

Key Juvenile Justice Terms

Adjudication [of Delinquency]

Analogous to an adult “conviction,” it is a formal finding by the juvenile court, after an adjudicatory hearing or the entering of a guilty plea/admission, that the juvenile has committed the act for which he or she is charged.

Adjudicatory/Adjudication Hearing

The fact-finding phase (*i.e.* the trial) of a juvenile case. At this hearing the judge—or in a limited number of jurisdictions, the jury—receives and weighs the evidence to determine whether the facts prove the charges alleged in the delinquency petition beyond a reasonable doubt. If the juvenile is found guilty (or involved) at the adjudicatory hearing this finding is called an “adjudication.”

Adult Prosecution

Where the juvenile court either loses or gives up jurisdiction over a child alleged to have committed a crime and that child is tried as an adult in a criminal court. The processes allowing for adult prosecution vary by jurisdiction and may include statutes that require children of a certain age or children alleged to have committed a specified crime automatically be tried as an adult (sometimes known as “direct file” case) or may require a hearing in which the court—either adult or juvenile—decides which court should have jurisdiction over a child. *See also* Transfer/Waiver

Bench Warrant/Juvenile Detention Order

A warrant of arrest may be issued by the Court immediately for the minor upon a showing that any one of the following conditions are satisfied:

1. It appears to the court that the conduct and behavior of the minor may endanger the health, person, welfare, or property of himself or herself, or others, or that the circumstances of his or her home environment may endanger the health, person, welfare, or property of the minor.
2. It appears to the court that either personal service upon the minor has been unsuccessful, or the whereabouts of the minor are unknown.
3. It appears to the court that the minor has willfully evaded service of process.

All warrants of arrest and juvenile detention orders, including those stored in electronic form, are deemed authenticated at the time a Juvenile Court judge issues an order authorizing the issuance of the arrest warrant or juvenile detention order.

Booked Absentia

The juvenile is not physically present but is considered to be detained. An example of this is a youth who is hospitalized following an arrest; they are considered detained but are not physically in the custody of Probation at the time of the detention hearing.

Commitment (also known as Placement or Incarceration)

At disposition, commitment is one of the options available to the court as a possible sentence. It is the transfer of legal responsibility over the child to the state and often includes placement in a private or state-run facility. In many jurisdictions the court will impose an indeterminate sentence upon transferring custody of the respondent to a state agency, allowing the agency to determine when the youth may be released from incarceration based on good behavior, noted rehabilitation, and the youth’s prior juvenile record. A youth may also be subject to commitment as a sanction resulting from a probation revocation hearing. Commitment occurs only after adjudication, as opposed to “detention,” where a youth may be placed pending an adjudicatory or disposition hearing.

Community Assessment Teams (CATs)

The CATs are community-based prevention and intervention programs designed to provide services to families with school-age youth who have chronic behavior problems or other issues (*i.e.*, chaotic home life, inadequate parental supervision) that place them at risk of entering or continuing in the Juvenile Justice system. Home-based in

five locations throughout the county, mobile teams provide in-home, strength-based assessments, interventions, referrals and case management services for eligible families

Competence to Stand Trial

Competence, or fitness, to stand trial requires that the client have both “sufficient present ability to consult with his lawyer with a reasonable degree of rational understanding” and a “rational as well as factual understanding of the proceedings against him.”[2] Counsel must be able to recognize when a juvenile client’s ability to participate in his or her own defense or to understand the nature and purpose of proceedings may be compromised due to developmental immaturity, mental health disorders, or disabilities.

Culpability

Literally, culpability is defined as guilt or blameworthiness. Research in adolescent development points out that juveniles have diminished capacity to, among other things, understand or process mistakes, learn from experience, engage in logical reasoning, control their impulses, and understand the reactions of others. These limitations in development diminish a juvenile’s personal culpability.

Custody Time

A juvenile is “sentenced” to a maximum amount of custody time, based on their offense. This is the maximum amount of time the juvenile can be detained. Time spent detained prior to being adjudicated will count toward their maximum custody time. After disposition, each detention hearing report will include the juvenile’s maximum term of confinement, custody credits, and remaining available custody time.

Deferred Entry of Judgment

DEJ is a sentencing alternative to the juvenile delinquency process. What it does is it allows minors who are charged with at least one felony to become eligible for a probation program. The minor must admit the charge(s) and successfully complete the DEJ probation and the Court will dismiss the case. Along with the dismissal, the Court will order the case sealed and the minor’s arrest is deemed never to have occurred. A child who is the subject of a petition under section 602 alleging violation of at least one felony offense may be considered for a deferred entry of judgment if all of the following apply:

- (1) The child is 14 years or older at the time of the hearing on the application for deferred entry of judgment;
- (2) The offense alleged is not listed in section 707(b);
- (3) The child has not been previously declared a ward of the court based on the commission of a felony offense;
- (4) The child has not been previously committed to the California Department of Corrections and Rehabilitation, Division of Juvenile Justice;
- (5) If the child is presently or was previously a ward of the court, probation has not been revoked before completion; and
- (6) The child meets the eligibility standards stated in Penal Code section 1203.06.

See also Diversion

Delinquent Act

An offense committed by a juvenile that would be classified as a crime if committed by an adult.

Detention

Juveniles charged with delinquent acts may be detained by court order pending an adjudicatory and/or disposition hearing. A youth may be placed in a detention center at different points throughout the juvenile case. At times, an adjudicated juvenile may be held in detention during a period of their commitment. There are different levels of detention for juveniles. “Secure detention” involves holding the child at a locked detention facility. “Shelter homes,” sometimes referred to as “non-secure detention,” are also a level of detention where the child may only leave the premises for school or other pre-approved appointments. “Home detention,” where the child may only leave home for school or appointments, is an option in some jurisdictions. In jurisdictions where there is no juvenile detention facility, children may be detained pre-trial in adult facilities. *See also* Commitment.

Detention Hearing

The initial hearing for an in custody case is a detention hearing. The Probation Officer sets the hearing and notifies the parent or guardian of the hearing. At the hearing, the minor will be informed of the pending charges contained in the Petition. Unlike adult court, there is no bail in juvenile. The court will weigh several factors and make a ruling on whether to release the minor or keep the minor detained. The court must release a minor unless one or more of the following grounds for detention exist:

- Violation of a court order
- Escape from a commitment of the court
- Likely to flee jurisdiction
- Immediate and urgent necessity for the protection of minor
- Reasonably necessary for the protection of person or property of another
- At-risk of entering foster care placement (continuance in the home is contrary to the minor's welfare).

At the close of the detention hearing, the court will set a readiness hearing. Most jurisdictions require a detention hearing to be held within forty-eight (48) to seventy-two (72) hours after the detention commences to determine whether continued detention is necessary.

Developmental Immaturity

Within the study of adolescent development, developmental immaturity is a term used to refer to deficits in adolescents' thinking, reasoning, and/or decision-making that are a result of normative developmental processes. As adolescents mature, their thinking, reasoning, and decision-making begins to resemble that of adults.

Developmentally Appropriate Language

An approach for adult communication with children and adolescents which takes into account the cognitive limitations particular to different developmental stages. While adolescents may demonstrate the ability to understand and reason better than younger children, adolescents' abilities to understand and reason do not generally begin to resemble adults until approximately age 16. As a result, juvenile court practitioners should carefully consider the language used and the structure of questions asked when communicating with adolescents.

Dismissed With Prejudice

For a case to be dismissed "with prejudice" means that the case is dismissed permanently, it cannot be brought back to court, and the charges cannot be refiled. A case that is "dismissed with prejudice" is completely and permanently over.

Dismissed Without Prejudice

A case that is dismissed "without prejudice" is only dismissed temporarily. This temporary dismissal means that the DA is allowed to re-file charges, alter the claim, or bring the case to another court.

Disposition

The juvenile equivalent of an adult sentence, disposition is a final decision as to how a juvenile's case is handled after an adjudication. Because juvenile courts expressly focus on rehabilitating children who are adjudicated as delinquent, dispositions typically include a treatment plan aimed at addressing perceived deficiencies in the child's current living environment and behavior. To determine an appropriate disposition, the judge should consider evidence about the juvenile's needs, available resources, and other relevant factors so as to design a plan to meet the juvenile's rehabilitation and the interests of the state. Disposition outcomes vary and may include but are not limited to, fines, restitution, community service, in-home placement under supervision or probation, and out-of-home placement in commitment facilities. *See also* Disposition Hearing; Dispositional Order; Disposition Plan.

Disposition Hearing

Akin to a sentencing hearing in criminal court, this hearing is held after a juvenile has been adjudicated. At the hearing, the judge decides the appropriate sanctions and treatment for an adjudicated juvenile after hearing recommendations from the prosecution, probation staff, the defense, the child's parents and/or other potential stakeholders. After considering the disposition plans and recommendations, the judge will give the court's official

disposition order, (e.g. probation, commitment, community-based sanctions, etc.). *See also* Disposition; Disposition Order; Disposition Plan.

Disposition Order

A written, signed document handed down by the court that states the disposition chosen for the youth and any conditions of that disposition. *See also* Disposition.

Disposition Plan/Report

In preparation for a disposition hearing, various stakeholders will prepare plans or reports outlining the care and types of rehabilitative services the party believes the child needs as a result of the adjudication. These proposed plans are most typically prepared by the probation department and the defense, while other stakeholders, such as the prosecution or services providers, may also provide reports or recommendations. In preparation of anticipated plans, the court may order psychological evaluations, diagnostic tests, or a period of confinement in a diagnostic facility to aid in the determination of an appropriate disposition. *See also* Disposition; Disposition Hearing; Disposition Order.

Diversión

Refers to any program that is an alternative to the filing of a court petition and which keeps the youth from entering the juvenile court system by referring the child to counseling or other social services. Diversion is designed to enable youth to avoid a formal charge through the filing of a petition, which could result in adverse collateral consequences and, ultimately, a juvenile delinquency record. By completing the requirements of a diversion program run by the police department, court, prosecution's office, or an outside agency, the youth can avoid prosecution. While true diversion programs are those that divert the child from any formal charge in the juvenile system, many practitioners and jurisdictions use the term diversion to include programs that are initiated after the client is petitioned, but which result in a non-adjudicatory resolution and the eventual dismissal of the petition. Informal adjustment is a form of diversion. *See also* Deferred Entry of Judgement.

Drug Court

Intervention program for minors who are on probation and who are having difficulty staying sober. Collaborative effort between many agencies who seek to provide a variety of programs and consistent supervision geared toward supporting and helping youth to maintain a drug-free life. Drug Court involves frequent court appearances, random drug testing, and group and family counseling.

Dual Court

Youth who are involved in both dependency and juvenile justice court systems are considered dual status youth; their cases are heard in the dual courtroom. While both the PO and SW work together to come up with a recommendation; they are not required to agree. There is a lead agency/court that makes the final determination; usually this is regarding the youth's placement- who is ultimately responsible for finding it.

Guardian *ad litem* (GAL)

An attorney or advocate appointed by a court to represent the best interests of a child in court proceedings, including juvenile delinquency cases. The role of GAL is different from defense counsel's role to represent the expressed interest of the child in delinquency cases. Unlike dependency attorneys, defense attorneys do not act as a juvenile's GAL in juvenile justice proceedings.

Harvey Waiver

A stipulation, or an agreement, by a defendant that any charges dismissed in his case can be considered against him at sentencing. The waiver is typically used for purposes of victim restitution, or for paying a victim for any financial harm caused. You will usually see the language "dismissed with a Harvey Waiver" when reviewing the report and minute orders regarding disposition if one or more charges were dismissed.

Intake

The screening and assessment process children who are arrested undergo prior to seeing a judge. Intake procedures vary between jurisdictions but are typically conducted by intake officers, probation staff, case and social workers,

or police. At the intake screening, each youth is evaluated to determine his or her appropriateness for release or referral to a diversionary program, or whether the matter should be referred for prosecution.

Interagency Placement Committee (IPC)

The IPC responsibilities include:

- Reviewing and approving initial and continued placement requests for youth requiring treatment intervention in a LGH/STRTP.
- Reviewing and approving initial and continued placement requests for youth requiring out-of-state LGH/STRTP placement.
- Serving as a multi-disciplinary committee to guide the delivery of services for youth with significant behavioral, emotional, medical, and/or developmental needs.
- Ensuring that there is a “commonality of need” in the event of placement with a youth involved with Probation, and that the placement of the youth in a LGH/STRTP will not pose a threat to the health or safety, or interfere with the effectiveness of the mental health services provided to that youth or other youth residing there.

If a PO or social worker want a youth to be placed in an STRTP, the IPC must approve it first. Required members include CWS, Behavioral Health Services, Probation Department (if applicable)

J-FAST Court

The Juvenile Forensic Assistance for Stabilization and Treatment Program (JFAST) courtroom began in July 2010 and is designed to support recovery for mentally ill youth by providing access to individualized treatment and strengthening family stability.

JGIISU

Juvenile Gang Intervention and Intensive Supervision Unit. If a youth has a PO in the JGIISU then we cannot serve them until they are no longer being served in that unit. Usually referred casually as GSU (gang supervision unit).

Non-Ward

Youth is involved with probation, i.e. informal probation, but the Court does not have jurisdiction

Petition

The charging document filed in juvenile court by the state. The petition formally initiates a juvenile proceeding alleging that a juvenile is delinquent and describing the alleged offenses committed by that child. The petition may ask that the court assume jurisdiction over the juvenile or ask that the juvenile be transferred to criminal court for prosecution as an adult. It is similar to a complaint in adult court. *See also* Complaint.

Post-Disposition

Post-disposition refers to the period following the court’s entry of a disposition order and lasting until the youth is no longer under the supervision of the juvenile court or any state agency to which he or she was transferred as a result of a commitment. During post-disposition, a variety of procedures or hearings regarding the client can require the assistance of counsel. These include, but are not limited to, conducting an appeal or helping the client obtain new appellate counsel; representing the youth in probation and parole violation hearings, at commitment review hearings, or at extension of incarceration hearings; challenging condition of confinement that violate the client’s state and constitutional rights or circumvent services ordered by the court; and any other legal counseling required until the youth is no longer supervised in the case.

Pre-Disposition Report

Sometimes called a “social history” or “social study,” it is a report to the court, prepared by probation staff, that outlines the child’s background and recommends a disposition plan. It is a compilation of information on the circumstances of the current offense, the youth’s past offense(s), family history, educational progress, and community involvement. Based on these factors, the agency will often make recommendations for disposition. *See also* Disposition Plan; Social History.

Probation

A disposition option available to the court as an alternative to commitment, in which an adjudicated juvenile may be released back into the community under certain conditions and under the supervision of a probation officer for a specified period of time.

Probation Officer

An employee of the probation department who works closely with the court and is involved with a juvenile's case at various stages of the proceedings. Preliminarily, a probation officer may perform the initial intake interview to determine if a case can be diverted from the juvenile court. Subsequently, if a petition is filed, a probation officer may be responsible for supervising juveniles not held in detention. Probation officers often prepare a predisposition report for the court after a child has been adjudicated and make recommendations for disposition. If a juvenile is placed on probation at disposition, the probation officer provides supervision of the juvenile.

Readiness Hearing

When an out-of-custody petition has been filed by the District Attorney's Office, the clerk of the court sets the initial court appearance called the Readiness Hearing. This is held 10 court days after the filing of the petition. The minor and his or her parents receive notice of the hearing by the court through first class mail.

If the minor fails to appear at the initial Readiness Hearing, the clerk issues a citation directing the parent or guardian to appear at another Readiness Hearing. The citation is personally served on the parent. If a minor still fails to appear for this hearing, the court may then request an affidavit for a warrant from the District Attorney's Office. The court may also issue a warrant of arrest for a parent or guardian.

The Readiness Hearing is the second court appearance for a minor who is in custody or was released at a Detention Hearing. A minor may accept an offer from the District Attorney and admit all or a portion of a petition. The matter will then be set for dispositional hearing, where a judge will pronounce a sentence.

Recidivism

The tendency of a convicted criminal to reoffend

RISE Court

Resiliency Is Strength and Empowerment (RISE) began in fall 2017 and is a court to address youth with a history of or are at risk for CSEC. Participation in this court is voluntary.

Risk Assessment Instrument

A tool used to assess a youth's likelihood (or risk) of future re-offending. Items on these instruments can reflect both life circumstances (*e.g.* history of child abuse) and personal characteristics (*e.g.* attitudes and past behaviors) that have been found to predict future problem behavior. Within the context of the juvenile justice system, risk assessment instruments can be used at different decision-making points (*e.g.* diversion, detention, or disposition). The briefer screening instruments, such as those often used to determine whether or not to detain a youth, generally consider more basic characteristics that are unchanging, such as the current alleged offense or prior arrest history. More comprehensive risk assessment instruments generally consider a broader range of risk factors, and can be used to guide treatment planning.

San Diego Risk and Resiliency Checkup (SDRRC)

SDRRC is a 60-item measure of risk and protective factors related to a juvenile's functioning. Risk factors are designed to measure the level of dysfunction in a youth's life, while protective factors measure the extent to which a minor has "protection" or positive factors in his/her life. The risk and protective items measured on the SDRRC are divided into six domains: individual factors, delinquency factors, family factors, educational factors, substance use factors, and peer factors. The SDRRC is designed to be administered at the time of the initial investigation and then again every six months during the period of community supervision.

Social History

A collection of records regarding the juvenile's familial, occupational, educational, and community background—the various aspects of the juvenile's life that may be relevant to an evaluation of the juvenile and to determine the

appropriate level of services needed. In some jurisdictions, social history is a general term for any collection of such records, while in others, it is the term used for a pre-disposition report compiled by probation. *See* Pre-disposition Report.

Status Offense

An offense that would not be a crime if it were committed by an adult. Examples of these non-criminal offenses that are only applicable to children include: truancy, curfew violations, running away from home, incorrigibility, and ungovernability.

Terminate Without Comment

Unsuccessful termination of probation. Youth is off of probation but their records are not immediately sealed. Note: the court can inform youth of their right to petition the court to seal their records in a specific amount of time (i.e. 6 months from now) or at a specified age (i.e. at age 18).

Transfer/Waiver of Jurisdiction

The legal procedure for determining whether the juvenile court will retain jurisdiction over a juvenile case or whether the matter will be sent to adult criminal court. A reverse waiver occurs where a child is originally charged in adult court, but is sent back to juvenile court for trial or disposition. Please see the introduction to part VI of the Standards for a more detailed description of the various forms of transfer available in the United States. *See* Adult Prosecution.

Truancy Court

Addresses willful or unjustified failure to attend school- youth can have a probation officer and be sent to juvenile hall if they do not obey judge's order to attend school. There is also a truancy diversion program that youth are often referred to prior to truancy court.

Violation Hearings

A review hearing at which the state or supervisory agency is alleging that the juvenile has not fulfilled his or her conditions of parole, probation, or pre-trial release. If the court revokes the child's parole, probation, or pre-trial release, it may move the juvenile to some form of out-of home placement.

Ward

Youth is under the jurisdiction of the Court

WIC 601

Petition filed under this if a youth commits a status offense including truancy, running away from home, violating curfew, underage use of alcohol, and general ungovernability

WIC 602

Petition filed under this if youth commits a misdemeanor or a felony

WIC 777

Petition is filed under this if youth commits a probation violation

WIC 707(b)

This subdivision is applicable to any case in which a minor is alleged to be a person described in Section 602 by reason of the violation of one of the following offenses:

- (1) Murder.
- (2) Arson, as provided in subdivision (a) or (b) of Section 451 of the Penal Code.
- (3) Robbery.
- (4) Rape with force, violence, or threat of great bodily harm.
- (5) Sodomy by force, violence, duress, menace, or threat of great bodily harm.
- (6) A lewd or lascivious act as provided in subdivision (b) of Section 288 of the Penal Code.

- (7) Oral copulation by force, violence, duress, menace, or threat of great bodily harm.
- (8) An offense specified in subdivision (a) of Section 289 of the Penal Code.
- (9) Kidnapping for ransom.
- (10) Kidnapping for purposes of robbery.
- (11) Kidnapping with bodily harm.
- (12) Attempted murder.
- (13) Assault with a firearm or destructive device.
- (14) Assault by any means of force likely to produce great bodily injury.