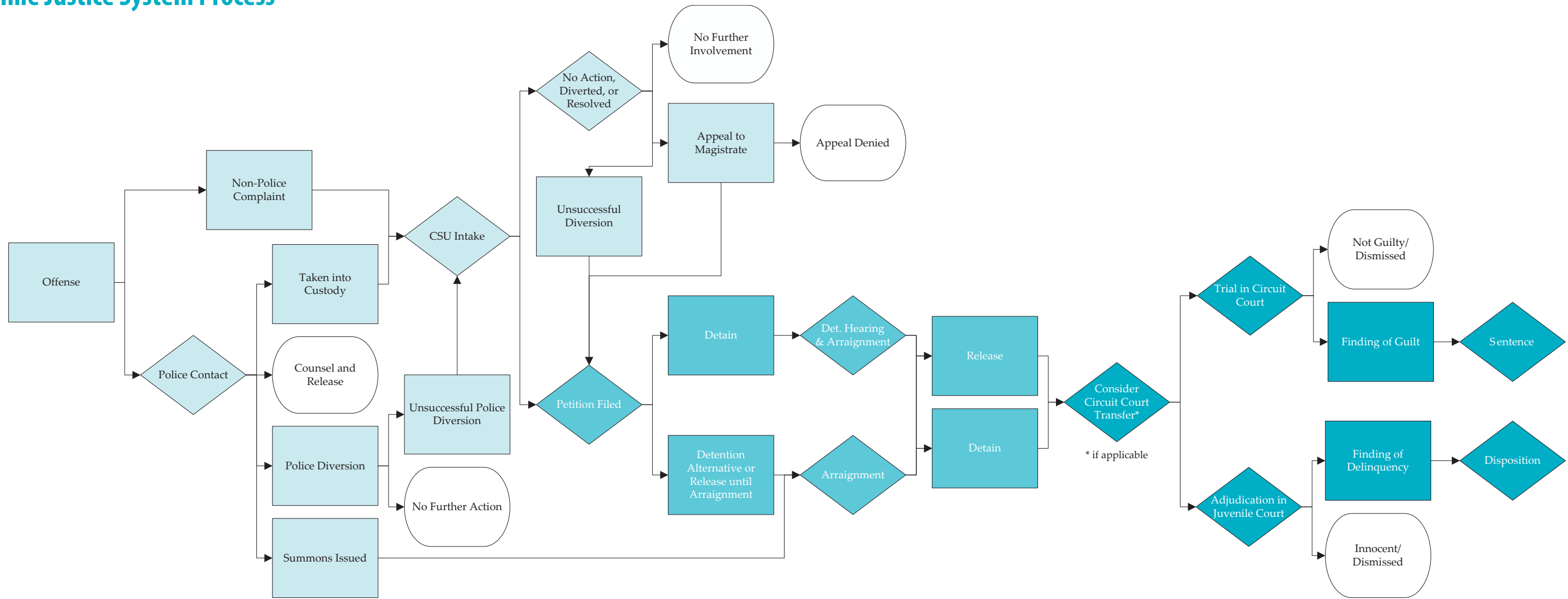


Juvenile Justice System Process



Steps in the Juvenile Justice System

Intake

- » When an offense is alleged, an individual (e.g., parents, agency representatives, law enforcement personnel) may seek to have an intake officer file a complaint against a juvenile.
- » When the juvenile has contact with law enforcement, the juvenile may be taken into custody, summonsed and released until a hearing on the matter, diverted, or counseled and released with no further action.
- » The intake officer reviews the circumstances of the complaint to determine whether probable cause exists.
- » If there is insufficient probable cause, the complaint is resolved with no further action.
- » If probable cause exists, in most cases the intake officer has the discretion to informally process or divert the case, file a petition to initiate court action, or file a petition with an order placing the juvenile in a JDC. If the intake officer does not file a petition on a felony or Class 1 misdemeanor offense, the complaining party may appeal this decision to the magistrate.

Petition and Detention

- » The filing of a petition initiates official court action on the complaint.
- » If the intake officer releases the juvenile, the next court appearance is the arraignment, where the juvenile is informed of the offenses charged in the petition, advised of the right to an attorney, and may be asked to enter a plea. The juvenile does not have the right to an attorney at the arraignment hearing.
- » If the juvenile is detained pending the hearing, a detention hearing must be held within 72 hours of the detainment. At the detention hearing, the juvenile has the right to an attorney and is arraigned on the offenses charged in the petition. The judge decides whether to hold the juvenile in a JDC or release the juvenile, with or without conditions, until the adjudication.

Adjudication or Trial

- » A juvenile who is adjudicated in J&DR district court does not have the right to a jury trial but has all the other constitutional protections afforded in criminal court, such as the right to an attorney, the right to call and cross-examine witnesses, and the right to refrain from self-incrimination. All delinquency charges must be proven beyond a reasonable doubt.
- » If the judge finds the juvenile to be delinquent, the case is usually continued to another day for the judge to make a dispositional decision. The judge's adjudication and dispositional decision may be appealed by either party to the circuit court for a *de novo* review (as if the first adjudication never occurred).
- » When a juvenile is tried in circuit court as an adult, the trial is handled in the same manner as a trial of an adult. In the case of a jury trial, the court determines the sentence. The conviction and sentencing in circuit court may be appealed by either party to the Court of Appeals.