

Drug use and juvenile crime are closely related. When a teen is using drugs or alcohol, it can affect his or her judgment. They do things they normally would not do. They steal, that may involve breaking and entering, to get money for drugs. They may be charged with possession, selling, burglary or robbery. Teens who are substance abusers are more likely to commit violent crimes, get involved in accidents that involve criminal negligence and become victims of crime (<http://www.projectknow.com>)

The Parent Addiction Network provides the following information (updated January 2013) to help parents/families/relatives understand and navigate the juvenile court system as it pertains to drug-related offenses of a juvenile. This document does NOT cover all aspects of delinquency or juvenile justice.

Juvenile in Wisconsin: a person at least 10 years of age and less than 18 years of age, except when a person is alleged to have violated a state or federal criminal law, a civil law or municipal ordinance. In such cases, a person who has attained 17 years of age is deemed an adult and charged in adult court.

Juvenile Court

Juvenile Court handles matters such as child or juvenile protective services, crimes committed by children or juveniles, as well as termination of parental rights.

Juvenile Court- Links to information

NOTE: Check the date of the publication as some policies and procedures change.

Juvenile Court : <http://www.countyofdane.com/juvenilecourt/>.. This site includes many resources related to procedures, policies, rights and guidance.

Dane County Juvenile Court Resource Booklet,

(http://www.countyofdane.com/juvenilecourt/pdf/jc_resource_booklet.pdf). Note that information in this booklet is current as of January 2006.

Parents' Guide to the Juvenile Court (link to

http://www.countyofdane.com/juvenilecourt/parents_guide.aspx) . See this guide to better understand the various Court Proceedings with questions and answers asked by parents and children.

Clerk of Courts: Frequently asked Questions about Juvenile Court

(<http://www.countyofdane.com/court/court/faqJuvenile.aspx#7>)

Links of interest: Dane County Department of Human Services (Link to

<http://www.danecountyhumanservices.org/Family/default.aspx>)

Dane County Legal Resource Center, located in the Dane County Courthouse. Call 608-266-6361 for hours

Difference between juvenile justice system and adult criminal system. Although there are similarities, the juvenile justice system differs in some ways from the adult criminal system. The primary emphasis of the Juvenile Court is education and rehabilitation so different terms are used:

Juvenile Term	Adult Term
Take into Custody or Apprehend	Arrest
Delinquent Act	Crime, Felony, Misdemeanor
Petition	Complaint
Plea hearing/Jurisdictional hearing	Initial Appearance/Arraignment
Fact Finding	Trial
Adjudication	Conviction
Disposition	Sentence/Sentencing
Supervision	Probation
Corrections	Prison
Aftercare	Parole
Detention	Jail
Capias	Warrant

Source: Differences between Adult and Juvenile Court Involvement
http://www.countyofdane.com/juvenilecourt/parents_guide.aspx; retrieved 1/23/2013)

What are CHIPS and JIPS?

CHIPS stands for Child In need of Protection or Services. It is a proceeding in juvenile court for any person under the age of 18 for noncriminal reasons including abuse, neglect, and abandonment. JIPS stands for Juvenile in Need of Protection or Services. It is a court proceeding involving a juvenile under the age of 18-(1) whose parent signs a petition requesting the court to take jurisdiction and is unable to control the juvenile; (2) who is habitually truant from school or home; (3) who is a school dropout; (4) who is under the age of 10 and has committed a delinquent (criminal) act; or (5) who has been determined to be not responsible for a delinquent act by reason of mental disease or defect or who has been determined to be not competent to proceed.

DELINQUENT ACTS (CHARGES)

Delinquent acts might include: theft, retail theft (shoplifting), robbery, possession of narcotics.

A juvenile may be given a ticket and released in cases of: disorderly conduct, trespassing, underage drinking. Law enforcement often makes the initial determination of what to do with the juvenile.



CUSTODY – APPREHENSION

Nonsecure custody: The juvenile may be placed in the home of a parent, guardian, relative, friend of the family, foster home, group home, shelter care, hospital, mental health facility, or detox facility. Conditions may be set such as restrictions on travel, association with other persons or places, etc.

Secure custody: The grounds for secure custody fall into 3 categories: protection of persons; availability for Court proceedings; protection of community.

Process for delinquency cases (summary):

- The arresting officer takes the juvenile to the **Juvenile Reception Center (JRC)**, located in Room 200 of the City-County Building. The JRC is a Juvenile Court Program that provides delinquency custody intake services for Dane County.
- The officer meets with an intake counselor and describes the facts surrounding the event.
- The intake counselor then interviews the juvenile and attempts to contact the juvenile's family. If possible, other sources such as social worker and school may be contacted. Past record/contacts is referenced.
- The intake counselor completes the assessment and decides to release the juvenile (no custody) or to hold the juvenile under nonsecure or secure custody.
- If the juvenile is held under either form of custody, a hearing is required within 24 hours from the end of the day in which the person was placed under the custody order (excluding weekends and holidays).
- The intake counselor notifies the child and parent of the hearing time, and alerts the District Attorney (DA) and State Public Defender. The Court (or Court Commissioner) holds the **custody hearing** to determine if grounds exist to hold the juvenile; and if so, whether the custody status needs to continue. The Court may end the custody, change the placement or conditions, or add additional conditions; e.g. curfew, association with individuals, community monitoring programs, etc.
- For new delinquency offenses, a petition is almost always filed by the DA prior to the time of the hearing. The DA is present, as is the juvenile. Others may include one or both parents, other family members, a representative of the Department of Human Services, the JRC staff member. The juvenile is represented by an attorney, often appointed by the Public Defender's Office.
- If juvenile is held in Detention (also located in City County Building) as a result of the hearing, a **jurisdictional hearing** is immediately scheduled and all parties notified. These are scheduled within 10 days of the custody hearing; held by either the commissioner or the assigned judge.
- Custody orders end when the dispositional order is made; upon completion of the sanctions; or any time the Court finds that the status is no longer warranted.

ATTORNEY

In most case JIPS cases and all delinquency cases, juveniles have the right to be represented by advocate counsel (defense attorney). The Public Defender's Office typically appoints attorneys in these matters. In some JIPS cases and CHIPS cases, the juvenile/child's interests will be represented by a guardian ad litem (an attorney appointed to represent the best interests of the child/juvenile). The attorney will represent the interests of the juvenile during all stages of the proceeding unless the juvenile wishes to continue without a lawyer and the Judge permits this.

If a Public Defender is appointed, the Court will order that the parent(s) pay for this representation. The Public Defender will determine the cost based on the nature of the charge. The Judge will enter an order



of recoupment - Court Order that states the parent must reimburse the State for legal costs. Parents have the right to appeal this order to show indigence. Information about the appeal process will be provided once the case is concluded.

State Public Defender's Office

Phone: (608) 266-9150

THE HEARING PROCESS

In most Juvenile Court cases, the Juvenile Justice Code requires several steps in the hearing process, including:

1) The JURISDICTIONAL hearing, at which the Juvenile and/or the parent, in some cases, will enter an admission or denial regarding the allegations in the petition. This hearing is where you may hear the juvenile's attorney make a request for a different Judge or for a waiver of the time limits for the next hearing. This may sound foreign and confusing to you, but the attorney is simply preserving the juvenile's rights under the statutes. Some of these rights may be lost if not requested at the PLEA hearing. The Commissioner or Judge may also order psychological and/or Alcohol Drug abuse (AODA) evaluations at this hearing. It is important to note here that this hearing is an initial hearing and long-term planning decisions will probably not be made at this time.

2) A PRE-TRIAL CONFERENCE at which the attorneys and the Social Worker may be able to work out an agreement that will settle the case without going to a trial. If the parties reach an agreement, the case could be resolved at this hearing. Please note: the judge is not required to adopt the agreement of the parties.

3) A FACT-FINDING HEARING or TRIAL in which the Judge determines whether a juvenile is delinquent or in need of protection or services by hearing testimony from relevant witnesses. If the Judge determines that the juvenile is delinquent or in need of protection or services, the dispositional hearing will be set.

4) A DISPOSITIONAL HEARING at which the Judge will hear the reports and recommendations of the Social Worker and others involved with this case. The Judge may have received written reports from other parties, such as psychologists and school personnel, before the hearing. Parents also will be asked their views on the recommendations. After the Judge hears all of the testimony, he or she will begin to list the "findings of fact," and then will decide the disposition of the case. The Judge will make a court order listing the conditions of the juvenile's period of supervision and a determination where the juvenile will reside if placement outside of the parental home is necessary.

If you are unclear on any point in any of the hearings, be sure to ask the Judge/Commissioner, the assigned Social Worker, or an attorney to explain the order in more detail. In some cases, an agreement called a "Consent Decree" may be worked out at the pre-trial hearing thereby avoiding a final dispositional hearing.

Costs to parents: The Court can and must frequently make the parents' pay some or all of the expenses associated with the Court Order including but not limited to:

- Attorneys' fees
- Out-of-home placement
- Education/medical costs
- AODA services/treatment.



CONFIDENTIALITY

Generally, Juvenile Court hearings are confidential, unlike the open criminal courts. There are times, however, when the court proceedings are open to the public, mainly in second or subsequent delinquency cases. You should ask your Social Worker or attorney about the confidentiality of your particular hearing. You may be asked to sign a Release of Information form that allows certain parts of the record to go to other child-serving agencies that will be working with your child and the family. The Court may also issue an order to have certain records and facts released to involved parties.

FAQS [Frequently asked questions]

Question. What rights do I have as a parent?

Answer. You have the right to hire representation for yourself or your child and to be heard in Court. Parents in CHIPS (Child in Need of Protection or Services) cases are entitled to be represented by an attorney. Upon a finding of indigence, the Court will appoint an attorney to represent the parent(s).

Question: How can I advocate for my child?

Answer: Ask the judge to obtain services for their child to help to recover. Attend every hearing. Speak up if you have comments or suggestions to be considered.

Question: What is my role as a parent?

Answer: Your involvement is critical. No court order can be very successful if the parents do not participate in their child's supervision plan. This may involve monitoring and enforcing the rules set down by the Judge and Social Worker, attending family counseling sessions, or taking part in Parent Education classes to help you better deal with your child. Your participation is very important so do not hesitate.

Question: What can I do to prepare for my child's disposition (sentencing)?

Answer: Write a letter to the judge before your child's dispositional hearing to ask for proper treatment and care. It's important to get the letter to the judge at least a couple of days in advance so it can be read before the hearing. Also, send the letter to the prosecuting attorney, defense attorney and the social worker and make sure the letter informs the judge that you are doing so.

Question: Does the Clerk of Courts Record Center keep copies of juvenile cases? What is kept on file?

Answer: Yes. The juvenile court records are confidential and can only be disclosed to certain individuals (as allowed by statute or court order). The court file will typically contain the petition (the document containing the allegations that bring the matter before the court), dispositional order, the recommendations of the social worker, and correspondence to the court.

Question: What are my child's legal rights in Juvenile Court?

Answer: The Supreme Court ruled that juveniles have the right to know the allegations against them, to have legal representation, to question witnesses, protect themselves against self-incrimination, have a transcript of court proceedings on request, and have the right to appeal. In delinquency (law violation) situations, juveniles do not have a right to a jury trial but can have a trial with the judge.

Question: What can the Juvenile Justice system do to help me with my child's drug-abuse?

Answer: When a child is placed on supervision with the Department of Human Services, a variety of programs and services can be made available to the child and family in order to help the child successfully complete supervision and prevent future problems. Such programs range from diversion programs to intensive supervision, as well as a variety of individual and family counseling services. The assigned social worker will aid the family in evaluating their needs and obtaining services.

Question: Why does my child's attorney say he/she cannot speak to me when I am paying for the representation?



Answer: Any child with pending charges in Juvenile Court has the right to be represented by counsel in all stages of Court proceedings. It is important for the child to be able to speak freely and honestly with his/her attorney so the attorney can provide the best counsel possible. It is also important that the attorney be able to respect the client/attorney trust by keeping conversations with the juvenile private. The attorney may only discuss general information with the parents due to this trust obligation.

Question: What happens if my child is found guilty of a crime? Will my child go to jail? To prison? Where?

Answer: Depending on the facts and circumstances, the final disposition of a juvenile case may or may not include time in a secure facility. Recommendations will be made to the Judge regarding placement of your child. The Judge will make a court order listing the conditions of the juvenile's period of supervision and a determination where the juvenile will reside if placement outside of the parental home is necessary. Placements outside the home can be to a relative's home, foster home, group home or a residential care center. In certain cases, the court may find that a correctional placement is most appropriate. Generally, if juveniles are sent to a correctional placement, it will be at Lincoln Hills School (boys) or Copper Lake School (girls). Both are located in Irma, WI.

Question: Who sets up community service work ordered by the court?

Answer: If the court orders a youth to make restitution payments or perform community service (unpaid service work), Dane County has a program called the Youth Restitution Program (YRP). The juvenile and his/her family reports to the Juvenile Reception Center to sign up for YRP immediately following the hearing in which the community service or restitution is ordered. The juvenile is notified by YRP when a job site has been arranged. Social workers and parents on occasion may monitor the community service hours if approved by the Court. Discuss the issue with the assigned social worker for more information.

Question: Can Juvenile cases and records be expunged?

Answer: A juvenile who has been adjudged delinquent may, on attaining 17 years of age, petition the court to expunge the court's record of the juvenile's adjudication. Expungement is NOT considered if the juvenile is still under Juvenile Court jurisdiction/supervision. Expungement is only approved in exceptional circumstance; for example, the juvenile/adult making the request demonstrates through course of conduct and/or provision of other information that it is in both the best interests of the juvenile and the public.

TIPS FOR PARENTS:

- Keep records to document what's been going on such as; drug addiction issues; changes in behavior; treatment attempts
- Be sure to share your concerns with both the social worker from Human Services and the court.
- Do not be afraid to ask questions in court, especially if you do not understand why something is/is not happening.

