

07 - Juvenile Delinquency

When is a child considered a juvenile delinquent?

A juvenile delinquent is any child under 17 who has broken the law, is disobedient to parents, guardian or custodian, or has been truant from home or school.

What happens when a minor is picked up and taken into custody by the police?

The minor is taken to local police station headquarters where the police have the option of releasing the juvenile or requesting permission to admit the juvenile to a detention home. If approved, the juvenile will be detained at the youth home pending a hearing.

How long will the minor be held at the youth home?

The Family Court must hold a preliminary hearing within 24 hours of the minor's admission to determine whether a petition should be authorized and whether the juvenile should remain in custody before the trial. The court may call witnesses to help make the determination. The hearing can be adjourned for up to 14 days.

The court may decide to release the juvenile without conditions, pending trial or with certain lawful conditions, including a requirement that a bond be posted.

How do I post bond?

Bonds may be posted during normal business hours in the Court office. Payment may be cash, money order, cashier's check, or surety bond.

After hours and on weekends, bond may be posted at the Sheriff's Department. Payments must be by money order or cashier's check only.

What happens next?

A trial date will be set. At the trial, a judge, referee or jury will hear the evidence/ testimony and determine if the juvenile comes within the provision of the juvenile code.

What is involved in commitment?

The court can rule that the minor be made a ward of the state with jurisdiction continuing to age 19, or in some circumstances to age 21.

Will the minor need an attorney?

The court will appoint an attorney if:

- ! The parent or guardian refuses or fails to appear at the hearings;
- ! The parent or guardian is the complainant or victim;
- ! The minor and parent / guardian cannot afford an attorney;

- ! The parent / guardian refuses to retain an attorney and the juvenile doesn't waive the right to an attorney;
- ! The court determines that it is in the best interest of the child or public to appoint an attorney.

Who is responsible for attorney fees?

Upon initiation of court action, the court will take a financial statement from the parent / guardian. After disposition, the court will make a recommendation for reimbursement by the parent / guardian for the minor's room and board, attorney fees, and/or other court costs, based on the financial statement.

What is probation?

If the court orders probation, the minor will be released to his/her parent or guardian and assigned a probation officer or caseworker for a time to be determined by the court. The minor will report to the probation officer or caseworker on a regular basis, also determined by the Court.

The court may also order mandatory restitution, where the juvenile or parent must compensate the victim for damages or loss.

If the minor is adjudicated on the formal calendar, will the juvenile have a record?

Yes, the court keeps a file on any juvenile adjudicated of a criminal offense on the formal calendar.

What if, after a complaint is filed, the juvenile is not adjudicated?

If the juvenile is not adjudicated of a criminal offense on the formal calendar, he/she will not have a record.

If the case is dismissed by the judge or referee will the juvenile have a record?

While the court will maintain a record, information regarding the contact will not be revealed unless there is a finding of guilt and the disposition is "Warned and Dismissed."

Will the juvenile have a record if the petition is denied?

No.

Is school truancy handled by the family court?

For any child between 6 and 16, skipping school is against the law. If a child repeatedly skips school, and all coordinated efforts of parents, guardians, school personnel, counselors, and outside agencies have failed, an official petition can be filed by the court. The court will then recommend further action.

What about running away from home?

Running away from home is against the law. Other acts that are against the law include trespassing, party crashing, hitchhiking, smoking, fighting, loitering and curfew violations.