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## **The Juvenile Delinquency System...Simply Described**

**Just Comment Column By Judge Patrick Mahoney  
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The juvenile delinquency system is set up to address the needs of youth who get in trouble with the law. The system is based on providing services to youth to address their needs. The goal is to ensure that they do not return and over 75% of those entering the system never return.

Those who do enter the system generally are truant from school and/or are having behavior problems when in school; there is instability in their home life due to a lack of parenting skills, absent parents, substance abuse or mental health needs; and more often than not the family is poor. These factors cause youth to make bad decisions and those decisions cause them to be in the juvenile justice system.

The legal process tracks the adult system but employs different language. A young person may receive a citation, for example for using marijuana, or may be arrested for committing a serious crime, such as a violent assault upon another. In either event, the youth appears before a judge.

If the youth is detained in juvenile hall before the hearing, the first hearing is referred to as a detention hearing. The youth is entitled to a lawyer and to have his or her parents present. The charges are explained as are the youth's right to a trial. The first issue is whether the person is to be detained, meaning he or she must remain in juvenile hall. The analysis looks at public safety, the needs of the youth, and the stability of the home. If the youth is detained, the person is entitled to an expedited hearing (within 15 court days) to determine if the charges can be proved beyond a reasonable doubt, the highest standard of proof.

If the youth is not detained but receives a citation to appear, the first hearing is referred to a jurisdictional hearing (J-1) to explain the charges, the youth's rights and to set the matter for a further hearing.

At every hearing, the youth's parents are notified and requested to be present. A probation officer is assigned to the case and is responsible for gathering information about the youth, the family, schooling, and identified issues so that a recommendation can be made to the court as to the best strategy to address the needs of the youth that have influenced his/her commission of the crime.

The next hearing is generally a pre trial conference to determine if the case needs to have a trial or whether it can be resolved by the youth engaging in a diversion program or admitting to the charge(s). Diversion programs provide services to the youth and often the family and may include substance abuse counseling, therapy and participation in a youth oriented program. In every case, the youth is obligated to attend school and to refrain from getting into any further trouble. If the youth does what is required, the charges are dismissed and the file is sealed.

If the case proceeds to trial, the prosecutor must prove that one or more of the crimes charged was committed beyond a reasonable doubt. The trial is similar to an adult trial except there is no jury. Witnesses testify and are cross-examined by the attorney for the youth; the youth may but is not required to testify; and witness may be called by the defense. The rules of evidence determine what facts the judge considers. At the end of the trial, the lawyers argue their side of the case to the judge. After considering the evidence, the judge decides whether a crime has been committed. If no, the case is dismissed. If yes, the judge sets the case for a disposition hearing; this is the equivalent to a sentencing hearing in the adult system.

The disposition hearing determines what the best plan is to address the youth's long term needs. If this is a first offense, it is customary for the youth to stay at home and be ordered to participate in services, such as substance abuse counseling, drug testing, therapy and community service. A nightly curfew is put in place, the youth may not possess weapons of any kind and must always attend school. The youth is assigned a probation officer to ensure that the services are available and the youth participates. Periodically, the youth's performance is reviewed and if all is well after one year, the case is dismissed.

If the case involves a very serious crime and or the youth has committed multiple offenses, he or she may be removed from the home and sent to a group home, a more restrictive county ranch program or even a locked facility for the most serious crimes. In these programs, there is more intensive oversight of the youth because his/her needs could not be addressed at home.

Those who work in the juvenile justice system – the judges, the prosecutors, the defense lawyers, the probation officers, the educators and mental health professionals – are always for looking at ways to make the system better. There are regular meetings to address needs; state-wide conferences to share information; and research to enhance the ability of the providers to meet the needs of youth.

Over the years, collaborative courts have become increasingly common to address specific needs. For example, there may be a Family Violence Court that addresses violence in the home and in dating relationships; a Behavioral Health Court to address the needs of youth with significant mental health needs; a School Court that oversees a high school program designed for at risk youth; and a Re-entry court to ensure that youth who have been placed out of home are able to effectively return home. In these courts, the goal of the participants is to come to a common plan on what is in the youth's best interest given the particular facts of the case. Every effort is made to avoid contested hearings and to implement a service plan that works. Youth who are in these courts tend to have specialized needs and the focus is on addressing the needs so that their behavior is changed.

In the final analysis, the juvenile justice system is not based on punishment; it is based on hope and helping those who come into the system.

### Key Vocabulary

Word	Meaning
<b>Collaborative Courts</b>	Courts that are distinguished by the following elements: a problem-solving focus, a team approach to decision making, integration of social and treatment services, judicial supervision of the treatment process, community outreach, direct interaction between defendants and judge, and a proactive role for the judge inside and outside the courtroom.
<b>Disposition Hearing</b>	A court hearing where the judge determines the type of sentencing or legal consequences appropriate to the juvenile offender's crime.

<b>Juvenile Delinquency</b>	An unlawful offence or misdeed, usually of a minor nature, especially one committed by a young person
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### Lessons

#### **Elementary School**

##### ***Bullying: Grades 1-2 and Grades 2-3***

Helps students identify bullying behavior and strategies for handling bullying from the National Crime Prevention Center.

<http://www.ncpc.org/topics/bullying/teaching-kids-about-bullying/bullying-grades-1-2->

<http://www.ncpc.org/topics/bullying/teaching-kids-about-bullying/bullying-grades-2-3>

##### ***Building A Classroom Community and Bully-Free Zone for Grades 3-7***

These lessons from PBS include teaching children skills to deal with bullies, as well as promoting positive social skills such as cooperation, communication, and conflict resolution.

[http://www.pbs.org/parents/itsmylife/resources/bullies.html?anchor=lesson\\_plans](http://www.pbs.org/parents/itsmylife/resources/bullies.html?anchor=lesson_plans)

#### **Middle School**

##### ***Juvenile Justice: The Case of Gerry Galt***

This lesson from the American Bar Association, engages students in examining a US Supreme Court case that gave juveniles accused of a crime the same due process rights as adults.

[http://www.americanbar.org/groups/public\\_education/resources/resources\\_for\\_judges\\_lawyers/79\\_juvenile\\_justice.html](http://www.americanbar.org/groups/public_education/resources/resources_for_judges_lawyers/79_juvenile_justice.html)

#### **High School**

***Juvenile Delinquency: Cause and Effect.*** This unit from the Yale/New Haven Teacher's Institute, includes three lessons focused on both juvenile justice related US Supreme Court decisions, as well as skill building to assist student participants avoid delinquency.

<http://www.yale.edu/ynhti/curriculum/units/2000/2/00.02.05.x.html#f>

#### **Additional Resources**

***Juvenile Delinquency Self Help*** – a practical resource for juveniles who are involved with the juvenile justice system and their parents, including information on rights while being arrested, links to finding a lawyer, and assistance with understanding a Notice to Appear and more.

<http://www.courts.ca.gov/selfhelp-delinquency.htm>

**Office of Juvenile Justice and Delinquency Prevention** - Sponsors research, program, and training initiatives; develops priorities and goals and sets policies to guide federal juvenile justice issues; disseminates information about juvenile justice issues; and awards funds to states to support local programming. <http://www.ojjdp.gov/about/about.html>

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