

Juvenile Justice Glossary

Adjudication: An order by the court finding that a youth did or did not commit a delinquent offense. A juvenile adjudication is like an adult criminal conviction, but generally does not subject a youth to the same direct and collateral consequences as a criminal conviction.

Aftercare: Services (including health, mental health, educational, vocational, family services, etc.) put in place to help youth re-enter the community after being locked up in out-of-home placements. Collaboration and planning for aftercare generally begins well before a youth is released to help ensure a smooth transition and continuity of treatment, services, and supervision.

Age of Criminal Responsibility: The age at which a person is no longer subject to the jurisdiction of the juvenile court and is instead subject to the jurisdiction of adult criminal court. In most states the age of criminal responsibility is 18.

“Amenable to Treatment”: Because the focus of juvenile court is primarily on rehabilitation of young offenders rather than punishment, the question of whether a youth should be tried in juvenile court as opposed to adult criminal court often turns on a determination of whether he/she is “amenable to treatment.” In making this determination, judges and prosecutors generally consider the youth’s age, maturity, offense history, and response to previous interventions.

Amicus / Amici: The Latin phrase *amicus curiae* meaning “friend of the court” is a person or organization that is not involved in a lawsuit as one of the disputing parties, but who writes a brief to the judge offering expertise on a specific matter with a strong interest in a particular result.

Blended Sentencing: Some states allow juvenile courts or criminal courts to give youth a sentence outside of the court’s normal realm in certain cases. A criminal court, for example, may be able to impose a juvenile disposition for certain youth tried as adults, or a juvenile court may impose an adult sentence or a combination juvenile and adult sentence. Where a juvenile court imposes a juvenile placement followed by a term in adult prison, the adult sentence is typically stayed pending a review of the youth’s progress in the juvenile system.

Certification Hearing: A hearing to determine whether a juvenile case should be transferred to adult criminal court where a youth will be tried as an adult. Youth who are transferred are said to be “certified” as adults. Judges making this determination generally consider the nature and seriousness of the offense, the record and previous history of the minor, and the likelihood of reforming or rehabilitating a youth using the resources of the juvenile justice system. *Compare with “Decertification.”*

Collateral Consequences: The negative results of a juvenile adjudication other than a punishment directly imposed by the court. Juvenile records and system involvement for example may limit a youth’s opportunities to obtain education, health care, housing, and employment.

Community-based Program: A program providing treatment, services, and/or supervision to youth under the jurisdiction of the juvenile court as part of a diversion program or as part of a youth's probation conditions. The program is "community-based," because it provides services in the community where the youth lives, rather than in detention or in a secure confinement setting.

Competency: A youth's ability to stand trial, measured by his or her capacity to understand juvenile court proceedings, to consult meaningfully with a lawyer, and to assist in his or her own defense. Evaluation of a youth's competency is particularly important where a youth is very young, immature, or suffers from a mental health disorder or intellectual disability.

Conditions of Confinement: This phrase refers to the living conditions in juvenile detention and secure confinement facilities. It includes the physical conditions of the facility (cleanliness, temperature, light, plumbing, etc.), safety in the facility (the absence or prevalence of assaults, sexual abuse, and harmful practices such as use of excessive force or isolation), and access to health care, education, programming, and visitation.

Decertification: In some states, when youth face adult charges in criminal court, judges may transfer jurisdiction over those youth to the juvenile court. The "decertification" process (called "reverse waiver" in some states) occurs before trial.

Delinquency Proceeding: A hearing in juvenile court to determine whether a youth accused of committing a delinquent act in fact did it, and if so, what consequences should be imposed. Delinquency proceedings are adversarial and are similar in many ways to criminal proceedings. During the first stage of the proceedings, the adjudication hearing, the prosecution must prove beyond a reasonable doubt that a delinquent act occurred and that the accused youth committed the act; the youth has the right to an attorney, the right to present evidence and cross-examine witnesses against him, and several other procedural rights. If a youth is adjudicated delinquent, the second stage of the delinquency proceeding is a disposition hearing in which the judge determines what treatment, services, and consequences serve the best interests of the youth and the community.

Delinquent Act/Offense: An act committed by a youth that would be a crime if committed by an adult (assault, burglary, possession of illegal drugs, etc.). Traffic violations and petty offenses that are punished with small fines are generally not considered to be delinquent offenses when committed by youth. Status offenses like truancy or running away from home are also not generally considered delinquent acts, because the same conduct committed by an adult would not be a crime. Some states exclude certain serious offenses from the definition of "delinquent act" so that youth who commit those acts will be proceeded against in criminal court.

Detention: Temporary custody of a juvenile before trial in a secure confinement facility. Detention is imposed after a judge determines that a youth must remain in custody during the period leading up to a delinquency proceeding for his own protection or the protection of society, or to ensure his appearance at the delinquency hearing. Detention for youth is different from jail for adults, both because juveniles typically do not have a right to bail and because youth in detention are provided with education and treatment services.

Direct File: Many states give prosecutors discretion to file charges against youth directly in adult criminal court instead of in juvenile court. States that permit the practice differ in the ages, offenses, and offense histories that make a youth eligible for direct filing.

Disposition: The stage of a delinquency proceeding which is similar to the sentencing stage of an adult criminal trial. A disposition hearing is only held if the youth has pleaded to the offense or is found delinquent by the judge. Based on information provided by a youth's defense attorney, the prosecutor, and the local probation department. Judges generally place the youth under some type of supervision such as probation or placement in a secure confinement facility, and mandate services and/or participation in certain treatment or programming. The duration of juvenile dispositions varies, but cannot extend beyond the juvenile court's maximum age of jurisdiction. In some states, the judge makes a general recommendation and the department of juvenile justice determines the specific placement for a youth.

Racial and Ethnic Disparities (RED): This term refers to the disparate treatment resulting in over-representation of Black and Brown youth – most often African American, Latinx, and Native American youth – in the juvenile justice system. It includes over-representation of these youth at particular points in the system (arrest, referral to court, detention, etc.) compared to their percentage in the general population, as well as disparate and harsher treatment of youth of color at particular decision points (i.e., length of disposition, whether to transfer a youth to adult criminal court, etc.). Through the Juvenile Justice and Delinquency Prevention Act, the federal government provides incentives for states to investigate and reduce racial and ethnic disparities in the juvenile justice system.

Diversion: This term refers to procedures and programs designed to meet the needs of certain youth while channeling them away from the formal juvenile court process. States have created a variety of ways for first-time offenders, non-violent offenders, and youth whose delinquent behavior stems from mental health or substance abuse needs to be diverted away from the juvenile system and into community-based programs. These diversion programs provide treatment and services and hold youth accountable for their actions without burdening them with a juvenile record and the stigma of being labeled delinquent.

Expunge / Expungement: Expungement laws allow juvenile records to be erased and destroyed once a person reaches a certain age. This is different from sealing records, which doesn't destroy them, but merely prevents members of the public from seeing them. Because juvenile records can create obstacles, for example, to joining the military, pursuing higher education, or obtaining employment, expungement may remove barriers for some people to becoming more productive members of society. The types of records and offenses that can be expunged, and the steps that a person must take in order to expunge them vary by jurisdiction.

Intake: The process following arrest or referral to the juvenile court in which court personnel or the juvenile probation department investigate a youth's charges and decide whether to release the youth, channel the youth to a diversion program, or formally proceed against the youth in juvenile court.

Juvenile Court: A court having jurisdiction over cases involving children who committed an offense when under a specific age, usually 18. Juvenile courts (sometimes referred to as Family Courts) generally preside over both delinquency and dependency proceedings.

Juvenile Life Without Parole (JLWOP): An adult criminal prison sentence for a person's entire natural life without the possibility of release, for an offense committed before the age of eighteen. The U.S. Supreme Court has declared JLWOP to be an unconstitutional punishment for crimes other than murder and has not yet decided whether it is a constitutional punishment for murder.

Juvenile Record: A record kept by the juvenile court with information and documents that are relevant to a youth's delinquency charges. The contents of the record come from several sources, including the police, the probation department, a youth's school, and health care and treatment providers. Depending on the jurisdiction, juvenile records may be sealed and/or expunged to prevent them from acting as barriers to employment or higher education.

Petition: A delinquency petition informs a juvenile judge of the allegations against a youth and asks the judge to hold a formal hearing to determine if the youth did what he is accused of doing.

Placement: This generally refers to an out-of-home placement. Judges deciding what disposition is best suited to a particular youth who has been found delinquent have a range of options, the most severe of which is placement, because it removes a child from his/her home and community. The term "placement" is used both for out-of-home placements designed to be therapeutic and for secure confinement facilities.

Pre-disposition Report: After a youth is adjudicated delinquent and before the judge orders a particular disposition, the local probation office in most jurisdictions prepares and submits a report to the judge identifying the youth's particular risks and needs, and recommending a disposition that appropriately addresses those risks and needs. The pre-disposition report is not the final word on what disposition is to be imposed, and the youth and his attorney will have an opportunity at the disposition hearing to offer other evidence weighing in favor of a different result.

Probation: A disposition involving supervision of a youth in the community rather than in a secure confinement facility after a youth has been adjudicated delinquent. "Probation" is both the name of the legal status in which the youth's freedom is somewhat limited, and also the name of the local agency providing supervision and other services. When a youth is placed on probation, he must comply with any conditions specified in the judge's order. Probation conditions may include, for example, submitting to routine drug testing, paying restitution to a particular victim or to a crime victims' fund, participating in treatment or educational programs, and/or doing community service. When a youth violates those conditions or commits another offense, the judge can revoke the youth's probation and give the youth a different disposition, such as confinement in a juvenile facility.

Re-entry: The stage of the juvenile justice and criminal justice systems in which youth are released from institutional confinement and re-enter the community. *See also "Aftercare."*

Restitution: Payments that a judge may order a youth to make either to a particular crime victim or to a crime victims' fund. Restitution may be part of a youth's disposition or sentence

and is generally based on the amount of harm done to the victim and may take into account the youth's ability to pay.

Restraints: This refers to certain controversial practices used to restrict a youth's movement for security purposes in secure confinement settings, as well as in some courts and even some schools. The term "restraints" includes *physical restraints* in which one or more persons physically restrain the arms, legs, head, and/or torso of a youth. Physical restraints also sometimes involve holding a youth to the ground or against a wall. The term also refers to *mechanical restraints* such as handcuffs, shackles, and belly chains, and *chemical restraints* such as mace or pepper spray.

School-to-Prison Pipeline: This phrase refers generally to school discipline, attendance, and safety policies that act as gateways for youth to enter the juvenile and criminal justice systems. *See also "Zero Tolerance."*

Screening: Screening is a quick process used to identify youth who may need more in-depth evaluation to determine the existence of particular risks or needs related to problematic behavior, education, health, mental health, trauma, and/or drug use. *See also "Assessment."*

Secure Confinement: A detention or disposition placement in a locked facility in which the youth is not free to leave. Other out-of-home placements such as shelters, halfway houses, or treatment facilities are generally not considered secure confinement facilities.

Sex Offender Registration: Certain crimes which are considered "sex offenses" because they amount to sexual abuse or inappropriate sexual conduct carry with them the direct consequence of criminal sentences to probation or prison, and also the collateral consequence of sex offender registration. Registration generally means formally notifying the police of your place of residence upon being convicted or upon leaving prison. The names and addresses of registered sex offenders are generally available to the public, and depending on the state, there may be further restrictions, for example, on where the convicted offender may live and work. Some states require youth adjudicated delinquent for sex offenses in juvenile court to register even though most youth who exhibit inappropriate sexual behavior do not grow up to be adult sex offenders.

Sight and Sound Contact: Because of the risk that youth who are confined with adults may be physically or sexually abused or harassed, federal law requires youth who are held in adult jails and prisons to be separated from adults "by sight and sound." This means generally that youth under the age of eighteen must be housed and transported in ways that prevent them from seeing, talking to, or being within earshot of adult detainees and prisoners.

Status Offense: A juvenile status offense is conduct by a minor that is unlawful because of the minor's age. The same conduct is not considered a crime when committed by an adult – it is the "status" of childhood that makes the conduct an offense and not the behavior alone. Common examples of status offenses include running away from home, habitual disobedience to parents, truancy, and curfew violations.

Summary Offense: A minor crime, such as a traffic violation, that can be prosecuted without a formal indictment. Summary offenses generally come under the jurisdiction of criminal rather than juvenile courts.

Transfer: Laws in many states permit judges or prosecutors to decide that a particular youth charged with a delinquent offense should be tried in adult criminal court rather than juvenile court and to “transfer” jurisdiction over that youth to the criminal court. *See also “Waiver of Jurisdiction.”*

Truancy: Habitual absence from school. Because youth are required by law to attend school up to a certain age, skipping school or repeatedly being absent from school violates the law. Truancy is a status offense because it is only against the law for minors.

Waiver of Jurisdiction: Juvenile courts generally have jurisdiction over cases involving youth who are accused of delinquent acts, and authority to determine both whether the youth committed the offense and what treatment and consequences the youth will face. Many states permit juvenile court judges to waive their jurisdiction over a youth under certain circumstances, and transfer jurisdiction to the adult criminal court. Waiver of jurisdiction has the effect of denying the youth the protections of juvenile court, and is generally reserved for youth of a certain age who have committed serious violent offenses.

Zero Tolerance: School discipline policies that mandate harsh punishments such as suspension and expulsion and in many instances referral to law enforcement for certain rule violations. Zero tolerance policies have been widely criticized for removing youth from classrooms and routing youth into the juvenile justice system for behavioral problems that in the past were adequately managed by the school system.