

Audio

Juvenile delinquency court is

Confusing

Intimidating

Overwhelming

Emotional

The juvenile justice system can be all of these things, but it doesn't have to be.

Although different counties and different judges can have unique ways of running their courts, this short video will give you a basic idea of what to expect in juvenile delinquency court and the most common kinds of hearings.

Delinquency court deals with youth under 18 who have been arrested or given a ticket by an officer for doing something that would be considered a crime if done by an adult.

Many of the hearings that are held in delinquency court are similar to what we see on TV.

However, juvenile court hearings have different names than those in adult criminal court and a very different purpose, too. While adult criminal court usually focuses on punishment, the aim of the delinquency court is to help the youth so that he or she does not commit any further crimes and has a successful future.

Some youth waiting for their first appearance in court may be in a position similar to Christina's. When Christina got into trouble, an officer arrested her and took her to juvenile hall to wait for her first court hearing. This is called being detained.

Most youth who are detained have the right to go to court within 2 days after being brought to juvenile hall, not counting weekends or holidays. In some cases where violent acts are involved, that deadline can be as long as 3 days after being detained.

Some youth, like Robert, may not have been brought to juvenile hall even though they have a delinquency case. Robert was sent a letter telling him about his first court date, time and location. This is called a Notice to Appear.

It is very important that Robert comes to court on the day and time written in the notice. If he doesn't, the judge may issue a warrant allowing an officer to arrest Robert and put him in the juvenile hall to wait for his next court hearing.

Whenever a youth comes to court, it is important to be on time and dressed appropriately. Because most juvenile court hearings are confidential, cases have to be called into the courtroom one at a time. While this is done to protect the youth's privacy, sometimes it can mean that there will be a long wait before getting a turn in the courtroom.

The first hearing in juvenile delinquency court is usually the detention hearing. The purposes of the detention hearing are for the judge to make sure the youth knows why he or she is in court and to decide whether the youth should have to be in juvenile hall until a decision on the case is reached. In making this decision, the judge will think about whether the youth is likely to return to court for his or her next hearing; whether the youth is safer in juvenile hall; and whether other people are safer if the youth stays in juvenile hall.

Christina's detention hearing is typical for a youth kept in the hall. She was brought to the courthouse in time to have a brief meeting with her lawyer before going into the courtroom.

Youths in delinquency court have the right to hire their own lawyers but because Christina couldn't afford to do that, the court appointed her one. Court appointed attorneys are all licensed lawyers whose job it is to represent the youth. In order to do that, sometimes the youth's lawyer can't share all of the information about the case with the youth's parents or guardians.

While parents and guardians as well as the crime victim can be represented by a lawyer if they want one, generally they have to hire and pay for their own.

Christina's grandparents, who are her legal guardians, had to be in the waiting area until it was Christina's turn to see the judge. Even though they weren't able to visit with Christina while they waited at the courthouse, it is important that at least one of them is present every time Christina comes to court. Not only do they need to know what is happening, but they may also have responsibilities as a result of Christina's court case. Parents and legal guardians may be required to participate in classes or other programs that are designed to help them and their child. They may have to pay some of the costs of their child's juvenile delinquency case, including paying for as much of the cost of their child's court-appointed attorney as they can afford.

When Christina comes into the courtroom she sits at the table with her lawyer and is given a document describing what officers say are the illegal things that Christina did. This document is called the petition.

The petition lists the different laws it is claimed, or alleged, that Christina broke. The items on the list are called the allegations, and are similar to what is called “the charges” in adult criminal court. In Christina’s case, the petition alleges that Christina got into a fight with another girl at school.

The District Attorney’s office wrote the petition and a lawyer from that office is in the courtroom.

Christina’s lawyer tells the judge that Christina denies doing the things that the petition says she did. This is called entering a denial and it is similar to pleading not guilty in adult criminal court.

After the denial is entered, the judge needs to consider whether or not Christina must stay in juvenile hall while her case is waiting for an outcome.

To help provide information about this question, a juvenile probation officer will be in the courtroom. Just because the probation department is involved with her case at this point does not mean that Christina is on probation. Probation has the responsibility to learn about all the youths who have delinquency court cases. The probation department will write

reports and make recommendations throughout each stage of Christina's court case but the judge cannot order Christina to be supervised on probation unless she is eventually found to have done something that was wrong.

Also in the courtroom is a court reporter who is writing down everything that is said during Christina's hearing. It is important that people take turns talking without interrupting and answer out loud instead of just nodding their heads so that the court reporter can write things down accurately.

A courtroom clerk assists the judge with tasks such as keeping track of the court's decisions and schedule and summarizing what happened in court in a form called a minute order.

The bailiff's job is to keep the courtroom safe. In many courthouses, the bailiff will also call the cases into the courtroom.

Sometimes, there may be an interpreter present in court to help people who don't speak English. Youth, their parents or legal guardians, and crime victims are entitled to have a court-appointed interpreter help translate what is said in court. There is no charge for this and anyone who needs an interpreter should let someone from the court or probation know as soon as possible so that an interpreter can be brought in.

Do not be surprised if you DO speak English and still don't understand what people are saying. Too often, court hearings have a lot of technical legal terms being used. Don't be

afraid to ask for an explanation of what is being said.

After considering all the information he has, the judge decides to keep Christina in juvenile hall and schedules her next court date. The next time Christina comes to court will be for a pretrial hearing.

Sometimes called a status conference, the purpose of this court date is to see if the case can be resolved without a trial. If it can't, then the judge needs to find out if the attorneys are ready for the trial. Pretrial hearings aren't held in all counties and sometimes even counties that use pretrial hearings won't have one if the judge and the attorneys don't feel like one is needed.

Since Christina disagrees with what is said in the petition and police report, her attorney lets the judge know that they will need to schedule a trial.

The trial date is called the jurisdiction hearing because it's the hearing where the judge decides whether or not the youth committed a crime which would then give the court control, or jurisdiction, over the youth. Like in an adult criminal case, the district attorney must prove beyond a reasonable doubt that Christina did the things alleged in the petition before the court can take jurisdiction.

Both the DA and Christina's attorney can bring witnesses to court, question the witnesses that testify and make arguments to the judge. In Christina's case, after listening to the

witnesses, the judge decides that the district attorney did not present enough evidence to prove that Christina did what they claimed. Therefore, the court does not take jurisdiction. Christina's court case is over with and Christina gets to go home and she does not need to return to court.

When Robert went to his detention hearing, his petition alleged that he broke into a neighbor's house and stole some alcohol and a small amount of money. Like Christina, Robert also entered a denial at his detention hearing. However, now that Robert and his attorney have had a chance to talk further and investigate Robert's case, Robert has decided that he doesn't want to fight the case at a trial. He decides to admit to doing the things listed in the petition.

After entering his admission, Robert will have to come back to court to find out what the consequences will be. This court date is called the disposition hearing.

The purpose of the disposition hearing is to decide what the youth needs in order to learn from what he or she did and how to help ensure that the youth doesn't continue to break the law.

Before the disposition hearing, Robert will meet with a probation officer who will write a report for the hearing. The report will make recommendations about what Robert should have to do to work on the problems that caused him to get into trouble. The report will be given out at least 2 days before the disposition hearing.

At the disposition hearing the judge considers the suggestions listed in the probation report. Since Robert committed a crime that had a victim, that person can speak in court at the disposition hearing about the incident. Robert's attorney and the district attorney may also make suggestions to the judge about what they think the most appropriate outcome should be.

There are many rehabilitation options available to the judge, including some that involve punishment. The judge may choose to allow Robert to live at home so long as Robert does certain things the court wants him to do like attend school or go to counseling. If the judge decides that Robert needs to have more supervision while he gets help, the judge can send Robert to a treatment program in a group home or spend time in a detention facility such as juvenile hall or a probation ranch or camp. For some serious crimes, a judge can order a youth go to a state-run correctional center that can hold the youth until he or she is 25.

After considering what is in the probation report, as well as the information he heard at the disposition hearing, the judge decides to place Robert on probation supervision. The judge makes an order listing the rules and requirements that Robert has to follow while being supervised. These are the terms and conditions of probation. It is important that Robert understands what he has to do while on probation because if he doesn't, and he later fails to do something that is required of him, Robert may get in trouble with the court and face more serious consequences.

Since the victim lost money because of Robert's actions, the judge will require Robert to

pay for any loss or damage that his actions caused. This is called restitution. Robert's parents may be required to help him pay off the restitution that is owed.

Robert will get a copy of the court order from his disposition hearing either in person or by mail. This document will list the terms and conditions of Robert's probation and should be kept in safe place.

In some cases, a youth may have to come back to court, even after the disposition hearing. Usually, this is for some kind of a review hearing. Review hearings are generally held so that the judge can see how a youth is doing on probation, is progressing in paying off any restitution, or because the youth was placed in a group or foster home and the judge needs to evaluate if that home continues to be the right place for the youth.

Robert should keep his attorney's phone number even after he has stopped coming to court because if Robert successfully completes probation, he can speak to his attorney or probation officer about the possibility of going back to court to have his case sealed, which means that it would be removed from his record.

While juvenile delinquency court may be a scary and emotional process, knowing what to expect and where to get help, should make it more manageable. Hopefully, a youth's involvement with the delinquency system will eventually be a step in the process of building a successful future.