



Benton-Franklin Counties

**JUVENILE JUSTICE
RESOURCE BOOKLET**

**A GUIDE TO HELP YOUR FAMILY
NAVIGATE THE JUVENILE JUSTICE SYSTEM**

INTRODUCTION

Welcome to juvenile court

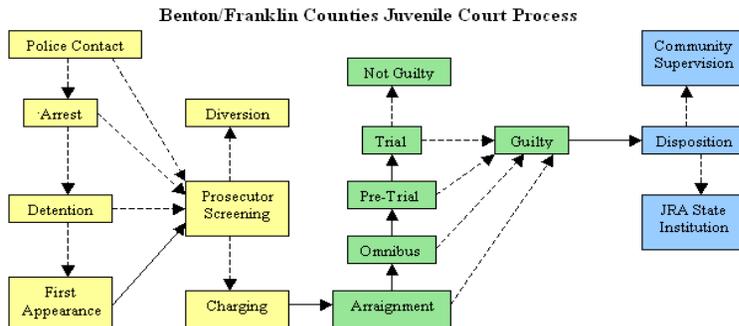
The juvenile court has a three-fold purpose to

- rehabilitate
- hold youth accountable
- ensure public safety

Every person involved in the court process has a specific job to perform in order to make sure these three purposes are accomplished. While the goal of the process is to achieve the best outcome for the youth and the community, the process can be confusing and sometimes frustrating for families.

Purpose of this book

To help reduce some of the confusion for families, we have created this booklet. This booklet will guide your family through the people and process of the court as well as inform you about available helpful resources. It was developed with the input of parents and youth who have been through the court process before and is specifically designed to provide you the critical information you'll need to support you in this experience. This booklet is designed to be interactive. There are numerous places for you to write down notes and appointments. We have included this based on feedback from other parents and youth about what they would find useful in a booklet.



Youth Rights

It is very important to understand that parents do not have rights in the juvenile court process. As the identified respondent (defendant), the youth is the only person who has rights under the law. These rights include:

Right to be notified of charges: The youth needs to know what they are being charged with. They will be informed of their charges at arraignment.

Right to have legal representation: The youth will be assigned a defense attorney to represent them in court, go over the case with them, and advise them of their options.

Right to cross-examine witnesses: If the youth goes to a trial/fact finding hearing (which is uncommon), the defense attorney may question witnesses brought by the prosecution.

Right against self-incrimination: Youth may not be required to testify against themselves.

Parent's Role

While the parents do not have legal rights in the juvenile court process, they are still a critical part of the process. Parents provide information to the defense attorney and probation counselor to help the Judge decide what kind of treatments and consequences to order for the youth. The parent is also an important source of support for their child during this process and is encouraged to attend court hearings.

You may elect to retain your own attorney for your child at any time.

WHO YOU WILL MEET AT COURT

Everyone involved in juvenile court plays an important role in achieving the three-fold mission of the court: to rehabilitate, hold youth accountable and ensure public safety. We will discuss the role of each of these players as well as focus on what you need to know about working effectively with these individuals.

Defense Attorney

Youth's Attorney name _____

Youth's Attorney phone _____

The defense attorney's role is to represent the youth in court, make sure the youth's rights are upheld and advise the youth about what options are available to resolve their case. The youth and parents should contact the defense attorney to make an appointment to discuss their case prior to court. The attorney will typically speak to the youth privately at some point. Because defense attorneys represent the youth, the defense attorney may or may not explain the court process to the parents. Most, however, will be willing to communicate what they can as long as it is not legally confidential information and as long as it is otherwise appropriate to do so.

***Tip:** Keep in contact with your attorney and leave a number that you can be reached at if you leave a message. Remember that attorneys are often in court during the day.

Substance Abuse Services for Youth

Somerset Counseling Center

1305 Mansfield St. Ste. 5
Richland, WA 99352
(509) 942-1624

*Has a group running at JJC in Kennewick

Recovery Point

503 Knight St., Ste. B
Richland, WA 99352
(509) 943-8484

Educational Service District 123

3918 W. Court St.
Pasco, WA 99301
(509) 547-8441

*Contact main office to inquire about treatment locations

First Step Community Counseling Services

313 Morain
Kennewick, WA 99336
(509) 735-6900

Nueva Esperanza Community Counseling Services

720 W. Court St., Ste. 8
Pasco, WA 99301
(509) 545-6506

Benton/Franklin Counties Assessment Center

2624 W. Kennewick Ave.
Kennewick, WA 99336
(509) 735-2704

*Provides assessments only, no treatment

Other Services

Lutheran Community Services

Juvenile Court Family Partner

(509) 783-2085 Ext. 3679

Greater Columbia 2-1-1

www.resourcehouse.com/win211

Mental Health Services for Youth

Nueva Esperanza Community Counseling Services

720 W. Court St., Ste. 8 or 5219 W. Clearwater Ave. Ste.5A
Pasco, WA 99301 Kennewick, WA 99336
(509) 545-6506 (509) 543-8500

Catholic Family and Child Services

2145 VanGiesen St. or 2110 W. Henry St.
Richland, WA 99352 Pasco, WA 99301
(509) 943-2590 (509) 545-6145

Lourdes Counseling Center

1175 Carondelet Dr.
Richland, WA 99352
(509) 943-9104

Specialized Mental Health Programs for Youth

3-Rivers Wraparound

3321 W. Kennewick Ave., Ste. 150
Kennewick, WA 99336
(509) 783-2085

Stabilization Bed

3321 W. Kennewick Ave., Ste. 150
Kennewick, WA 99336
(509) 735-6446

Stabilization and Wellness In Families Together (S.W.I.F.T.) and Tier 1

3321 W. Kennewick Ave., Ste. 150
Kennewick, WA 99336
(509) 735-6446 or (800) 678-4876

Mental Health 24-Hour Crisis Services

Benton-Franklin Counties Crisis Response Unit

2635 W. Deschutes Ave.
Kennewick, WA 99336
(509) 783-0500

WHO YOU WILL MEET AT COURT

Prosecuting Attorney

The prosecuting attorney's role is to make sure that public safety is protected. They will do this by filing charges against the youth and recommending what they think are appropriate consequences. The prosecuting attorney will often be a different individual in each hearing. The youth and family will not usually have any contact with the prosecuting attorney outside of court, although the defense attorney and prosecuting attorney may consult with each other about appropriate resolution for the youth's case.

The Benton-Franklin Juvenile Court serves both Benton and Franklin Counties. Where your child's crime occurred determines which County Prosecutor will handle the case.

Benton County Prosecutor's Office 509-735-3591

Franklin County Prosecutor's Office 509-545-3543

Judge or Court Commissioner

The Judge or Court Commissioner presides over the court hearings to make sure that proper legal procedure is observed, and also makes decision around the outcomes of the case. The Judge makes decisions about whether the youth will stay in detention, whether the youth is guilty or not guilty of the crime charged, and what the youth is ordered to do. The youth and parents will not have contact with the Judge outside of the court hearings. The Judge will call on parents to provide input at Disposition, as is further noted in this booklet.

WHO YOU WILL MEET AT COURT

Juvenile Probation Counselor (JPC)

Name of JPC: _____ Phone number: _____

A Juvenile Probation Counselor (JPC) is assigned to work with a youth when that youth has either been booked into detention on a new offense, or has been sentenced by the Court to a term of probation. At this Court, assignments are based on where the youth lives, and we think it's important to try to keep the same JPC involved with the youth and family.

Here's a brief explanation of the two different functions that a JPC serves:

Intake Supervision: When a youth is detained, a JPC meets with the youth in detention to get information for the court to help the Judge make a decision about whether the youth should remain in detention or be released on personal recognizance, and what conditions should be in place while the case is pending to both protect the community as well as assure their appearance to future hearings. The JPC informs the youth of their role, explains the court process, and how they will not discuss the specifics of the case. It's important for the JPC to gather social information such as who the youth lives with, what family supports are in place, where they attend school, what services are already in place, what challenges the youth is experiencing and what some of their strengths are. The JPC will attempt to contact the parents prior to the hearing to also briefly explain the court process, notify them of the hearing time and location, and to get further information about their child. If the child is released or bailed out of detention, the JPC will monitor any pre-trial release conditions that the court puts in place.

Community Supervision: When the youth is sentenced, the Judge orders a term of community supervision commonly called "Probation". For youth who were not detained prior to or during the court process, this will be the first time that a JPC meets with them. The JPC will either call or send an appointment letter usually within 10-14 days from the time of sentencing. At the appointment the JPC will review the court requirements and explain their role and responsibilities. It's helpful if the parents can attend this first appointment. The JPC will also introduce the youth to the Case Management Assessment Process (CMAP). This determines the level of supervision and interventions best suited to match the youth's needs, with the common goal being that the youth will successfully complete probation and have no further criminal referrals to the court.

COURT PROCESS

Deferred Disposition (DD): Youth with no more than one prior adjudication (conviction), no felonies, and with a charge(s) that is not a sex or violent offense, may be eligible for a DD. If so, a youth pleads guilty and requests a DD. A hearing is set and the youth must prepare a packet for the Court demonstrating why they are a good candidate for a deferred.

Under a DD, the Court may choose to have a youth serve all, part, or none of their confinement time. If a youth's request for DD is granted, they are assigned to probation for a set length of time and expected to strictly comply with the conditions the Court orders. If a youth is successful in completing all the terms of their probation under the DD, the charge(s) is dismissed and lists as such on the youth's criminal record. However, if a youth violates the terms of their deferred once granted, it will be revoked and the youth must return to court for sentencing.

Juvenile Drug Court (JDC): If drug and alcohol use is a major issue, a youth may petition for JDC without entering a plea of guilty. JDC is an intensive supervision program that requires participation in substance abuse treatment, weekly court, progress tracking, pro-social activities, and frequent random urinalysis (UA's).

Upon successful completion of the 10+ month JDC program, the charge(s) is dismissed from the youth's criminal record. If the youth is terminated from JDC for noncompliance, they will return to court for a Stipulated Facts Trial where the facts of the case are agreed and the Court simply makes a finding of guilt or innocence before sentencing the youth.

Your child can ask his/her defense attorney about their eligibility for a specific disposition option.

Still have questions or need help for your child?

You can contact the Juvenile Court receptionist at **783-2151** between 8 a.m. – 5 p.m. or you can call the Parent Support person at Lutheran Community Services at 783-2850 X3679.

COURT PROCESS

What kind of sentence is my child facing?

Age, prior criminal history, and the severity of the charges determine what kind of sentence, or disposition, a youth will face. Generally, a youth will be sentenced to ‘local sanctions,’ which allow the youth to remain in the community. Local sanctions include: 0-12 months probation, 0-150 hours of community service, 0-\$500 fine, and 0-30 days of confinement, as well as classes, treatment, and other interventions. For more serious offenses, a youth may be committed to a juvenile institution under the Juvenile Rehabilitation Administration (JRA).

Are there any other sentencing options available for my child?

Several disposition (sentencing) options and alternatives are available in Benton/Franklin Counties for which your child may be eligible:

Special Sex Offender Disposition Alternative (SSODA): A youth must commit a sex offense to be eligible for SSODA. Suspension of confinement time and treatment provided by the Court are the main incentives of SSODA. The charge(s) remain on the youth’s criminal record.

Chemical Dependency Disposition Alternative (CDDA): A youth must have substance abuse issues, but not necessarily a drug/alcohol charge. Unless combined with a Deferred Disposition (see below), suspension of confinement time is the main incentive for CDDA. Again, the charge(s) remain on the youth’s criminal record.

Typically, under these alternatives, the youth pleads guilty in hope of receiving a suspended sentence and treatment provided by the Court. If the disposition is revoked, the full sentence is imposed and the youth serves any remaining confinement time.

COURT PROCESS

COURT PROCESS

The juvenile court process can take a few weeks to a few months. There are multiple hearings to attend, and depending on scheduling and other factors, these may happen weeks apart. Also, once a family arrives at court for their hearing date, they may wait several hours before being called into court. Everyone will have a unique experience; sometimes two or more of these hearings will happen during the same court appearance. Other times, each hearing will be a different court appearance. The following pages summarize the purpose of the different types of hearings you may experience. We have also included a space for you to write notes and questions you may have during the hearing, as well as when the next court date is scheduled. Because a court hearing can move very quickly, it is a good idea to write down your questions so you can remember to ask the defense attorney or probation counselor about them at a later time.



COURT PROCESS

Tips for Attending Court Hearings

Dress: Appropriate dress for the court avoids gang-related colors or accessories, clothing that promotes drug or alcohol use, pajamas, cut offs or other overly casual clothing, or inappropriately revealing clothing. While the Judge makes decisions based on the merits of the case, how a youth and parent are dressed can influence their opinions. Youth in detention will attend hearings dressed in standard issue detention clothing.

Weapons: Weapons are prohibited in court, including guns, knives and other weapon-like materials. All persons entering the court are required to go through a metal detector. Purses, backpacks and briefcases are searched upon entering the building for the safety of everyone in court.

Behavior: Persons in the court area are asked to refrain from engaging in behaviors that would be annoying to those around them or could cause damage to the building. This includes cussing, yelling, spitting, playing loud music, silencing or turning off cell phones, and writing on or being reckless with furniture and other facilities. Food and drinks are not allowed. Security staff is onsite at the court to enforce these rules.

Types of Court Hearings

The following pages summarize the kinds of hearings you may attend and includes space so you can take notes as well as put in the dates of the next hearing. The hearings that the youth may attend are called:

- ◆ First appearance
- ◆ Restitution
- ◆ Arraignment
- ◆ Probation Violation
- ◆ Omnibus
- ◆ Competency
- ◆ Trial/Fact Finding Hearing
- ◆ Disposition/Plea

COURT PROCESS

DISPOSITION (SENTENCING)

Purpose: At this hearing, the Judge hears the details of the youth's case and will order a set of requirements for the youth to follow called a disposition order.

Outcome: The disposition order outlines what the youth must do to successfully complete the juvenile justice process. The Judge considers what will help the youth learn accountability, what will keep the community safe and what will assist the youth's rehabilitation. Disposition orders can include probation, counseling, community service, restitution (paying back money), and detention time. Some of these options are explained in more detail in the next section of the handbook. If the disposition order is not followed, the youth may be brought back before the Judge who may order further consequences. The youth is given a copy of the disposition order after the disposition hearing.

NOTES/QUESTIONS:

COURT PROCESS

TRIAL/ FACT FINDING HEARING

Purpose: The Fact Finding Hearing/Trial is the hearing in which a judge decides whether the youth is guilty or not guilty. The youth cannot have a conviction for the crime unless the Judge finds him or her guilty. For the Judge to find the youth guilty, the prosecutor must provide enough evidence to show beyond a reasonable doubt that the youth is guilty of the crime. There are no juries in juvenile court, the Judge decides the outcome.

Outcome: The Judge will decide whether the youth is guilty or not guilty. If found guilty, the next hearing will be a disposition hearing. In most cases, the disposition or sentencing takes place at the same time the youth enters a guilty plea.

NOTES/QUESTIONS:

NEXT HEARING DATE _____

COURT PROCESS

FIRST APPEARANCE

Purpose: This hearing occurs the next court day after the youth is brought into detention on suspicion that a crime or in some cases a violation of a court order has been committed.

Outcome: First, the Judge decides whether there is enough information for the court to assert authority over the youth. If the Judge finds this to be the case, the Judge will decide either to hold the youth in detention or require the youth to follow court-ordered rules if released. The prosecutor has a deadline in which to file charges (the "filing deadline") while the court has this authority over the youth.

Bail: If your child is detained at First Appearance, the court will impose bail. Bail may be paid in cash with the Benton/Franklin County Clerk's Office or a bond may be secured with a bail bondsman. You may contact the Juvenile Justice receptionist or the County Clerk for a list of approved bail bondsman.

NOTES/QUESTIONS:

72 Hour "Filing Deadline": _____ Bail: \$ _____

NEXT HEARING DATE _____

COURT PROCESS

ARRAIGNMENT

Purpose: Arraignment is when the youth is formally informed of the charges being brought against them. The hearing is typically very short and the youth enters a plea of either “guilty” or “not guilty” at this hearing.

In most cases, the youth enters a “not guilty” plea to allow the youth and their defense attorney more time to talk to decide how he/she wants to resolve the case.

This can be frustrating for parents who want their child to own up or take responsibility for their actions, but given all the consequences that come from having an adjudication (juvenile term used in place of conviction that becomes apart of their criminal record) it’s important to recognize it’s in the best interest of their child.

Outcome: The next hearing, Omnibus Hearing, will be scheduled.

NOTES/QUESTIONS:

NEXT HEARING DATE _____

COURT PROCESS

OMNIBUS HEARING

Purpose: This hearing is used to prepare for the fact finding trial. It is usually held in the week before the week of trial. At this hearing, the prosecutor and defense attorney inform the court of the status of trial preparation. The Judge may also resolve outstanding issues that need to be decided before the trial can go forward. If there is more to be done for the parties to be ready for trial, this is often the time when the court will decide whether the trial should be continued (postponed). If the parties are ready for trial, they will provide information the court will need to conduct the trial appropriately.

Outcome: A guilty plea can be entered here or trial dates will be set. Sometimes the omnibus hearing is continued at the request of the defense attorney to get more information to try to help resolve the case in a manner favorable to the youth.

NOTES/QUESTIONS:

NEXT HEARING DATE _____