



Court of Common Pleas

WARREN COUNTY

Probate - Juvenile Division



WHAT YOU NEED TO KNOW ABOUT GOING TO COURT

JUNE 2020



People come to Juvenile Court for many reasons. Juveniles could find themselves in court because they have been charged with a criminal offense and are being held in our detention center. Other reasons to come to court could include court hearings for various types of delinquency or traffic charges, trials where juveniles participate as defendants, witnesses, jurors (rare occasions), hearings to establish parentage, custody, and/or visitation rights, hearings for dependency, abuse and neglect, or unruly child complaints. Warren County Juvenile Court employs many people in different jobs and offices. You may see prosecutors, lawyers, probation officers, detention officers, clerks, court reporters, sheriff deputies and police officers in and around the courthouse.

You may be filled with questions about coming to court: where you'll go, what you'll see and hear, what you'll be asked and what you'll have to do and say. This guide is designed to help you learn more about the experience of coming to court.

Everyone feels a little anxious about going to court. Keep in mind that we are here to help you and to resolve the issues that brought you to this courthouse.

Joseph W. Kirby, Judge
Warren County Probate & Juvenile Court

Anthony J. Brigano, Court Administrator
Warren County Juvenile Court

Tony Miller, Superintendent
Warren County Juvenile Detention Center

Mike Goodlett, Superintendent
Mary Haven Youth Center

WHAT IS A COURTHOUSE?

In most towns and cities, there is a building called a courthouse. In Lebanon, we have several courthouses. We have courthouses where adults go to court, and this courthouse is where children go to court. A courthouse is a place where judges, and sometimes juries, decide if someone has broken the law. Warren County Juvenile Court, Juvenile Detention Center, and the Mary Haven Youth Center are located at 900 Memorial Drive.

WHAT IS A DETENTION CENTER?



The Juvenile Detention Center is a place where juveniles who have been charged with criminal offenses are held. Sometimes juveniles are also ordered to be held in our detention center because they are not following the rules the Court ordered them to follow. The basic purpose of the detention center is to provide you with safe and secure custody while you are waiting to attend Court. The detention officers, counselors, medical staff, mental health providers, teachers and other employees who work in the center are here to help you.

WHAT IS MARY HAVEN?

The Mary Haven Youth Center is a 36-bed residential treatment center for males ages 12-18 that have been adjudicated delinquent. This facility is locally operated and used as an alternative to sending youth to the Ohio Department of Youth Services (ODYS), which is the juvenile prison system, as well as a consequence for habitual offenders in an attempt to change behaviors rather than letting them escalate into more severe criminal activities.

WHEN WILL I HAVE COURT?

If you have not already had court, you will have a “detention hearing” within one working day of your admission into the Detention Center. Generally, you will go to court the day after you are brought to the Detention Center. The Court is closed on holidays and weekends, so if you come in just before or on a holiday or weekend, you will go to Court the next day that Court is open. The purpose of the detention hearing is for the Court to determine if you need to remain in the Detention Center during your continuing court process. At your detention hearing, the Court may decide that you will remain in detention, released to a third party, or allow you to return home under certain conditions.



WHAT GOES ON BEFORE I GET TO COURT?

A lot happens before people get to court. After charges are filed, there will be reports generated, interviews conducted and, meetings between prosecuting attorneys and lawyers. Sometimes, adults are held in the county jail and children are held in our juvenile detention center while they are waiting to go to court. This is for everyone's protection and to make sure that people show up at court, like they are supposed to do.

WHAT ARE MY RIGHTS IF I AM IN JDC RIGHT NOW?



You have the right to remain silent. No unlawful means of any kind shall be used to obtain a statement, admission, or confession from any person. You have the right to be treated humanely and the right to be provided with proper food, shelter and, if necessary, medical treatment. You have the right to consult with an attorney, and you also have the right to communicate with your family.

WHAT IS THE JUDGE'S JOB?

It's the judge's job to listen to everything that is said in court. Some people refer to the judge as, "Your Honor," when they speak in court. A judge of a court is saluted as honorable judge, so calling a judge, "Your Honor", is merely giving due respect to the judge's statutory authority. It's the judge's job to know the law and to decide whether there is enough evidence to prove the law was broken. In Warren County, Ohio, we have one judge who presides over both the juvenile and probate court. At the beginning of your court hearing, the judge or magistrate may ask you some questions like these:



- How old are you?
- What grade are you in?
- Do you know what an oath is?
- What does it mean when you "promise to tell the truth?"
- What do you think might happen if people do not tell the truth in court?

In Warren County, we also have magistrates that oversee court. We have four (4) magistrates at our juvenile court to help our judge because our judge cannot handle all the court hearings by himself. Magistrates are not elected officials; they are hired by the judge – but they still are afforded their due respect by calling them, "Your Honor."

WHAT DOES THE PROSECUTING ATTORNEY DO?

The prosecuting attorney acts on behalf of all of us that live in our county. The prosecutor is responsible for preparing cases for court and determining who is charged with breaking the law. The prosecutor also helps people who are witnesses in court. The prosecuting attorney does this

by asking questions so that the judge, magistrates, and the jury can listen to the answers. All prosecuting attorneys are lawyers.

WHAT IS THE DEFENSE LAWYER'S JOB?



The defense lawyer's job is to help the defendant. The defendant is the person charged with breaking the law. To do a good job, the defense lawyer tries to find out if someone made a mistake, or if anyone made something up. That's why the defense lawyer gets a chance to ask questions after the prosecuting attorney has finished asking questions. You've got to listen to everyone's questions carefully and understand them before you answer.

Sometimes when people are talking in court, one of the lawyers may stand up and interrupt, and ask to talk to the judge. Don't worry if this happens. You haven't done or said anything wrong. All you have to do is stop talking until the judge or the lawyer asks you to go on, or to continue with what you were saying.

WHO IS THE DEFENDANT?

The person who the prosecutor has charged with breaking the law is called the defendant. If you are in detention and reading this courthouse guide, you are probably the defendant. It is important that you understand that you have the right to a lawyer, whenever you are in court. If you do not have the money to hire your own lawyer, one will be appointed for you by the court.

WHAT DOES A WITNESS DO?

A witness is a very important person in court. The job of the witness is to listen to questions and to give answers for the judge to hear. This is called testifying. The most important thing about being a witness is telling the truth.

Sometimes when you do your job as a witness, you end up talking about the defendant. The prosecuting attorney may ask you if you see the person that you are talking about in court. If you do, you should point to the person and tell the judge where the person is sitting and what the person is wearing. A defendant may be punished because of what witnesses say. That is why it is so important to tell the truth in court.



In court sometimes the judge can order "separation" of the witnesses. This word means that when you testify, no other witnesses can be with you in the courtroom. That way, the court can guarantee that everyone is telling their own version of events. Additionally, after you testify, you cannot stay in the courtroom and hear what other witnesses are saying. It also means that you cannot talk about what you said until the trial is over. If you have any questions about this, ask the prosecuting attorney.

WHAT IF...

- **You're asked a question and you don't understand it?**
If you don't understand what people are asking, say, "I don't understand". If they repeat it and you still don't know what they mean, ask them to say it in a different way, or an easier way.
- **You're asked a question and you can't remember the answer?**
You might be asked about things that you don't remember or about things that didn't happen. If you don't remember, say "I don't remember". Do not guess. If you know something never happened, say so. If you forget the order in which things happened, it's okay. The most important thing is to tell the truth.
- **You're asked an embarrassing question?**
You might be asked to talk about things that are embarrassing. That's hard to do. Remember that the judge, magistrates, lawyers, and everyone in Court have heard people talk about embarrassing things a lot of times. You can tell the judge you're embarrassed, but you should tell the judge what happened even if it is embarrassing.
- **You cry in court?**
Lots of people cry in court. It's okay. If you think you might cry in court, tell someone. They can ask for tissues, or make sure that there are tissues in the courtroom. Let someone know if you need a break for a moment.
- **You're asked more than one question at a time?**
It is easy to get mixed up or to mix up people who are listening to you if you're asked too many questions at a time. You might tell the lawyer who is asking you questions to ask you only one thing at a time so that you can answer properly.

THE BAILIFF

The bailiff's job is to help the judge, magistrates and jury (if there is one). When the judge, magistrate or jury comes in, the bailiff says, "all rise." That means everybody stands up. This shows respect for the Court. The judge will ask you to take an oath. When this happens the judge tells us to raise our right hand and asks, "Do you hereby solemnly swear or affirm that you will tell the truth, the whole truth and nothing but the truth?" An oath is a promise to tell the truth. If you agree to tell the truth, say "I do".

THE SHERIFF

The job of the sheriff is to keep everyone safe in court. The sheriff usually wears a uniform. In our court, you could be escorted into court by a bailiff, probation officer, or in some cases by a deputy sheriff. You may see one of the sheriff's deputies, bailiffs, or the police officer who arrested you in court. That police officer may also be a witness.



RULES OF THE COURT

In our country, everybody tries to be very careful and fair when deciding whether people have broken the law or not. That's because if people are found guilty of breaking the law, they can be punished. It is not enough that a judge or jury thinks the defendant probably broke the law. The law says that a judge or jury cannot find a person guilty unless they have found proof, beyond a reasonable doubt, that the person broke the law.

The Prosecuting Attorney's job is to prove to the judge or jury that the defendant is guilty of breaking the law.

WHAT ABOUT THE JURY?



In juvenile court, juries are rarely used. Juveniles do not have the right to a jury trial, except in a rare case when a juvenile is being accused of being a serious youth offender. However, sometimes adults are charged in juvenile court and they are entitled to a jury if they demand one. In that case, a jury of the defendant's peers are brought in and eight people are selected to decide whether the defendant is guilty or not. The jury will decide the guilt or innocence of the defendant based upon the facts they hear during the trial. The jurors will be asked to apply the law that is given to them by the judge to help them decide. Jurors are picked by the prosecuting attorney and the defense lawyer. When there is no jury, the judge or magistrate hearing your case will act just like a jury would.

GUILTY OR NOT GUILTY?

Just like a jury, the judge or magistrate has to listen to all the witnesses and try to make a decision about what happened. This part of the judge's job is like putting the pieces of a puzzle together. Sometimes the judge may be confused because some of the pieces are missing and other pieces aren't clear, or don't fit. Unless the judge feels certain, beyond a reasonable doubt, that the defendant broke the law, the judge must find the defendant not guilty.

RULES TO FOLLOW IN COURT

- Tell the truth.
- If you can't remember something or don't understand what someone says, say so.
- If you don't know the answer to a question, say you don't know – don't ever guess.
- If you don't agree with what someone asks you, tell them that you don't agree.
- If you are sure about the answer to a question, you can say so. If you are not sure, you can tell the judge what parts you are not sure of.
- Talk to the judge if something is bothering you, or if you have a question while you are in court.

WHAT DOES THAT MEAN?

In Court, people use a lot of words that we may never have heard before. Here's a list of some of them:

Adjudication: Passing judgment, decide or settle by law.

Allegation: Something that someone says has happened.

Charge: The law that the police believe the defendant has broken.

Complaint: A statement to the police accusing someone of breaking the law.



Continuance: Put off trial until another time.

Cross-examine: Questioning of a witness by the lawyer for the other side.

Delinquent Child: What a child found guilty of breaking the law is called in juvenile court.

Disposition: The sentence (punishment) given to a child found guilty of breaking the law.

Evidence: Things that witnesses say in court and things (such as photographs, clothes or drawings) that are brought to court to show what happened.

Interview: A meeting with the police or Prosecuting Attorney.

Juror: A person who is on the jury (we do not have many jury trials in juvenile court).

Objection: A reason that a lawyer interrupts a witness to talk to the judge.

Perjury: Willfully giving false testimony or withholding evidence while under oath.

Plea: The answer the defendant gives (guilty or not guilty) to the charge.

Preliminary Hearing: A hearing held before the trial where the judge decides legal questions.

Sentence: The punishment the judge gives to someone found guilty of breaking the law.

Separation Order: A rule that says witnesses cannot talk to other witnesses or hear what other people say.

Statement: A description about what happened that a witness gives to the police and that police write down.

Status Offense: A charge against a child that would not be a crime if committed by an adult. Running away from home is one example of a status offense.

Subpoena: A piece of paper delivered by a sheriff that tells a person when and where to come to court.

Testify: Answer questions in court.

Testimony: What a witness says in court

Transcript: A typewritten record that is made by the court reporter of what is said in court

Trial: A hearing that takes place when the defendant pleads “not guilty” and witnesses are required to come to court to testify

Unruly Child: A child who has been found guilty of a status offense.

WHAT HAPPENS AFTER COURT?

If the judge or magistrate finds the defendant not guilty of breaking the law, the defendant is free to go and the charge is dismissed. If the defendant is found guilty, one of the things the judge must decide is how to keep the defendant from breaking the law again. To do this, sometimes the judge sets rules about what the defendant can and can't do.

In juvenile court, a child found guilty of breaking the law is called a “delinquent child.” If you are found delinquent, there will probably be consequences for breaking the law. Children in juvenile

court are not sentenced like adults are. In juvenile court, if you are found to be a delinquent child, the judge or magistrate will make what is called a “disposition” on your case. The disposition is your sentence.

Sometimes the judge will make the defendant pay money (costs and fines), place the defendant on probation, order the defendant to pay for damages caused during the crime (when they were breaking the law), sometimes the judge may order the defendant to get help, sometimes the judge has to decide to keep the defendant in detention longer and sometimes the judge has to sentence the defendant to juvenile prison.

In Ohio, being sent to Juvenile Prison is called a commitment to The Ohio Department of Youth Services. Being sentenced to The Ohio Department of Youth Services, (O.D.Y.S.) can be confusing.

HERE ARE SOME ANSWERS TO SOME OF THE QUESTIONS WE ARE MOST FREQUENTLY ASKED BY YOUTH WHO ARE COMMITTED TO ODYS:

- 1. EXPLAIN WHAT IT MEANS WHEN A YOUTH IS TOLD THAT HE HAS BEEN COMMITTED FOR SIX MONTHS TO AGE 21.**

To be committed to the Ohio Department of Youth Services, a juvenile must be found delinquent (guilty) of a felony offense. If a juvenile is found delinquent of a felony 3, 4 or 5 the minimum period of commitment is six (6) months, and the maximum period is not to exceed the age of twenty-one (21) years. The minimum period means that this is the time that Juvenile Court retains control over the juvenile and can grant an early release.



- 2. DEFINE TIME SERVED.**

A delinquent child committed to the Ohio Department of Youth Services is entitled to credit for the total number of days held in detention prior to the transfer of physical custody. As a result, the Court gives the youth credit for time served in the Juvenile Detention Center that count as days served on the youth's Department of Youth Services' sentence. There is no credit for time served should a juvenile be found delinquent of violating his/her parole and be ordered returned to the Department of Youth Services.

- 3. WHAT DOES SYO OR SERIOUS YOUTHFUL OFFENDER MEAN?**

If a juvenile is accused of committing certain serious crimes or has a prior Ohio Department of Youth Services admission for a 1st, 2nd or 3rd degree felony offense of violence, the State (prosecution) may ask the court to certify the juvenile as a Serious Youthful Offender. This would allow the court to impose a “blended” sentence, which contains both a juvenile disposition/sentence and an adult sentence. The adult portion can be invoked only for specified rules violations after a juvenile reaches the age of 14 years, and after a hearing.

It should be noted that every juvenile for whom Serious Youth Offender status is being requested must be assigned an attorney. These juveniles must consult with their attorneys to receive the best advice.

4. WHAT DOES A STAY ON A COMMITMENT TO THE OHIO DEPARTMENT OF YOUTH SERVICES MEAN?

If a juvenile is found delinquent (guilty) of a felony charge (the more serious crimes,) the juvenile can be sentenced to the Ohio Department of Youth Services, which is the juvenile equivalent of prison. The court may think that the juvenile will respond to services in the community, and it may not be necessary to actually send him/her to the Department of Youth Services. If this is the case, the court places a stay on the commitment. The juvenile does not have to go to the Ohio Department of Youth Services if he/she does not violate probation, break the law or violate a court order.

HERE ARE SOME ANSWERS TO OTHER QUESTIONS ABOUT COURT THAT ARE FREQUENTLY ASKED BY YOUTH:

1. WHAT DOES “UNDER ADVISEMENT” MEAN?

Many times, a particular case may raise issues that the court is not prepared to rule upon. The Court may need more information, or to think of other alternatives. This may cause the court to delay its decision. During this time, the case is considered “under advisement” until a decision is made.



2. WHAT IS THE DIFFERENCE BETWEEN A JUDGE AND A MAGISTRATE?

Voters elect a judge, and a judge appoints a magistrate. Both a judge and a magistrate can make orders. However, only a judge can hear Serious Youthful Offender cases, and cases wherein the juvenile may be transferred to the adult system.

3. WHEN CAN A JUVENILE MAKE A COMMENT, OR ASK A QUESTION IN A HEARING?

Every person who is accused of a crime has a right to remain silent. This is a right guaranteed by the Fifth Amendment to the United States’ Constitution. This is an important safeguard protecting the juvenile from saying something that may be used against him/her later. Since the judge does not know what the juvenile will say in court, many times the judge will not allow the juvenile to speak. This is very critical at the detention hearing wherein a denial (not guilty) plea has been entered for the juvenile. At this time, the judge must protect the juvenile from saying something that could hurt the juvenile’s case. In the past, a juvenile has said such things as “I didn’t mean to do it” or “I was only the look out” or “I only ate the pizza after they stole it” or “I was with them, but didn’t do anything.” All of these statements could have been used against the juvenile during trial.

Should the juvenile admit to violating the law, or violating a court order such as not following the rules of his probation; the juvenile is always given an opportunity to talk to the court before sentencing. Many times, what the juvenile tells the court has an effect on how the court will sentence the juvenile.

4. WHY DOES A JUVENILE GET “15 DAYS” AFTER THEIR DETENTION HEARING?

When a youth is arrested and placed in the Juvenile Detention Center, the court must hold a hearing by the next business day to inform the juvenile of the charges brought against him/her. At this time, the court explains to the juvenile his/her constitutional rights. Many times, the court will enter a denial (not guilty) plea on behalf of the juvenile and not take a statement from the juvenile because he/she has a right to remain silent. If the court detains the juvenile in the Juvenile Detention Center pending adjudication (trial) the rule states that a trial must be held within fifteen (15) days. Because of this rule, and the time needed for the

prosecution and defense attorneys to prepare the case, the court schedules the trial within fifteen (15) days of detention.

At this time the Juvenile has not been found delinquent (guilty) and this time is not part of any sentence. The juvenile is detained because he/she is a danger to himself or others.

WHAT TO EXPECT AT DYS



You have been committed to the Ohio Department of Youth Services by the court. All youth committed to DYS are transferred from the Detention Center to a DYS Reception Facility. Before you arrive at the reception facility, there are a few things DYS would like you to know:

- The length of your stay will depend upon you and your actions
- Your progress and incidents will be reported to the court
- You may have the opportunity to ask the court for an early release
- You can have time added to your stay at DYS for several reasons:
 - ✓ Not completing required programming (such as substance abuse, victim awareness, etc.);
 - ✓ Discipline related incidents;
 - ✓ Your risk to re-offend.

ADVICE FOR YOUTH

The best piece of advice to give you is to be open and honest with all the DYS Staff. If you are having any troubles, please tell someone! Everyone that works at DYS wants you to be successful and return back home just as soon as possible.

DOES MY BEHAVIOR MAKE A DIFFERENCE?

DYS wants you to be successful! Communication of your progress is reported out to the court very often. Keep that in mind regarding decisions you make while in the institution. Your involvement in programming, positive interaction with staff, and overall behavior is taken into consideration in how long you will stay at the institution.

WHAT HAPPENS WHEN I GET RELEASED?

- You will be placed on parole when you are released from the DYS institution
- You will have a parole officer assigned to you.
- You will have parole requirements to achieve before you can be discharged from parole.

RETURN TO YOUR COMMUNITY

It is very important to your success on parole that you are living in an environment that will help you succeed in your reentry to the community. Please think about where you are planning on living after your release from the DYS institution and make sure that where you plan to live is “good” for you.

The parole office will be completing a placement investigation on your selected residence (where you will be living once released from DYS) to decide if it is acceptable. If you are under the age of 18, you must be living with a parent or relative. If you are over 18, we ask that you think about your circumstances and place yourself in the best possible situation.



WHO ARE THE PEOPLE?

MATCH GAME

Match the people in Column A to their job in Column B. Draw a line from the person listed on the left side, to their job listed on the right side.

COLUMN A

Judge/Magistrate

Prosecuting Attorney

Defense Lawyer

Bailiff

Court Reporter

Sheriff

Jury

Witness

Defendant

COLUMN B

A person who tells the judge about something that happened.

The person on trial who is charged with breaking the law.

The person who makes sure everyone is safe in court.

The person who listens to all the witnesses and decides what happens in court.

The person who helps you to be a witness in court.

The person who helps the defendant in court.

The person who tells everyone when to stand.

The person who records everything in court.

Twelve people (eight in Juvenile Court) who try to decide together if the defendant is guilty or not guilty.



WHAT DO THE WORDS MEAN?

MATCH GAME

Match the words in Column A to what they mean in Column B. Draw a line from the word listed on the left side, to their meaning listed on the right side.

COLUMN A

Charge

Trial

Allegation

Delinquent Child

Testify

Evidence

Sentence

Unruly Child

Plea

Complaint

Subpoena

COLUMN B

What a child found guilty of breaking the law is called

Answer questions in court

The punishment the court gives to someone found guilty

The law that the police believe the defendant has broken

The answer the defendant gives to the charge against them

A hearing that takes place when the defendant pleads not guilty

Something that someone says has happened

Things people say in court and things that are brought to court

A paper that tells a person when and where to be in court

A child who has been found guilty of a status offense

A statement to the police accusing someone of breaking the law

ANSWER GUIDE

WHO ARE THE PEOPLE?

Judge/Magistrate	The person who listens to all the witnesses and decides what happens in court.
Prosecuting Attorney	The person who helps you to be a witness in court.
Defense Lawyer	The person who helps the defendant in court.
Bailiff	The person who tells everyone when to stand.
Court Reporter	The person who records everything in court
Sheriff	The person who makes sure everyone is safe in court.
Jury	Twelve people who try to decide together if the defendant is guilty or not guilty.
Witness	A person who tells the judge about something that happened.
Defendant	The person on trial who is charged with breaking the law.

WHAT DO THE WORDS MEAN?

Charge	The law that the police believe the defendant has broken
Trial	A hearing that takes place when the defendant pleads not guilty
Allegation	A statement to the police accusing someone of breaking the law
Delinquent Child	What a child found guilty of breaking the law is called
Testify	Answer questions in court
Evidence	Things people say in court and things that are brought to court
Sentence	The punishment the court gives to someone found guilty
Unruly Child	A child who has been found guilty of a status offense
Plea	The answer the defendant gives to the charge against them
Complaint	Something that someone says has happened
Subpoena	A paper that tells a person when and where to be in court

ACKNOWLEDGEMENTS

This Court thanks Lucas County Juvenile Court for allowing us to use their guide and modify it for our Court's purposes. Additionally, the Court acknowledges this guide was adapted from information contained in "What's My Job In Court", an answer and activity book for kids who are going to court, that was developed and adapted by the Lucas County Prosecuting Attorney's Office, Julia R. Bates, Prosecutor.

We are told the Lucas County Prosecuting Attorney's booklet was adapted, with permission, from the Baltimore County State's Attorney's Office based upon a booklet created by the Victim/Witness Assistance Program of The Ministry of the Attorney General of Ontario, Canada. The original book was designed and illustrated by Laurie Wonfor-Nolan and modified for use by Monarch Services. The original booklet was/is intended to familiarize children in an educational and appealing way with the concepts, people, vocabulary, and events that are a part of the court process.

This guide is intended to help youth detained in our Juvenile Detention Center, learn about the people who work here and learn more about the court process. It is normal to feel anxious about going to court. Keep in mind that we are here to help you and make your experience in court as worthwhile as possible. Ask our staff if you have questions.