

Court Talk

What is Juvenile Court?

Juvenile courts in the United States began more than 100 years ago. Before that, a youth who broke the law went to adult court. That youth was tried with adult laws and given adult punishments. As science progressed we learned this practice was unfair because youth are not capable of making decisions like adults. Youth are still maturing and developing and should be given a chance to learn from their mistakes.

The purpose of juvenile court is to:

- ◆ Ensure public safety.
- ◆ Hold youth accountable.
- ◆ Rehabilitate youth.



Juvenile Court is NOT Adult Court.

The juvenile justice system is different from the criminal system for adults. Even words for similar things are different.

Juvenile Court	Adult Court
18 years old or under	Over 18 years old
Hearings	Trials
Judge decides	Judge or jury decides
Rehabilitation focus	Punishment focus
No bail	Bail allowed
Taken into custody for an offense	Arrested for a crime
Adjudicatory hearing	Sentencing trial
Adjudicated delinquent	Found guilty
Disposition	Sentence
Commitment to a residential program	Prison

Your Child Has Rights!

In the juvenile justice system, your child is the one being charged and has certain rights:

- ◆ To know what he is being charged with;
- ◆ To have a attorney represent him in court, go over the case and give advice about his options;
- ◆ To remain silent and not have to answer questions or testify; and
- ◆ To plead not guilty and have an adjudicatory hearing where charges must be proven beyond a reasonable doubt.



It is very important that you understand that you DO NOT have any LEGAL rights in this court process. However, as the child's parent or guardian, you have every right to know what is going on and to help your child make the best decisions and show the best behavior.

The state has temporary custody until your child's case is resolved, but you will always — before, during and after — be the most important caretaker of your child.

You Have a Team!

Everyone you meet at court works as a team to make sure your child has the right consequences for his actions, makes better choices, and will not harm anyone any more. The team includes:

- ♦ **You.**
- ♦ **Your child.**
- ♦ **Your child's Juvenile Probation Officer (JPO).**
(See back page of this brochure for more information about the JPO.)
- ♦ **Your child's attorney.**

At any time you can hire your own attorney. If you cannot do that, the court will assign one to your child's case. He is called a public defender (PD).

The PD:

- ♦ Represents your child in court,
- ♦ Goes over the case with him,
- ♦ Makes sure his rights are protected, and
- ♦ Gives him advice about what options there are to resolve his case.

The PD usually speaks privately to your child. Your child is the client, not you. Legally, the PD can only discuss the case with your child, the state's attorney, and the judge.

The PD may or may not explain anything to you. It is not that you are not important. You can and should talk with your child about what is happening and help him make decisions.

If you use the court's PD, you probably will not meet him until you are in the court waiting room before the first hearing. Also, your child may have a different PD at different hearings.

Name: _____

Number: _____

Email: _____

♦ **The state attorney (SA) or "prosecutor."**

The SA's job is to ensure public safety by prosecuting those who commit crimes. He files charges against your child according to the police report and recommends consequences. There may be a different SA at different hearings. Neither you nor your child will talk with him.



♦ **The judge.**

The judge makes sure procedures are followed. He makes the final decision on your child's case after listening to what DJJ, the PD, and the SA recommend.

At different hearings he decides:

- ♦ Where your child will stay until a final decision is made about his case.
- ♦ Whether it is likely a crime was committed and that your child is likely the one who did it.
- ♦ Whether your child is guilty or not guilty of the criminal charges.
- ♦ What your child must do as a result of his actions.



There are Hearings!

The following are the main court hearings your child may go to. There are also other hearings for special situations:

Detention Hearing

This happens the day after your child has been brought to DJJ on suspicion that a crime has occurred. (unless he is released until the arraignment hearing).

Does your child need an attorney? Is it likely he committed the offense? Is the community safe if your child goes home? Will he show up for court?

The judge:

- ◆ Makes sure your child has an attorney or assigns one to him.
- ◆ Makes sure the charges are fair and correct.
- ◆ Determines if your child is likely to get in further trouble or may not show up for court. If so, your child must stay in a locked detention center until the arraignment hearing and maybe after that.

The judge usually agrees with DJJ's recommendation.

Arraignment Hearing

The judge tells your child his charges. After talking with his lawyer about rights, charges and options, your child tells the judge at this hearing whether he is guilty or not guilty or pleads no contest. (Make sure your child's lawyer explains the differences.)

What are the charges? Does he admit guilt? Will the consequences be decided now or later at a disposition hearing

Adjudicatory Hearing

If your child pleads not guilty, the prosecutor must prove the facts of the case. Witnesses can testify. The PD can question them and present his own facts about why your child is not guilty. The judge makes a decision.

Can the prosecutor prove your child is guilty?

Disposition Hearing

If your child pleads guilty, the judge decides the consequences, services and treatment your child needs.

What does the judge decide?

Tips

How you and your child dress and act is important. You should be respectful and serious about what is happening.

◆ **Dress**—Both of you should look businesslike.

- ◆ If your child has stayed in detention before a hearing, he will arrive in the clothes assigned to him.
- ◆ If your child is arriving with you, make sure he is neat and clean and does not wear
 - * Any gang-related colors or symbols,
 - * Clothing with drug, alcohol or sexual words or pictures,
 - * Pajamas,
 - * Flip flops or slippers,
 - * Low hanging pants, or
 - * Casual or revealing clothing, such as shorts, tank tops, mini skirts or cropped tops.

◆ **Weapons**—Everyone who enters the court has to go through a metal detector. Guns, knives or any other weapon are not allowed.

◆ **Behavior**—Do not do anything, or let your child do anything, that would be disrespectful to anyone in the courtroom.

NO:

cussing yelling
writing on furniture or walls
talking on the phone
laughing sleeping
tipping in chairs
playing music

◆ **Words and Body Language**—

- ◆ Always call the judge "Your Honor."
- ◆ Show manners by saying, "please" and "thank you." Say, "Yes sir/Ma'am" (not "Uh huh.")
- ◆ Stand up straight.
- ◆ Do NOT ignore the judge. Look him in the eye when speaking.
- ◆ Answer questions honestly, clearly and completely.

"Your Honor"
"Yes sir/ma'am"
"Please"
"Thank you"



You Have an Important Role!

You are VERY IMPORTANT to your child's success. Even though you DO NOT have any rights in the court process, there are many things you can do to help. You can:

- ◆ Give information to your team—your child's attorney and the DJJ staff—to help them figure out what services, treatments and consequences are best for your child. Your team will tell those to the judge who makes the final decision.
- ◆ Support and encourage your child.
- ◆ Attend your child's meetings with DJJ and his attorney, and any court hearings. Let everyone know you want to help your child.



By Orlando Prodigy
Artist Chanel

Be aware:

The court process, with several possible hearings, may take a few weeks to a few months. Once your family arrives at court, you may have to wait several hours before being called into court for your child's case.

Your Child's JPO Can Help!

A Juvenile Probation Officer (JPO) is assigned by DJJ to your child once he is in our custody. This does not mean that your child is, or will be, on probation.

A JPO is the front-line staff member who delivers case management services to your child and your family. For the most part, your child's JPO is the main point of contact for you and your child as your child's case moves through the juvenile justice system.

The JPO knows the juvenile justice system, including the court process and people, and the resources that are available in your community. He knows all the information to gather about you and your child and where or how to get it. He knows the appropriate consequences for your child's poor behavior and how to determine what needs you and your family have. He also knows how to make the best recommendation to the court about how to handle your child's law violation.

If your child is placed on probation, he knows the appropriate ways to monitor and support him.

If your child goes to a residential commitment program, the JPO will work with your child's residential social worker who is a member of the treatment team at the residential program and help him transition successfully back into the community once he is released.

While we all want to get the best result for your child, the process can be confusing and sometimes frustrating. Any time you have questions, contact your child's probation officer for help.

Name: _____

Number: _____

Email: _____