



## Parent’s Guide to the Juvenile Court System

Many situations bring families into contact with the Juvenile Court system including a child being in trouble with the law, being habitually truant from school, or running away from home repeatedly. The Juvenile Court System may seem overwhelming and the following information should aid your understanding of the Court proceedings. It is compiled by answering questions that are commonly asked by parents and children.

When your child has been charged with a delinquent act or is alleged to be a Juvenile In Need of Protection and Services (JIPS), a Social Worker from Trempealeau County Department of Human Services will be assigned to work with your family. This usually consists of an intake interview in the Social Worker’s office. Family history and surrounding circumstances of the issue will be discussed so the Social Worker can make the best recommendation for the family. The Social Worker then makes a formal recommendation to the court about conditions of supervision, types of services, and/or out-of-home placement, if necessary.

### **How the Juvenile System Differs from the Adult System:**

Juvenile court aims to protect the safety of the public, protect the interests of the public, and do what is necessary to restore any damage resulting in your child’s behavior. The Juvenile Court emphasizes rehabilitation and education and does not promote labeling of children as “criminals”. The Juvenile Court attempts to address the needs of the family by considering what skills or competencies your child or you need to know to avoid future problems.

Parental involvement is a critical part of any Juvenile Court disposition. Parents are required to participate in order for court orders to be successful. This may involve enforcing rules set by the Judge or Social Worker, attending family counseling or taking parent education classes to help parents better deal with their child. All parents are encouraged to speak up and ask questions as they arise. Parental input is very important and all suggestions are welcomed.

### **Terminology Differences in Juvenile Court VS. Adult Court**

Adult Term	Juvenile Term
Arrest	Take into Custody or Apprehend
Warrant	Capias
Probation	Supervision
Plea of Not Guilty	Deny the (Facts of) Petition
Plea of Guilty	Admit to the (facts in) Petition
Misdemeanor, Felony	Delinquent Act

Arraignment	Plea Hearing
Sentencing	Disposition

**Confidentiality:**

Unlike open criminal courts, all juvenile court proceedings are confidential. There are few times, however, when the court is open to the public, mainly in second or subsequent delinquency cases.

**Attorneys:**

Juveniles have the right to be represented by a lawyer. If the juvenile does not have sufficient funds to hire a lawyer, he/she may be eligible to have a Public Defender appointed. The attorney will represent the interests of the juvenile during all stages of the proceedings unless the juvenile wishes to continue without a lawyer and the Judge allows it. If a Public Defender is appointed, the Court will order that the parent(s) pay for this representation. The Public Defender will determine the cost based on the nature of the charge. The Judge will enter an order of recoupment – Court Order that states the parent will reimburse the State for legal costs. Parents have the right to appeal this order to show indigence.

**The Hearing Process:**

In most Juvenile Court cases, the Juvenile Justice Code requires several steps in the hearing process, including:

A PLEA hearing, at which the Juvenile and/or the parent, in some cases, will enter an admission or denial regarding the allegations in the petition. The Commissioner or Judge may also order psychological and/or Alcohol Drug abuse (AODA) evaluations at this hearing. It is important to note here that this hearing is an initial hearing and long-term planning decisions will probably not be made at this time.

A PRE-TRIAL CONFERENCE at which the attorneys, Social Worker, parents, and the Judge may be able to work out an agreement that will settle the case without going to a trial.

A FACT-FINDING HEARING or TRIAL in which the Judge determines whether a juvenile is delinquent or in need of protection or services by hearing testimony from all parties. If the Judge determines that the juvenile is delinquent or in need of protection or services, the final hearing will be set.

A DISPOSITIONAL HEARING at which the Judge will hear the reports and recommendations of the Social Worker and others involved with this case. The Judge may have received written reports from other parties, such as psychologists and school personnel, before the hearing. Parents also will be asked their views on the recommendations. After the Judge hears all of the testimony, he or she will begin to list the "findings of fact," and then will decide the disposition of the case. The Judge will

make a court order listing the conditions of the juvenile's period of supervision and a determination where the juvenile will reside if placement outside of the parental home is necessary.

If you are unclear on any point in any of the hearings, be sure to ask the Judge/Commissioner, the assigned Social Worker, or an attorney to explain the order in more detail.

In some minor cases, an agreement called a "Consent Decree" may be worked out at the pre-trial hearing thereby avoiding a final dispositional hearing.

The Court can and must frequently make the parents' pay some or all of the expenses associated with the Court Order including but not limited to:

1. Attorneys' fees
2. Out-of-home placement
3. Education/medical costs
4. AODA services/treatment.