**Juvenile Delinquency Process**

***The Law***

**Steps in the Juvenile Delinquency Process**

1. **Crime committed.** This is the delinquent act. It can be a crime that also applies to adults (burglary, assault) or a status offense (smoking, under-age drinking) that only applies to minors.

2. **Taken into custody.** This is the “arrest” step in adult criminal cases. This can be done anywhere: at the scene of the crime, at home, at school. The juvenile will be read his or her rights. Generally, a police officer may take a juvenile into custody if:

* the officer observed the juvenile’s acts,
* a crime has been committed and the officer has reasonable cause to believe that it was done by the juvenile,
* an order has been issued by the court to take the juvenile into custody, or
* when the juvenile has violated terms of previous order.

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Juveniles cannot be held in custody in the same room with adults.

3. **Delinquency Petition Filed**. The juvenile is charged with an offense, a delinquency petition is filed, and a decision is made by the court to keep the juvenile at the detention center or to release him or her to parents. The court may also decide to continue (postpone) prosecution for up to 180 days. After the delinquency petition is filed, the prosecutor may file a motion for certification to adult court or motion for Extended Jurisdiction Juvenile.

4. **Detention Hearing**. A juvenile in custody has the right to a detention hearing within 24 hours (if child taken into custody without a court order or is in an adult jail) or 36 hours (if taken into custody with a court order or is in a juvenile detention center). At this initial appearance, the court will determine if procedures have been followed and order social, psychiatric, and psychological studies if appropriate. The court will release the juvenile until the next court appearance or continue detention. Juveniles are provided with public defenders even when they don’t know any lawyers or don’t have any money to pay for one.

5. **Arraignment Hearing** during which the juvenile admits or denies the allegations in the delinquency petition. The arraignment is scheduled when the delinquency petition is filed. If the juvenile is not in custody, the arraignment must be held within 30 days of filing the delinquency petition. If the juvenile is in custody, the arraignment must be held within 5 days of the detention hearing. If the allegations are denied, a trial is scheduled. If the allegations are admitted, the juvenile is adjudicated delinquent.

6. **Trial.** A juvenile trial is similar to an adult trial except that it is not open to the public and there is no jury. Delinquency must be proved “beyond a reasonable doubt” as in adult court. If the juvenile is determined to be delinquent, a juvenile background report is ordered and a dispositional hearing date is scheduled.

7. **Dispositional Hearing.** This is the step when the judge decides what will happen to the juvenile. The judge has the following choices:

* warning and release into custody of parents/guardian
* probation and counseling
* restitution for the victim
* specific weeks in a state juvenile institution
* specific hours of community service
* specific days in county detention
* out-of-home placement (foster care or group home).

**Juvenile Delinquency Process**

***Questions***

1. When must a detention hearing be held?
2. When is the arraignment held and what happens at the arraignment?

3. What happens if a child pleads not guilty?

1. What are the three reasons why a police officer can take a juvenile into custody?

5. What happens at the dispositional hearing?

**Juvenile Delinquency Process**

***Activity: Ordering***

**Steps in the Juvenile Criminal Process**

**A juvenile has been caught shoplifting. Number these in the order they would likely occur.**

\_\_\_\_\_\_The judge transfers the juvenile to the custody of the commissioner of corrections.

\_\_\_\_\_\_The juvenile is taken into custody by a police officer.

\_\_\_\_\_\_A summons is sent to the parent to appear in court with the juvenile.

\_\_\_\_\_\_A juvenile has been caught burglarizing a store.

\_\_\_\_\_\_A detention hearing is held.

\_\_\_\_\_\_The juvenile is told why she is being taken into custody.

\_\_\_\_\_\_A lawyer is appointed.