

Steps in the Juvenile Delinquency Process



1. **A crime is committed** (by an individual before his/her 18th birthday): This is considered a delinquency act
2. **Juvenile taken into custody:** This is what is considered the “arrest” step in adult criminal cases. This can be done anywhere: at the scene of the crime, at home, at school, etc. The juvenile is read his/her rights. Generally, a police officer may take a juvenile into custody if:
 - the officer observed the juvenile act(s)
 - or a crime has been committed and the officer has reasonable cause to believe that it was done by the juvenile
 - or the court has issued an order to take the juvenile into custody
3. **Delinquency petition filed:** After 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/her to a custodian. The court may decide to continue (postpone) the prosecution for up to 180 days. After the delinquency petition is filed, the attorney for the juvenile officer (AOJ) (known as the “prosecutor” in adult court) may file a motion for certification to adult court. Certification hearings can be filed dependent upon:
 - the circumstances and gravity of the offenses alleged to have been committed by the juvenile
 - the juvenile’s previous delinquent history
 - the degree of criminal sophistication exhibited by the juvenile
 - the success of previous attempts by the juvenile court to rehabilitate the juvenile
 - whether the juvenile can be rehabilitated before juvenile court jurisdiction expires
4. **Detention hearing:** A juvenile in custody has the right to a detention hearing **within 3 days**. 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 or their families may hire a lawyer. The criteria used by most juvenile courts on whether to continue to detain the juvenile pending trial are as follows:
 - It is reasonably necessary for the protection of the person or property of another?
 - Is it a matter of immediate and urgent necessity for the protection of the juvenile?
 - Is the juvenile a flight risk or runaway, and/or has the juvenile violated a prior court order?
5. **Arraignment:** This is a hearing during which a juvenile admits or denies the allegations in the delinquency petition. The arraignment is scheduled when the delinquency petition is filed. If the juvenile denies a trial is scheduled. If the youth admits the case will move forward to the adjudication stage. Victims will generally get a packet of information prior to the arraignment date.
6. **Pretrial:** A pretrial date may be set so the attorneys of both parties can discuss a possible resolution to the case and to discuss other issues. Juvenile judges may participate in the discussion of a resolution through a private conference in the judge’s chambers.
7. **Adjudication:** The adjudication, or trial, is a process used to determine whether or not the juvenile committed the delinquent act. Unlike adult court, the juvenile is not entitled to a jury trial. A judge or commissioner hears testimony from witnesses, reviews the evidence and decides whether the juvenile did or did not commit the act alleged in the petition. The victim, if s/he has submitted a request in writing, has the right to be notified of the adjudication date (see the Victim Impact Statement) and is encouraged to attend. If the juvenile is found to be delinquent, a juvenile background report is ordered and a dispositional hearing is set. (Sometimes the disposition will be decided at this stage.)
8. **Dispositional hearing:** This is the step when the judge or commissioner decides what will happen to the juvenile. It is at this hearing that the judge considers the Victim Impact Statement. Victims have the right to be notified of the hearing (see #6 above) and are encouraged to attend. The judge has the following choices:
 - to warn and release the juvenile into the custody of his/her parents/guardians
 - to order probation and counseling
 - to order restitution for the victim
 - to order community service
 - to commit the juvenile to a detention facility
 - to commit the juvenile to a treatment program
 - to order an out-of-home placement (e.g. group home)