



# NAVIGATING THE JUVENILE JUSTICE SYSTEM

## A Guide for Parents of Youth with Disabilities

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Juvenile Law Center is a national public interest law firm that works to ensure that child welfare, juvenile justice and other public systems provide vulnerable children with the protection and services they need to become happy, healthy and productive adults.

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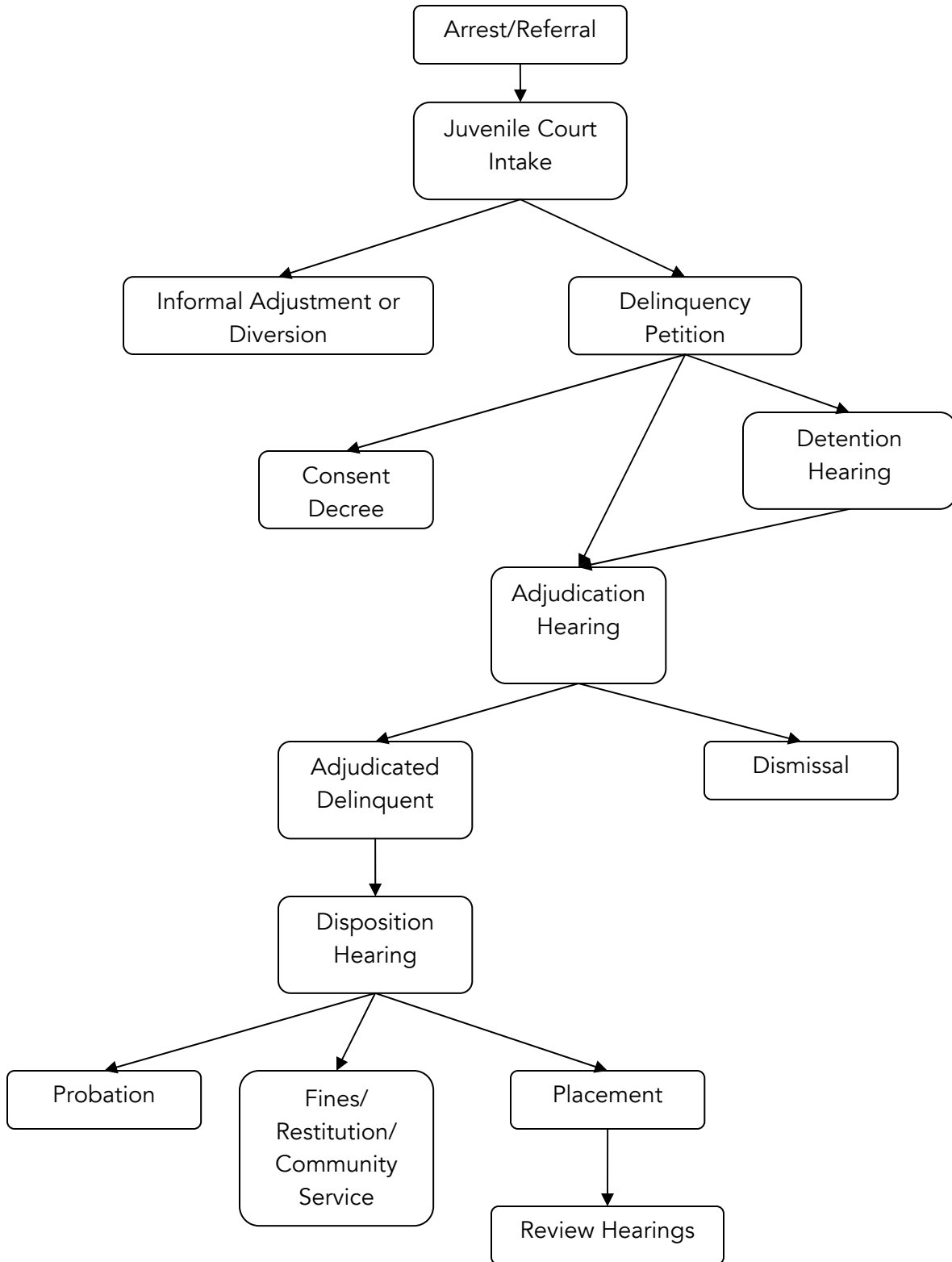
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## Overview

The purpose of this guide is to help parents better understand the juvenile justice process, particularly how it works for a child with a disability. This guide will walk parents through each stage of the process, pointing out the places where the parent's input is especially important. The juvenile justice process can be confusing for anyone caught in the middle of it. This is especially true when the child involved has disabilities. The goal of this guide is to provide parents with some important tools to help navigate through the process and to make sure that their child receives the services to which she is entitled.

This guide provides legal information about the juvenile justice system in Pennsylvania, but using this guide is not the same as getting legal advice.

# The Juvenile Justice Process



## ENTERING THE JUVENILE JUSTICE SYSTEM: ARREST OR SCHOOL REFERRAL

There are typically two ways that your child will become involved in the juvenile justice system: either the school will report an incident to the probation office (school referral) or your child will be arrested.

**School Referral:** The school may report your child's behavior directly to the juvenile justice system.

### What You Can Do:

There are some programs *within* schools that can help keep your child from making contact with the juvenile justice system. These can include:

- (1) **diversion programs** to address issues within the school system instead of referring to the juvenile justice system;
- (2) **school-based behavioral health services** to help children work on problem-solving skills, develop other positive behaviors, and address mental health issues;
- (3) **special education services**
- (4) **Medicaid-funded or privately funded behavioral health services.** For example, your child could receive counseling outside of school or from a staff person providing Therapeutic Support Services (TSS) for your child in the classroom.

Whenever possible, look for positive interventions for your child that can help keep the child out of the juvenile justice system. If you have a chance to speak with the school before the referral to the juvenile justice system, find out whether alternative services can be put in place. If not, ask the child's attorney whether he or she could argue that the school or mental health system, not the juvenile justice system, should be addressing the problem.

**Arrest:** If your child is arrested, you should do the following:

- **Do NOT allow the police to talk to your child if you are not present.** Police may ask you if it is okay if they talk to your child without you being there. They may even suggest that your child will be more comfortable if you are not there when your child is talking to the police. In order to protect your child, you should NEVER agree to allow your child to be interviewed or questioned by the police if you are not there.
- **Try to see your child immediately.** If the police will not let you see your child, send them a letter of protest, and make a copy of the letter to give to your child's lawyer.
- **Remind your child NOT to talk to the police without a lawyer present.** Your child should not tell the police ANYTHING unless your child's attorney says it is ok, even if your child was not involved in any way.
- **Find out as much information as possible about the charges as soon as possible** and find out if there were any witnesses.
- **Do not ask your child to confess to you.** If your child confesses to you, the prosecutor can call you as a witness against your child. The only person that your child can safely tell the story to is his or her attorney.
- **BE CAREFUL WHAT YOU ASK FOR:** Even though you may be very frustrated with your child, worried about his behavior, and hopeful that your child may get the help he needs in the juvenile justice system, be careful before you ask a judge to send your child to placement. Before you ask the court to send your child away, talk with people about the system and about the options. Often, children do not get the treatment services they need and deserve in placement.

## THE CRITICAL IMPORTANCE OF AN ATTORNEY

Your child has the right to an attorney. As soon as your child is detained, she has the right to a lawyer. The court will provide a lawyer for your child if you do not already have one. If you can't afford a lawyer, the court will pay for the lawyer.

It is very important that your child is represented by an attorney at all key proceedings, even if the police or probation officer tells you that your child will be facing only probation. Legal proceedings in juvenile court are serious and the consequences could follow your child for the rest of her life. The lawyer is responsible for making sure that your child's rights are protected.

### What You Can Do:

#### Make Sure to Tell Your Child's Attorney:

- If your child has an IEP (show the attorney your copy if you have one).
- If your child is in the middle of a disciplinary action at school.
- If your child is in a special class or has a special placement, or has special services or resources provided in the regular classroom.
- If your child has had special testing or evaluations.
- If you have participated in any meetings at school about your child's education (such as a placement and planning team meeting for special).
- If the school has told you that your child has a learning disability of any kind or if you suspect that your child may have a learning disability of any kind.
- If you believe that your child's conduct that led to arrest was related to the child's disability, especially if the incident happened at school.
- As much as you know about your child's disability and her behavior related to the disability. This will help the attorney explain your child's behavior to the probation officer and the judge.

*Any other information you think will help explain your child's circumstances.*

## PROBATION INTAKE

After your child is arrested, he will be sent to speak to an intake officer. The intake officer must base his or her recommendation on an interview with the child, the parents, the complainant, and the victim. Before the intake interview, you and your child must be provided with a copy of the written allegation against your child and informed about your child's constitutional rights, including the right to remain silent. Pennsylvania law prohibits any incriminating statement made to a juvenile probation officer who is considering an informal adjustment from being used against the child in any criminal proceedings. Still, it's a good idea to consult with your child's attorney before this interview, and you may want ask the attorney to attend.

### What You Can Do:

Support your child and provide the intake officer with any information required about how you intend to help your child get the services he needs. Make sure you tell the probation officer about your child's disability and how it might affect your child's ability to understand or answer questions and to act properly in all situations. Find out what options are available to get your child into a **diversion program** instead of having him go to court for an adjudication.

If the case is handled by consent decree or informal disposition, make sure that your child understands all of the rules he must follow. Also, make sure that your child's disability will not prevent him from successfully obeying the conditions set by probation. If you think it will, discuss your concerns with the lawyer if he or she is there, or the intake officer.



### Possible outcomes of the intake interview:

- **Dismissal:** If the intake officer decides to dismiss the case, your child would have no more connection with the juvenile court system for that offense and there would be nothing on her permanent record.
- **Informal adjustment:** An informal adjustment typically means that your child can live at home, but must follow the rules given to him by the probation officer for at least six months. If the rules are followed, the charges will be dismissed and the child's record will remain clean. The informal adjustment plan may require your child to attend school, stay away from friends who cause trouble, and check in with the probation officer. It may also require your child to participate in a diversion program such as victim-offender mediation, a skill-building program, a dispute resolution program, or a community service program.
- **Consent decree:** A consent decree occurs when probation recommends that the case go forward, but also recommends that the sentence be suspended if your child agrees to the probation plan. The District Attorney and the Court must also agree to a consent decree. Like the informal adjustment, the consent decree plan may require your child to attend school, stay away from friends who cause trouble, and check in with the probation officer. It may also require your child to participate in a diversion program such as victim-offender mediation, a skill-building program, a dispute resolution program, or a community service program.
- **A formal petition:** If the probation officer files a formal petition with the court, your child's case will be heard by a judge. At that point, the court will hold an adjudicatory hearing (similar to a trial in the adult system).

## WHEN PROBATION FILES A FORMAL PETITION

If probation files a formal delinquency petition, your child will receive a court date. While waiting for her day in court a few things could happen:

- Your child may **return home**
- Your child may be placed on **home detention** with supervision or electronic monitoring.
- Your child may be placed in **shelter care or foster care** if the court is concerned that staying at home may result in further trouble or the child is unlikely to show up in court if she stays at home.
- Your child may be placed in **detention**.

## PRETRIAL DETENTION

If your child is placed in detention before seeing a judge, these are some important rules you should know:

- **Within 72 hours** of being detained, a judge or master must hold a hearing.
- You, your child, and your child's attorney must receive **notice** including the date, time, place and purpose of the hearing. The notice can be in writing, over the phone or in person.
- **If you do not get notice** of the hearing, you can send a note to the court and the court must hold another hearing within 72 hours of receiving your letter.

The only purpose of this hearing is to determine whether your child should stay in detention. The judge must first decide if there is a reasonable basis to believe that your **child may have committed the crime**. Then, the judge must decide whether your child must be in detention to **protect people or property** in the community, or to ensure that your child **returns to court** for the adjudication hearing. If there is a **less restrictive alternative** that would work, the judge may not order detention. The judge is going to look to you, the parent, to decide if you will be able to keep your child safe and out of trouble. A judge may also release the child to other family members, not just the custodial parents/guardians, so you may want to talk to other family members to see if they would be willing and able to take care of your child. This may be especially important if you think there are reasons why you may not be able to keep your child safe or out of trouble (for example, your work schedule or a history of conflict with your child).

### What You Can Do:

Make sure the lawyer and the judge know what you will do to keep your child safe and out of trouble at home. Make sure that the lawyer knows about your child's disabilities and how they affect your child's behavior. This information will help the judge make a good decision about whether detention is appropriate and what services your child will need if detained.

### If your child is detained pre-adjudication:

- The formal delinquency petition must be filed within 24 hours or by the next business day in court. The adjudication hearing must be held **within 10 days** of the filing of the petition. If it is not, your child must be released from detention unless one of the following occurs:
  - If the **prosecution needs more time** to gather evidence, the court may allow for no more than 10 additional days in detention.
  - If the **child requests more time**, the court will continue the case for 10 days at a time, until the youth is ready to attend a hearing.
- **You are allowed to visit your child in detention.** Detention can be very difficult for children, and family visits can make a big difference.

### The right to special education services:

Children in detention still have all of their special education rights under federal law. The state must provide children appropriate special educational services as described in their Individualized Education Programs (IEPs). Parents should insist that their child receives the same special education services that she was receiving in her home school. Your child also has a right to health and behavioral health services.

#### What You Can Do:

Make sure that the detention center gets all necessary information about your child's special education needs, as well as her prescription medications and other health needs. If your child has been receiving counseling or other mental or medical health services before detention, ask the judge to order that arrangements be made for these services to continue while the child is in detention.

If your child is not receiving the necessary special education services, medication or counseling, report this to the head of the detention facility **in writing**, and make sure to tell your child's lawyer and probation officer right away.

## ADJUDICATION HEARING

### Timetable:

- If your child is in detention, the hearing will be held within **10 days** of the filing of the petition.
- If your child is not in detention, the hearing must be held within **90 days** of filing the petition unless the parties agree or one of the sides can show that they have a good reason to ask for an extension.
- After the hearing, the judge has no more than **7 days** to issue a “finding of facts” that explains whether the court thinks that the juvenile has done the things that he is accused of doing.

At the adjudication hearing, your child, with the help and advice of an attorney, may decide to admit that she committed the offense. If your child decides to admit participating in the crime, he is giving up important rights, including a right to a hearing, a right to have the government prove its case beyond a reasonable doubt, and a right to confront his accusers. This is an important decision that your child should discuss with his attorney. The judge should also make sure that your child is aware of these important rights before accepting any admission from your child.

If your child admits to the offense, the court will then determine if your child is in need of treatment, rehabilitation, and supervision. If so, the judge will enter a finding of delinquency.

If your child denies that he committed the offense, the judge will hold a hearing to decide if he should be adjudicated delinquent (similar to being found guilty in adult court). The prosecution will first present its evidence and call its witnesses, then your child’s attorney will present evidence supporting your child’s version of events. If the judge finds that your child committed a delinquent act, the judge will next determine if your child is in need of treatment, rehabilitation, and supervision. If so, the judge will enter a finding of delinquency.

Because of your child’s disability, he may need special accommodations in order to participate in the hearing. Talk to your child’s attorney about any concerns you may have that your child’s disability may interfere with her ability to

communicate effectively with the attorney or cause your child to behave inappropriately in the courtroom. For your child to make good decisions, he may need the judge to present the choices and consequences of what happens in the courtroom in a different way. If your child is going to testify, it is important for the judge and prosecutor to understand your child's disability so that they can ask questions that your child will be able to understand and answer clearly. Additionally, the court should be aware if your child's facial expressions or body language are the result of a disability rather than a negative attitude.

Once the hearing is complete, the judge will determine whether or not the prosecution proved that your child committed the offense. However, if the judge does not find that your child committed the offense, your child will be free to return home.

## DISPOSITION HEARING

If your child admits to the offense, or the judge determines that the child committed a delinquent act, the judge must then decide what treatment, supervision or rehabilitation your child might need. The judge might decide this immediately after the adjudication hearing, or might schedule a second hearing. This is called the **disposition hearing**. It is like a sentencing hearing in the adult system.

In the disposition hearing, the judge will hear the probation officer's report and recommendations. The judge will probably want to understand from you what kind of support you are able to provide at home.

### What You Can Do:

Your role is to support your child and to make sure that the court understands exactly what kind of help your child needs to enable him to become a productive member of society. Make sure that the lawyer, probation officer and judge understand your child's special needs both educationally and medically. At the hearing, just as at the adjudication stage, make sure that there are proper systems in place for your child to effectively communicate and understand the proceedings.

The judge will likely rely very heavily on the social study report (sometimes called the case assessment) written by the probation officer. Parents/guardians and your child will be interviewed by the probation officer for this report. The victim(s), arresting officers, school officials, and others may also be interviewed for the report. In addition, drug and alcohol evaluations and other assessments may be ordered for the social study.

#### What is in the probation report?

- The seriousness of the offense or offenses that brought the juvenile to court
- The juvenile's behavior pattern at home, in school and in the community
- The physical, intellectual, emotional and social development of the juvenile, with an emphasis on how this development bears on the juvenile's current and future behavior
- Psychological, psychiatric and medical reports or evaluations where needed
- Job history and prospects
- The probation officer's overall evaluation of the juvenile's rehabilitative potential
- The probation officer's recommendation for a disposition that would work for the juvenile and the community

## POSSIBLE DISPOSITIONS

A judge has the option of entering different types of dispositions (the equivalent of a sentence in the adult system). These options include:

- **Probation:** Usually probation imposes various rules and conditions that your child must follow. The judge may impose a wide variety of conditions for your child to follow such as curfews, restrictions on where she may go or who she may associate with, apology letters, victim awareness classes, drug and alcohol testing, attendance at reporting centers, counseling, tutoring, mentoring, or mental health treatment.
- **Community Service:** Sometimes the court will require a juvenile to help out in the community as part of her disposition. This may be a condition of probation.

- **Restitution:** The court may order your child to pay the victims for their losses. If so, the court may direct that your child engage in a community service or other appropriate program to earn the money for the payment. The judge cannot order the child to pay more than the child can reasonably earn. In some cases, the judge can order you to pay damages for your child's acts. However, if you cannot pay, the judge cannot use this as a reason to hold the child in a secure facility.
- **Participation in court-ordered services:** The court may also order your child and/or you to participate in a variety of services. These may include family counseling, individual counseling or parenting classes. In addition, the court may order that you transport your child to all of these community-based services.
- **Placement:** The juvenile court may place your child in a facility outside of your home. If a child is placed outside the home, the court must hold a review hearing every six months. See below for a discussion of your child's rights when he is placed outside the home. You may also be referred to Domestic Relations Court in order to pay child support when your child is placed in pre-trial or post-trial placements. The amount you must pay will depend on how much you earn.

When the judge enters a disposition, the judge may impose requirements on you as well as on your child. For example, the judge may order you to attend all delinquency proceedings, get your child to various appointments or evaluations, or participate in counseling or therapy programs. If you fail to follow the orders, the judge may hold you in contempt of court.

#### What You Can Do:

**Make sure you understand exactly what is expected of your child.** If you do not understand all of the conditions, **ASK**. Do not leave the court or the probation office if you don't understand exactly what your child must do. If you think that your schedule, your child's schedule, or your child's disability will make it impossible to comply with the conditions, make sure the attorney explains those circumstances to the judge. If your child does not comply with probation expectations, she may end up back in court, and then in detention or secure placement.

## POST TRIAL DETENTION

Your child may be placed in detention while awaiting an appropriate placement if the court determines that your child may be a threat to public safety or might run away. Your child may also be placed in detention if she is waiting for transfer to a secure residential placement or has been returned from placement because she wasn't doing well there (called "failure to adjust.")

## RIGHTS OF CHILDREN WITH DISABILITIES WHEN PLACED OUTSIDE THE HOME

If your child is placed outside of your care, you and your child still have important rights:

- **Your child has the right to an education.** Unless your child has been convicted and is being housed in an adult facility, your school-aged child has the right to basic education under Pennsylvania law, even if your child has been adjudicated delinquent. All *pre-trial*/school-age youth in either juvenile or adult facilities remain entitled to basic education under Pennsylvania law.
- **If your child is in special education, he or she has the right to those services through age 21 or high school graduation:** Just like in a detention facility, a placement facility must carry out the child's most recent IEP. It must get the child's school records and understand what services the child was receiving in his/her last school. The placement must develop a complete plan for your child's care and treatment within 30 days of the child's arrival. The plan must address your child's educational and health needs.
- **You have a right to receive information about your child's education.** You have a right to receive all copies of your child's education records.
- **You have a right to participate in the child's special education planning.** You have the right to attend meetings, such as IEP meetings either in person or by telephone, and to agree or disagree with an IEP plan. You may also ask that a surrogate (temporary) parent be appointed to represent your child if you are not available or able.
- **Your child has the right to medical and behavioral health care.** Your child has a right to a health and safety assessment within one hour of arrival at a placement facility by trained personnel. If this assessment identifies a risk, a



written plan must be implemented within 24 hours. Your child is also entitled to a health examination by medical personnel within 96 hours of arriving at the facility.

Note: Adjudicated youth in *public correctional institutions* are generally **not** eligible for Medicaid, but youth in private facilities are eligible. Moreover, youth in detention pre-adjudication remain eligible for Medicaid.

#### What You Can Do:

Be an advocate for your child. Discuss your child's needs with his or her doctors, counselors and teachers. Ask questions, request copies of records, and stay involved in your child's education and treatment. Attend meetings, and make decisions about your child's needs.

## AFTERCARE SERVICES

When your child first enters placement, the probation officer should begin planning for what will happen when he or she leaves to return home. The child, with the support of probation and placement staff, can start working towards goals in the community. This should include identifying an appropriate school and/or job for the child, and ensuring that the child has a safe place to stay upon release, and ensuring that the child has a way to receive needed medical or behavioral health care. Depending upon your family's particular needs, the aftercare services could order you to participate in family counseling.

Upon release, the child should have a plan in place for all of these aftercare services, and will likely have a schedule of regular meetings with the probation officer.

#### What You Can Do:

Help probation and placement staff identify your child's needs and the possible resources for him or her. Once your child is home, make sure that your child gets to all required appointments and is able to comply with the aftercare services put into place.

## WHAT YOU MUST DO FOR YOUR CHILD:

- The court can order you to attend hearings. If you fail to appear after being ordered to do so, the court may fine you or even issue a bench warrant for your arrest. You will receive a notice with all the information about the location and time for the hearings.
- If the judge orders you to go to counseling or to attend parenting programs, you must attend or you could be found in contempt of court.
- If your child is on probation and living in your home, you will be responsible for transporting your child to all appointments. You may also be responsible for paying reasonable costs of counseling and doctor's visits.

## YOUR CHILD'S JUVENILE RECORD & EXPUNGEMENT

The moment your child enters the juvenile justice system, a record is created. When your child is arrested, there is a record of your child's arrest, even if no charges are filed. If charges are filed, the record will also include the charges filed against your child, whether your child was adjudicated delinquent, and any records from probation. Some of these records may be accessible to the public or future employers. **This record may have consequences when your child is looking for a job, applying for college, seeking financial aid, seeking to serve in the military, getting a drivers' license, or applying for public benefits.**

Just because your child is being arrested and charged as a juvenile, these charges are **not** automatically removed from their records. For your child's records to be expunged (meaning destroyed), your child or juvenile probation must file a motion for expungement.



## RESOURCES

### **Disability Rights Network of Pennsylvania**

1414 N. Cameron St., Suite C  
Harrisburg, PA 17103  
1-800-692-7443  
<http://drnpa.org>

### **Education Law Center**

The Philadelphia Building  
1315 Walnut Street, 4th Floor  
Philadelphia, PA 19107-4717  
215-238-6970  
[www.elc-pa.org](http://www.elc-pa.org)

### **Juvenile Law Center**

The Philadelphia Building  
1315 Walnut Street, 4th Floor  
Philadelphia, PA 19107-4717  
215-625-0551  
[www.jlc.org](http://www.jlc.org)

### **Mental Health Association in Pennsylvania**

1414 N. Cameron Street, 1st Floor  
Harrisburg, PA 17103  
717-346-0549  
[www.mhapa.org](http://www.mhapa.org)

### **The National Center on Education, Disability and Juvenile Justice**

University of Maryland  
1224 Benjamin Building  
College Park, MD 20742  
(301) 405-6462  
[www.edjj.org](http://www.edjj.org)

### **The National Center for Mental Health and Juvenile Justice**

345 Delaware Avenue  
Delmar, New York 12054  
866-9NCMHJJ  
[www.ncmhjj.com](http://www.ncmhjj.com)

### **National Federation of Families for Children's Mental Health**

9605 Medical Center Drive  
Rockville, MD 20850  
240-403-1901  
[www.ffcmh.org](http://www.ffcmh.org)

### **Parents Exchange**

102 E. Mermaid Lane  
Philadelphia, PA 19118  
215-242-9501  
<http://pex.tripod.com>

### **Parents Involved Network (PIN)**

1211 Chestnut Street, 11th Floor  
Philadelphia, PA 19107  
215-751-1800  
[www.pinofpa.org](http://www.pinofpa.org)

## IMPORTANT TERMS

***Adjudication/Adjudication Hearing:*** An adjudication hearing is the hearing at which a judge hears witnesses, receives evidence and makes a finding about whether the youth was involved in the offense and whether the child is in need of treatment, rehabilitation, and supervision. If a child is adjudicated delinquent in the juvenile justice system, that is similar to being found “guilty” or being “convicted” in the adult criminal system.

***Admission:*** An admission is when the juvenile tells the court that he/she committed the offense.

***Aftercare:*** Aftercare is the period of time after out-of-home placement where the juvenile is still being watched by the court. The child is generally supervised and may have several requirements that he or must meet. For example: attending school, staying away from gangs, staying away from drugs and alcohol.

***Appeal:*** The process of asking a higher court to change the result of the case.

***Arrest:*** The moment when the juvenile is taken into custody.

***Charge:*** This is the crime that the child is formally accused of committing.

***Competency:*** The ability to understand your rights and how to exercise them and the ability to help your lawyer prepare for your defense. A person who is not competent cannot be brought to trial.

***Counsel:*** Another word for lawyer, attorney, public defender, juvenile defender--all of these mean the same thing.

***Delinquent child:*** A child ten years of age or older whom the court has found to have committed a delinquent act and is in need of treatment, supervision or rehabilitation.

***Delinquent act/offense:*** A delinquent offense is an offense that if committed by an adult would be a crime as defined by law. This does not include crimes like missing school and breaking curfew.

***Defendant:*** The person accused of committing the crime. Though youth in juvenile courts are not defendants (the term defendant is only used in adult criminal court), you may hear people using the term to describe children accused of committing offenses.

***Detention:*** Detention is a place where a juvenile is held temporarily at a facility such as a police station or juvenile hall.

***Disposition:*** A disposition is the court's decision about the exact type of treatment, punishment, or rehabilitation that a child found to be delinquent must go through. In the adult criminal system, this is called "sentencing."

***Due process:*** The guarantees of fairness and justice in court.

***Hearing:*** Any time you go to court and speak to the judge.

***Home supervision:*** When a youth is allowed to go home, but is required to sign a form agreeing to follow certain rules that the judge made (like curfew and going to school).

***IDEA:*** The Individuals with Disabilities Education Act (IDEA) is a law that gives children with disabilities a right to an appropriate education. The law gives children and their parents the right to have educational testing and to have the school create a special education plan (IEP) to help the child learn.

***IEP:*** Individualized Education Plan created by the school with input from the parents. Parents must sign off on the IEP in order for it to be valid. If a parent doesn't sign the IEP, the parent can challenge the plan in mediation and then in administrative hearing.

***Incarceration:*** Incarceration is when a child is committed to a secure community based or juvenile correctional facility.

**Informal probation:** Informal probation usually means the child lives at home, but has to follow some rules for at least 6 months. If the rules are followed, the charges will be dismissed and the child's record will remain clean. The probation officer can send the child to informal probation without going to court or a judge can order it after going to court.

**Interrogation:** Questioning of a suspect or witness.

**Juvenile:** A juvenile is a person under 18 years old – the same as a minor.

**Minor:** A minor is a person under 18 years old – the same as a juvenile.

**Notice:** Making the juvenile and you aware of the charges against the child and the date and time of court appearances.

**Petition:** The legal paper that says what the charges are. If the petition is "sustained" that means that the judge found that the charges against the juvenile are true.

**Preventive Detention:** When the juvenile is held in a detention center or other facility because the court thinks that the juvenile likely committed a crime.

**Plead:** A statement by the juvenile indicating whether he/she is guilty or not guilty of the charges filed.

**Probation:** A person on probation is outside of juvenile hall--living alone , with parents or guardians or in an out-of-home placement but is still supervised by the probation officer and still must follow the probation officer's rules.

**Prosecutor:** The district attorney – the government lawyer who tries to prove that the juvenile committed the offense.

**Rehabilitation:** Process by which a person convicted of a crime is changed so that she/he is not likely to commit more crimes.

**Restitution:** Money paid by a person who committed an offense to the victim to make up for the harm done. If a youth doesn't pay, the victims can sometimes sue the youth's parents or guardians for payment.

**Status offender:** A youth charged with doing something – like running away from home or missing school – that is only a crime if you are under 18.

**Stipulation:** When both sides to a case agree to something.

**Sustained:** When the judge agrees with something, she will say it is "sustained". For example, the judge may say the "petition is sustained" to mean that she finds that the youth did the things he/she was accused of doing.

**Transfer:** A case that was originally brought in juvenile court that goes to adult court to be heard. A case cannot be transferred without a transfer hearing.

**Transcript:** Written record of a court hearing.

**Truant:** A youth who frequently misses school without an excuse.

**Residential facility:** A residential facility or treatment facility is usually a staff secure community-based placement where a child lives and goes to school. Often residential facilities have doctors and therapists on staff as well.

**Waiver:** The decision to give up a right. Most rights, once waived, will not be given back – so you need to be very careful what you agree to waive.

**Ward of the court:** The court is the legal guardian of the youth instead of the parents. A judge decides where the youth will live, what kind of school, programs or other services the youth will need, what rules he/she will need to follow, etc.