



Juvenile Court

The Law

WHAT IS JUVENILE COURT?

Juvenile Court is designed to deal with those under the age of 18 who may need protection or other social services, or those who pose a threat to themselves or others. The procedures are meant to solve problems in an informal setting where rehabilitation is the goal.

The goal of the juvenile court is to help juveniles develop into law-abiding adults. Sometimes this means dealing with the juvenile’s criminal behavior, other times it means protecting the juvenile from unhealthy environments.

Juvenile Court does not refer to the place a court proceeding takes place. Instead it is a set of rules that are used when the court system is dealing with children:

- Children who break the law
- Children who are neglected or abused
- Adoptions
- Termination of parental rights
- Appointments of guardians
- Marriage consent for girls between ages 16 and 18

WHAT TERMS ARE USED IN JUVENILE COURT?

Different terms are used when dealing with juveniles as compared to adults. The following is a comparison of the terms:

ADULT		JUVENILE
Crime	↔	Delinquent Act
Arrest	↔	Custody
Charge	↔	Petition
Guilty plea	↔	Admission
Not guilty plea	↔	Denial
Trial	↔	Hearing
Verdict of guilty	↔	Delinquent
Verdict of not guilty	↔	Not delinquent
Sentence	↔	Disposition



AT WHAT AGES ARE JUVENILES HELD RESPONSIBLE FOR THEIR BEHAVIOR?

Generally, juvenile court has control over persons under the age of 18. When they reach age 18, they are treated the same as adults.

- Under age 10-child is found in need of protective services, cannot be found guilty of criminal behavior
- Between 10 and 18-child can be found delinquent because of criminal behavior
- Between 14 and 18-child can be found guilty of a crime if certified and tried as an adult.
- Age 16 and over- child can be tried as an adult on charges of first-degree murder (without a certification process)
- Age 16 and over, minor traffic offenses handled by traffic court (same as adult)
- Age 16 and over, major traffic offenses handled by juvenile court
- Age 18 and over, tried as an adult.

WHAT RIGHTS DO JUVENILES HAVE?

In Juvenile Court, juveniles have the same constitutional rights as adults except the right to bail, the right to a jury trial, and the right to a public trial. This means:

- The juvenile must be told why he or she is being taken into custody or being asked to make a court appearance.
- The juvenile has a right to an attorney, which will be appointed by the court if the person cannot afford one.
- Juveniles can be held in detention for only 72 hours. If the fate of the juvenile has not been decided, he or she must be released or told why they have not been released.

Juveniles who have been referred to adult court have the same rights as adults.

WHAT ARE THE BASIC STEPS IN THE JUVENILE COURT SYSTEM

Although the steps vary depending on whether the juvenile is in the court because of a need for services or is involved in a delinquency matter, there are basic steps that are similar in both juvenile processes.

1. A juvenile is taken into custody

A juvenile may not be taken into custody without a hearing unless the following three circumstances exist:

- a. The juvenile surroundings are harmful to the child's health and safety.
- b. The juvenile has done something illegal and is picked up according to the laws of arrest.
- c. A peace officer believes or knows the following:
 - the juvenile is a runaway
 - is in surroundings that are harmful



- the juvenile has violated the terms of parole/probation, is a juvenile petty offender, or has committed a delinquent act.

2. A petition is filed

A petition is a piece of paper filed with the juvenile court by someone who believes you have committed a delinquent act or are in need of protection and/or other services. The petition must state:

- the facts which bring the child before court,
- the name, date of birth and address of the child
- the name and address of the parent or guardian.

3. A summons is sent

Once the petition is file, the court will set a date for a hearing and send a notice, or summons, to the parent or guardian for the child to appear with the child at the date specified.

4. A hearing is held

The hearing is a private, informal meeting to determine what, if any, services the juvenile requires or whether the juvenile should be considered delinquent.

5. A disposition is made

At the end of the hearing the judge will make a decision or disposition about what will happen next. The judge may do any of the following:

- counsel you and your parent or guardian
- place you under the supervision of a probation officer
- place you in group foster care
- transfer legal custody to county welfare board or home school, or to the county probation officer for placement in a licensed foster care home, or
- transfer you to the custody of the commissioner of corrections. The placement with corrections means you will be placed in a juvenile detention center for a specified period of time.

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Activity: Your Turn

Write about a situation where a juvenile might be taken into juvenile court. Explain what the juvenile did, the process of being taken into custody and going before the court. When you are writing your situation be sure to use the terms that would be used for juveniles rather than those used for adults.

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Activity: Case Study

The case of Gerald Gault

Facts

Gerald Gault, fifteen years old, was taken into custody for allegedly making obscene telephone calls to Mrs. Cook, a neighbor, who had filed a complaint. At the time Gault was taken into custody, his parents were at work. The police did not notify his parents that they were taking him. Gault was placed in a detention center. His parents later found out where he was and learned that a hearing would be held the next day. They did not know why their son had been taken into custody.

At the hearing the next day, a police officer described the charges. Mrs. Cook did not attend. No lawyers were present, and no record was made of the hearing. The judge decided that Gault was guilty and therefore delinquent, and sent him to reform school until he reached the age of 21. If Gault had committed the same crime as an adult, his penalty would have been up to 60 days in jail. Gault appealed.

1. What is wrong with this case? List as many things as you can.

2. What do you think the court decided?