



THE DBYD DIFFERENCE – CRIMINAL LAW  
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### **Anatomy of a Juvenile Case**

Many clients in our practice know of a family whose children have become involved with the Juvenile Court System.

As a former Public Defender in the Montgomery County Juvenile Court System, I have seen and dealt with a number of situations, including the representation of the children of Juvenile Probation Officers, themselves.

While the breakdown of a juvenile case is similar to an adult case, the focus is entirely different and there are important distinctions in form and result.

Unlike adult court, which is focused on punishing an individual, reforming his/her ways, and seeking redress for society, the sole purpose of the Juvenile System is to rehabilitate children before they reach their 18<sup>th</sup> birthday when the adult system comes into play.

Cases are commenced by the filing of a Petition with the Juvenile Court. This can be filed by the Police Department, Children and Youth, or other agencies. Petitions are usually divided into one of two categories: Delinquency, which means that a criminal act is involved and the court will intervene to attempt rehabilitation with the child, or Dependency, which means that the child is in an unsafe environment, or the child cannot be safely maintained in their present environment, and the court must intervene to protect the child from adults or protect adults from the child.

Once the Petition is filed, assuming delinquency, an intake hearing is scheduled with the probation department. At that intake a consent decree can be approved calling for the child to keep out of trouble for the next six months and the charges will be withdrawn, or the matter may be referred to court.

If a delinquency matter is referred to court, there are three stages in the process:

1. DETENTION.

The Court must determine if the child can be safely maintained at home or needs to be kept off the streets.

## 2. ADJUDICATION

Following the detention determination, an adjudication or plea to the charges is next scheduled. If the child wishes to dispute the charges, an adjudication hearing is held with standard evidentiary procedures in place, but with the judge alone, rather than a jury being available to decide the matter.

## 3. DISPOSITION

Upon adjudication of delinquency, the final step in the process is the disposition process. At this stage, psychological tests are performed, probation department reports are prepared and a youth center report is prepared if the child is detained to give the Judge background information and a recommendation as to the course of action to be taken.

The Judges' choices include simple probation or a consent decree. Intensive probation with weekly supervision, or institutionalization. The facilities to which the court can send an individual range from standard "reform schools" such as Saint Gabriel's Hall or George Junior Republic to more creative options such as Vision Quest, which is a Wagontrain Program that allows children to be removed from their present environments and put into completely new circumstances where discipline and success allow them to earn their way back into society.

Following a stay of six to nine months at an institution, the court conducts an institutional review and may remove the child from the facility, or continue their placement for an additional period of time.

As always, if this article raises any questions concerning the Juvenile System, or its impact on a specific individual, please contact a DBYD attorney.

*\*Note: DBYD Attorneys will not accept juvenile cases that involve school discipline issues\**

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