

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:

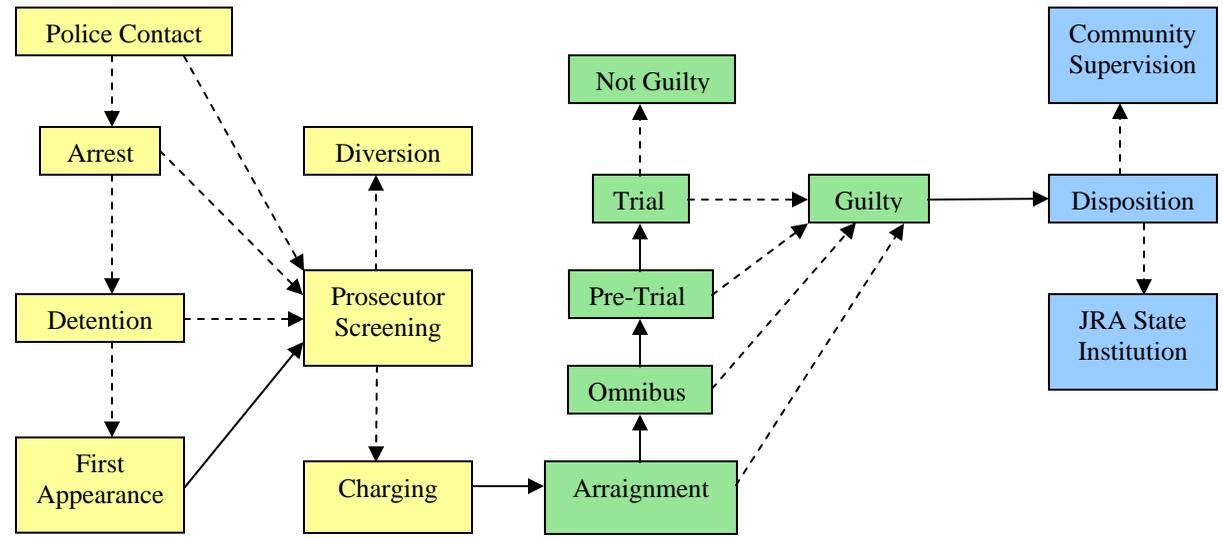
Special Sex Offender Disposition Alternative (SSODA): A youth must commit a sex offense to be eligible for SSODA. Suspension of confinement time and treatment provided by the Court are the main incentives of SSODA. The charge(s) remain on the youth’s criminal record.

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.

Deferred Disposition (DD): Youth with no more than one prior adjudication (conviction), no

Benton/Franklin Counties Juvenile Court Process



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, prosocial activities, and frequent random urinalysis (UAs).

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.

What does the court process consist of and how long will it take?

Each case is different, but the court process can take several months or even longer to resolve depending on how many steps are needed (see chart above). The best thing your child can do is meet with their attorney prior to their court date to discuss their case and be prepared to move forward at court. This will minimize the number of continuances needed and speed the case through the court process.

If your child is late or fails to appear for court, a warrant may be issued. This can extend the time it takes to resolve a case and increase the youth’s consequences when located. To avoid this, please

make sure your child arrives about an hour before court and checks in with their attorney.

What does probation mean for my child?

At their disposition hearing, your child will be ordered to a period of community supervision, or probation. It usually takes about 10-14 days for a youth to be assigned to a specific JPC based on where they live or a program they are participating in. Expect to be contacted by the JPC at that time. They will help you monitor your child for the length of time set by the Court and assist them in following the court-ordered conditions. Some of these may include detention or workcrew, community service hours, restitution, fines and/or fees, a drug or alcohol evaluation, school or work, curfew, UAs, etc. As part of the Case Management Assessment Process (CMAP), the JPC also performs a risk assessment and assigns the youth to appropriate intervention services such as Anger Replacement Training (ART) or Family Functional Therapy (FFT).

If a youth fails to complete any of the terms of probation, they may be brought back to court to answer for this. Additional days or consequences may be imposed up to 30 days per incident. Noncompliant youth may be assigned to Selective Aggressive Probation (SAP). Upon completion of probation time, a youth’s case is terminated. A youth may be terminated early if all obligations are fulfilled.

Still have questions?

Your child can contact their court-appointed attorney at the number listed on their court paperwork.

The Juvenile Court inside the Benton/Franklin Counties Juvenile Justice Center is located at:

*5606 W. Canal Place, Suite 106
 Kennewick, WA 99336
 (509)783-2151*

MISSION

The Benton-Franklin Juvenile Justice Center will advance the safety and well-being of our community by reducing juvenile at-risk and criminal behavior and the abuse and neglect of children.

- ❖ Provide habilitation and rehabilitation of troubled juveniles and families.
- ❖ Require accountability of juvenile offenders through individualized sanctions and interventions to meet identified risks.
- ❖ Motivate and promote positive changes in children and families.
- ❖ Serve victims through restitution, communication and compassion.
- ❖ Partner with the community to develop and effectively utilize financial, community and volunteer resources.
- ❖ Increase community awareness of juvenile and family issues through education, advocacy and mentoring.
- ❖ Foster professionalism and skills enhancement through continuing staff volunteer and inter training.
- ❖ Monitor and respond to changing community needs and public police directions.

BENTON/FRANKLIN COUNTIES JUVENILE COURT

FREQUENTLY ASKED QUESTIONS IN CRIMINAL MATTERS



This brochure is designed to provide answers to some of the basic questions you may have about Juvenile Court process or procedures in criminal cases.

What happens when my child is brought to detention?

If your child is brought to and held in detention, a First Appearance (FA) hearing will be scheduled for the next business day. A Juvenile Probation Counselor (JPC) will be assigned to the case and will meet with your child in detention. They will also attempt to contact you prior to court. The JPC can tell you the charge(s) recommended by law enforcement that your child is being held on and will ask if you are willing and able to supervise your child at all times. The information gathered from these conversations will be used by the Court in making a decision to detain or release your child while the court process plays out. All of this information is presented and discussed at the FA hearing, which you are encouraged to attend. If needed, you can address the Court to provide additional information.

At the FA hearing, the Judge will review the reason(s) that brought your child into detention to determine if there is Probable Cause (PC) that a crime(s) has been committed. If PC is found, conditions of release will be discussed. The Judge makes the final decision regarding release or continued detention of your child.

What if my child stays in detention after their court hearing?

Due to a variety of factors, including the seriousness of the charge(s), failing to appear to court, and prior criminal history, the Court may choose to detain your child and impose bail. Bail must then be posted for your child to be released to the person(s) the Court approves, which may not be you. If your child is not released and remains in detention after a FA hearing, the Prosecuting Attorney, who represents the State, has 72 hours to file formal charges. These may be the same or different than those recommended by law enforcement. If charges are not filed within that timeframe, your child will be released. The State may still choose to file charges at a later date. You and your child will receive written notice of the charges and a date to appear in court.

How do I post bail for my child?

Bail and release conditions are intended to help ensure that youth attend court and stay out of trouble when released. If your child continues to be detained after a FA hearing and a bail amount is set by the Court, bail may be posted at any time to have your child released. Again, please note that your child will only be released to the person(s) approved by the Court and listed on the court order. Your child must then follow conditions of release or return to detention.

Bail can be posted with either the Superior Court Clerk of the appropriate county or a bail/bonding company. A list of authorized bail companies is available at request. The bail company will assist you with this process. Juvenile Detention also accepts cash bail after hours when the Clerks' Offices are closed.

What if my child is released from detention after court?

Your child may be released on Personal Recognizance (PR) at the FA hearing. If so, an Arraignment hearing will be set. Your child will be released with conditions set by the Court that both they and you must follow. Examples of release conditions are to remain in the care, control, and custody of a parent/guardian; house arrest; curfew; attend school or work; and have no further violations of the law.

Once released, your child will need to maintain regular contact with their assigned JPC. If your child violates any of their court-ordered conditions of release, they will be required to return to court to answer for this and may return to detention. When your child is released, you are also expected to supervise your child as directed by the Court and report violations of their conditions of release to their assigned JPC.