

A delinquency case arises when a youth (child under the age of 18) commits a public offense which would constitute a criminal offense if committed by an adult. The following brochure is designed to describe the delinquency process:

COMPLAINT FILED:

A Complaint is a document which charges the youth with an alleged public offense. The child will normally be arrested and transferred to a juvenile facility to be processed. The complaint holds only those who are under the age of 18.

JUVENILE FACILITY:

After the youth is processed, the youth may be held at the facility pending a hearing or released to his parent(s) or guardian(s).

DETENTION HEARING:

If the youth is held at a juvenile facility, a detention hearing is held within 24 hours to decide whether the youth will be released or held pending an adjudication hearing (trial). If a youth is picked up on Friday or Saturday, the Detention Hearing will be held on the following Monday.

PRETRIAL CONFERENCES:

The pre-trial conference is a hearing where attorneys and the Court set hearing dates for adjunction (trial). The youth must be present at this proceeding. Normally, the Court will not hear evidence at this hearing. If a plea agreement is reached at the pretrial conference, the Judge can enter a finding and set a date for disposition (sentencing).

ADJUDICATION:

This is a trial to determine whether the youth is guilty of the alleged offense. The standard of proof required for adjudication or conviction is beyond a reasonable doubt. If the youth is found guilty, the youth will be given a disposition hearing date where the youth will be sentenced for the offense.

DISPOSITION:

Disposition is sentencing. Sentencing can include:

- probation
- out of home placement until the youth reaches 18 years of age.

CONSENT DECREE:

A decree can be entered into between the State and the Youth whereby the youth is placed on probation with certain conditions. These conditions may include community service, house arrest, restitution, substance abuse treatment and/or therapy. The Court must approve all consent decrees before they are in place.

VORP: VICTIM OFFENDER

RESTITUTION PROGRAM:

This program facilitates a meeting between the youth and the victim. The youth is confronted with the person he or she victimized and a restitution plan is put into place. This session is designed to be educational and therapeutic.

RIGHT TO COUNSEL:

The youth is required to have an attorney present through each and every stage of the proceedings.

WAIVER TO ADULT COURT:

Certain offenses are automatically the jurisdiction of the adult court if the child is 16 years of age or older. These include weapons offenses, crimes of violence or major felony drug offenses. If this occurs, the adult court will take evidence to decide if the case should be transferred to juvenile court. The juvenile court may waive or transfer a child to adult court if the circumstances warrant.