represented by counsel, and has requested an adjournment to retain counsel or to have counsel appointed, the thirty-day period shall commence, for the purposes of a request for a

bill of particulars by the respondent, on the date counsel initially appeared on respondent's behalf. However, the court may direct compliance with a request for a bill of particulars that, for good cause shown, could not have been made within the time specified.

4. Request refused. The presentment agency may refuse to comply with the request for a bill of particulars or any portion of the request for a bill of particulars to the extent it reasonably believes that the item of factual information requested is not authorized to be included in a bill of particulars, or that such information is not necessary to enable the respondent adequately to prepare or conduct his defense, or that a protective order would be warranted or that the demand is untimely. Such refusal shall be made in a writing, which shall set forth the grounds of such belief as fully as possible, consistent with the reason for the refusal. Within fifteen days of the request or as soon thereafter as practicable, the refusal shall be served upon the respondent and a copy shall be filed with the court.

5. Court ordered bill of particulars. Where a presentment agency has timely served a written refusal pursuant to subdivision four of this section and upon motion, made in writing, of a respondent, who has made a request for a bill of particulars and whose request has not been complied with in whole or in part, the court must, to the extent a protective order is not warranted, order the presentment agency to comply with the request if it is satisfied that the items of factual information requested are authorized to be included in a bill of particulars, and that such information is necessary to enable the respondent adequately to prepare or conduct his defense and, if the request was untimely, a finding of good cause for the delay. Where a presentment agency has not timely served a written refusal pursuant to subdivision four of this section the court must, unless it is satisfied that the presentment agency has shown good cause why such an order should not be issued, issue an order requiring the presentment agency to comply or providing for any other order authorized by subdivision one of section 331.6.

6. Motion procedure. A motion for a bill of particulars shall be made

as prescribed in section 332.1. Upon an order granting a motion pursuant to this section, the presentment agency must file with the court a bill of particulars, reciting every item of information designated in the order, and serve a copy thereof upon the respondent. Pending such filing and service, the fact-finding hearing is stayed.

7. Protective order. (a) The court may, upon motion of the presentment agency, or of any affected person, or upon determination of a motion of respondent for a court-ordered bill of particulars, or upon its own initiative, issue a protective order denying, limiting, conditioning, delaying or regulating the bill of particulars for good cause, including constitutional limitations, danger to the integrity of physical evidence or a substantial risk of physical harm, intimidation, economic reprisal, bribery or unjustified annoyance or embarrassment to any person or an adverse effect upon the legitimate needs of law enforcement, including the protection of the confidentiality of informants, or any other factor or set of factors which outweighs the need for the bill of particulars.

(b) An order limiting, conditioning, delaying or regulating the bill of particulars may, among other things, require that any material copied or derived therefrom be maintained in the exclusive possession of the attorney for the respondent and be used for the exclusive purpose of preparing for the defense of the juvenile delinquency proceeding.

8. Amendment. At any time before commencement of the fact-finding hearing, the presentment agency may, without leave of the court, serve upon respondent and file with the court an amended bill of particulars. At any time during the fact-finding hearing, upon application of the presentment agency and with notice to the respondent and an opportunity for him to be heard, the court must, upon finding that no undue prejudice will accrue to respondent and that the presentment agency has acted in good faith, permit the presentment agency to amend the bill of particulars. Upon any amendment of the bill of particulars, the court must, upon application of respondent, order an adjournment of the fact-finding hearing or any other action it deems appropriate which may, by reason of the amendment, be necessary to accord the respondent an adequate opportunity to defend.