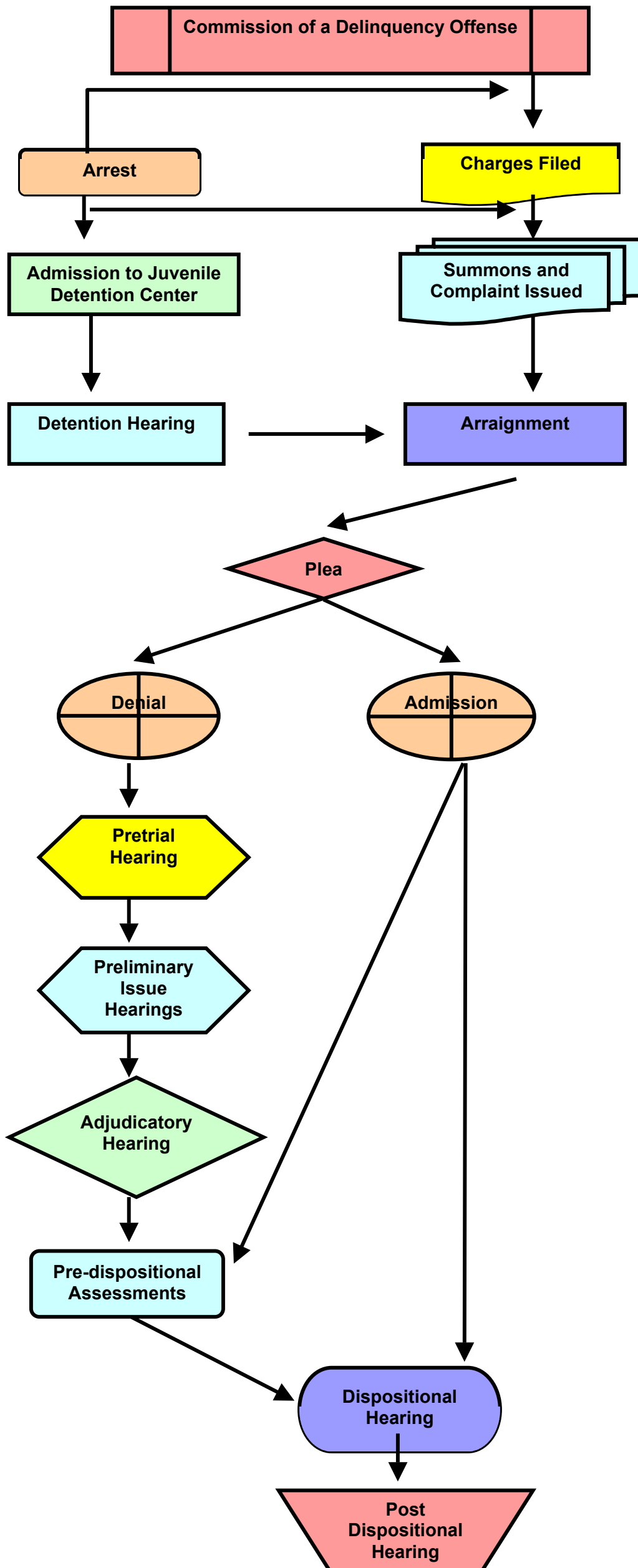


# ANATOMY OF A JUVENILE DELINQUENCY CASE



## **COMMISSION OF A DELINQUENCY OFFENSE**

A delinquency offense is an act committed by a person who is under 18 years of age that would be a crime if committed by an adult.

## **CHARGES FILED**

After commission of an offense official charges are filed with the court. The determination of what charges are appropriate is made by the arresting/investigating law enforcement officer or the arresting/investigating law enforcement officer in consultation with the county prosecutor. When charges are filed by private citizens as opposed to law enforcement officers the determination of what charges are appropriate to be filed is made in consultation with the county prosecutor.

## **ARREST**

If a child charged or to be charged with a delinquency offense is arrested he or she is taken into custody by a law enforcement officer who will transport the child to the Juvenile Detention Center. Charges may be filed either before or after a child is arrested for the commission of a delinquency offense. Not all children charged with offenses are arrested. The decision to arrest depends upon a variety of circumstances including the seriousness of the offense, the child's demeanor at the time he/she is confronted by law enforcement, availability, willingness and suitability of parents or guardians to care and supervise the child pending resolution of the charges.

## **SUMMONS AND COMPLAINT ISSUED**

All children who are charged with an offense, and regardless if they are arrested or not, are summonsed to appear in court. A summons is an order from the court that the person named therein appear before the court on the date and at the time specified therein. A summons will be directed to the child who is charged with an offense and may also be directed to the child's parents, guardians or custodians. If the child charged is less than 14 years of age the summons shall also be directed to the child's parents, guardians, custodians or other persons with whom the child resides. Failure to appear in court in compliance with a summons may result in the issuance of a warrant for the child's arrest. Accompanying the summons is the complaint. The complaint is the official document that initiates the proceedings. The complaint contains a statement of the charges that have been filed and a reference to the section of the Ohio Revised Code that the child is accused of violating.

## **ADMISSION TO JUVENILE DETENTION CENTER**

A child who is arrested may be admitted to the Juvenile Detention Center. The Juvenile Detention Center is a jail for persons under 18 years of age. Upon admission to detention the child will be patted down by a correctional officer to check for contraband and/or apparent medical issues that may need immediate attention. The child will be asked a series of questions regarding personal identifying information, medical history, and behavioral tendencies. When admissions documentation is completed, the child will be showered and issued detention clothing and hygiene items. The child's personal property will be inventoried and secured until release. During the intake process, the child is permitted to telephone his or her parent/guardian and attorney. When the foregoing has been completed, the child will be placed on an initial 3-hour observation hold in his or her assigned cell and will be checked every 15 minutes to ensure safety and emotional stability before moving the child into general population.

## **DETENTION CENTER**

Any child admitted to the Juvenile Detention Center (JDC) is entitled to a detention hearing the next business day or with 72 hours of admission to JDC, whichever is sooner. The purpose of the detention hearing is to determine if a child may be released from detention pending resolution of the charges and if so, to whom and under what terms and conditions. Risk assessments, home investigations or other inquiries may be ordered by the court prior to a child's release. If such assessments, investigations or inquiries are ordered the child will not be released from JDC prior to the court's receipt of the reports of the assessments, investigations or inquiries. An additional detention hearing may be necessary in such an instance. When the Court orders the release a child from JDC pending resolution of pending charges the court must also determine to who the child should be released and under what terms and conditions. Some common terms of release for child include house arrest, curfew and no contact orders with alleged victims and others.

## **ARRAIGNMENT**

An arraignment hearing is usually a child's first appearance before the court. If a child was admitted to JDC the arraignment hearing is usually conducted in conjunction with the detention hearing. The purpose of the arraignment is to insure that the child has been served with, or been given a copy of the complaint. The complaint is a written document that sets forth the charges filed against the child. The Court will read the charges to the child to assure the child understands what he or she has been accused of doing. The court will also advise the child of his or her rights in all proceedings in juvenile court on the charges. Those rights include the right to remain silent, the right to be represented by a lawyer and to have a lawyer appointed at no cost if the child is indigent as defined by state public defender guidelines, the right to have a trial on the charges in which the state must prove the child guilty by proof beyond a reasonable doubt, the right to challenge any evidence presented against the child, the right to confront and cross examine witnesses testifying against the child, the right to present evidence and the right to the compulsory attendance of witnesses. The child will also be required to enter a plea to the charges at this stage of the proceedings. Except in special circumstances the only pleas recognized in juvenile court are an admission and a denial.

## **PLEA**

In most circumstances there are only two pleas that a child charged with delinquency may enter. They are (a) a denial; or (b) an admission. A more detailed description of each of these pleas may be obtained by returning to the flow chart and clicking on the hyperlink for each of those pleas. In special circumstances the court may permit a plea of no contest.

## **ADMISSION**

An admission is like pleading guilty and is a complete admission of each and every element of the offense to which admission is made. Making an admission to the charges constitutes a waiver of the rights previously mentioned, except the right to be represented by a lawyer. In other words, by entering an admission a child gives up the right to have a trial in which the state must prove the child guilty by proof beyond a reasonable doubt and all of those other rights that go along with that trial (please see the description of the arraignment hearing for a synopsis of these rights). Also, the child will be advised that by entering an admission the child is subject to the court's authority to enter dispositional orders (please see the synopsis of the dispositional hearing regarding potential dispositional orders). If a child enters an admission at the arraignment or any other stage of the proceedings the court may order predispositional assessments or proceed directly to the dispositional phase of the proceedings.

## **DENIAL**

A plea of denial is like a not guilty plea and is a complete denial of each and every element of the charge to which denial is made. When a child enters a denial the case is scheduled for such further hearings as may be appropriate to resolve the case.

## **PRETRIAL HEARING**

A pretrial is an informal hearing conducted between the judge, the defense attorney and the prosecutor. Pretrials are usually conducted in the judge's chambers and not in open court. At the pretrial the judge discusses the case with the attorneys. Contested issues are identified and pretrial orders may be made to promote a fair and expeditious resolution of the case. Many cases are resolved at the pretrial with a plea to one or more of the pending charges or to amended charges. When this happens the court may immediately conduct a dispositional hearing or schedule a dispositional hearing at a later time to permit the preparation of a presentence investigation or other assessments or inquiries to assist the court in fashioning an appropriate disposition. If the case is not resolved at the pretrial stage the matter will be scheduled for trial or some other further hearing. Pretrials are rarely conducted by the court if a child is not represented by a lawyer.

## **PRELIMINARY ISSUE HEARINGS**

In some cases it is necessary or convenient to resolve some issues separate and apart from the issue of whether the child is guilty or not guilty of the pending charges. These issues often involve the admissibility of statements made the accused or physical evidence seized by the police. Oftentimes the resolution of these preliminary issues may result in the settlement of the case or promote a more efficient trial of the case.

## **ADJUDICATORY HEARING**

In juvenile court the trial is referred to as the adjudicatory hearing. The adjudicatory hearing is the stage of the proceedings in which the state and the accused present evidence and make arguments to the judge. After the receipt of all evidence the judge must decide if the state has sustained its burden of proving that the child is guilty by proof beyond a reasonable doubt. If so, the court will adjudicate the child a delinquent child for commission of the offense proved. If not, the court will dismiss the charges. With minor exceptions there are no jury trials in juvenile court. In other words, the juvenile judge hears the evidence, decides all questions

of disputed fact presented by the evidence, applies the law and decides the case. If the Court adjudicates the child a delinquent child for commission of an offense the court may order predispositional assessment prior to disposition of the case or proceed immediately to disposition.

### **PREDISPOSITIONAL ASSESSMENTS**

If the Court adjudicates a child a delinquent child for commission of an offense it often will order predispositional assessments be conducted and reported to the court. This assists the court in crafting a disposition. The Court will order a presentence investigation which advised the court as to a child's family, school, mental health, social and substance abuse history. Separate mental health assessments may be ordered there is reason to believe that a child's mental health may have played a role in the child's delinquent conduct. Children adjudicated delinquent for commission of sex offenses will be subject to a sex offender assessment to help assess the risk of reoffense presented by the child. Children adjudicated delinquent for offenses in which drugs and alcoholic beverages were involved will be subject to a drug and alcohol assessment in an effort to identify if there is a substance abuse problem and if so the level of treatment that is appropriate. If it is anticipated that a child may benefit from residential care and treatment at the Mary Haven Youth Center a Mary Haven assessment will be ordered to determine if it appears that a child would be appropriate for the Mary Haven Youth Center program. The foregoing are common assessments that are ordered. Other assessments may be ordered where it appears from the circumstances of a particular case that such assessments would be helpful to the court in ordering disposition.

### **DISPOSITIONAL HEARING**

The dispositional hearing is what is referred to as the sentencing hearing in the adult criminal justice system. Ohio law provides a variety of dispositions for juvenile delinquency. Offenses that would be felonies if committed by adults may result in a commitment to the Ohio Department of Youth Services (ODYS). ODYS operates a system of prisons for children adjudicated

delinquent for commission of felony offenses and committed to it by a juvenile judge. The minimum term of a commitment to ODYS is 6 months, 1 year or the child's attainment of 21 years of age, depending upon the seriousness of the offense. The maximum period for all commitments, regardless of the seriousness of the offense, is the child's attainment of 21 years of age. Other dispositions include commitment to juvenile detention for up to 90 days on each offense, commitment to facilities such as Mary Haven Youth Center for residential care and treatment. The law provides a schedule of fines that increases in amount as the seriousness of the offense increases. House arrest, curfew and community service are also dispositional alternatives. The court may order a child to engage in counseling or therapy such as substance abuse treatment, anger management, mental health treatment or sex offender specific therapy. A child may be placed on probation for some period of time. If the victim of an offense has suffered a monetary loss as a result of a child's delinquent conduct the child may be ordered to make restitution for those losses. These are not all of the dispositional alternatives that are available to the juvenile court but are some that are frequently employed in the court's dispositions.

### **POST DISPOSITIONAL HEARING**

If a child who has been adjudicated delinquent is subject to continuing orders of the court it may be necessary to conduct post-dispositional hearings. For instance, if it is alleged that a child who is on probation has violated a term of probation, then a hearing will be conducted for the court to determine if the child has violated probation, and, if so, what if any sanction is appropriate. Review hearings may be required to monitor a child's compliance with other court orders.