

# Juvenile Delinquency: What Happens in a Juvenile Case?

**Here's how the juvenile justice system usually treats a youth offender case.**

When a juvenile is suspected of violating a criminal statute, the procedure that's followed is very different from that used for adult offenders in a typical criminal case. All states have created a special juvenile court system for minors who get into trouble with the law. And although some minors are ultimately judged to be delinquent by these juvenile courts, the different players in a typical juvenile case -- including police officers, prosecutors, and judges -- have broad discretion to fashion other outcomes.

Although the procedure for juvenile delinquency cases varies from state to state, the following is a rundown of a typical juvenile case.

## How Police Deal With Juveniles

There are a number of ways that a minor might come into contact with law enforcement over the alleged violation of a criminal statute. Some minors are arrested by police, while others are referred to the police by parents or school officials. Regardless of how the police get wind of a potential juvenile case, a police officer may decide to deal with the juvenile in several ways.

**Issue a warning.** The police officer can detain the minor, issue a warning, and then let the minor go. This is often referred to as the "counseled and released" alternative.

**Hold the minor until a parent comes.** Sometimes the police officer will detain the minor, issue a warning, and then release the minor to the custody of a parent or guardian.

**Refer to juvenile court.** The police officer may also place the juvenile in custody and refer the case to juvenile court.

## When Cases Go to Juvenile Court

Once the police officer refers a case to juvenile court, a prosecutor or juvenile court intake officer (often a probation officer) takes over. That person may decide to dismiss the case, handle the matter informally, or file formal charges (called "petitioning the case").

In deciding how to proceed, the prosecutor or intake officer will typically consider:

- the severity of the offense
- the juvenile's age
- the juvenile's past record
- the strength of the evidence in the case
- the juvenile's gender (boys are more likely to be charged than girls)
- the juvenile's social history, and
- the ability of the minor's parents to control his or her behavior.
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In an average year, about 20% of the cases referred to a juvenile court intake officer are dismissed and another 25% or so are handled informally. The remaining cases go through formal proceedings.

### **Informal Proceedings**

If the prosecutor or probation officer decides to proceed with the juvenile's case informally, usually the minor must appear before a probation officer or judge. Although no formal charge is entered against the juvenile, he or she will usually be required to do one or more of the following:

- listen to a stern lecture
- attend counseling
- attend after-school classes
- repay the victim for damages
- pay a fine
- perform community service work, or
- enter probation.

If the juvenile's abuse or neglect is suspected as part of the case, the juvenile court judge may initiate proceedings to remove the minor from parental or guardian custody.

### **Formal Proceedings: Petitioning the Case**

If the prosecutor or probation officer decides to proceed formally, he or she will file a petition in juvenile court. The minor is then "arraigned" (formally charged) in front of a

juvenile court judge or referee. In some cases, the court may decide to send the juvenile to adult criminal court.

The court will also determine whether the minor should be detained or released for the time period before the initial hearing. In about 80% of cases processed formally in juvenile court, the judge allows a minor to remain at home while awaiting the hearing.

If the minor's case remains in juvenile court, one of three things may happen:

**The minor enters into a plea agreement.** Often, a plea agreement hinges on the juvenile's compliance with certain conditions. For example, as part of a plea deal, a juvenile may need to attend counseling, obey curfews, or reimburse the victim for damages.

**The judge "diverts" the case.** When a judge diverts a case, the judge retains jurisdiction over the case while the juvenile undergoes a recommended program (such as counseling) or performs some act (such as community service or payment of restitution). If the juvenile doesn't fulfill these obligations, the court may reinstate formal charges.

**The judge holds an adjudicatory hearing.** If the case goes to trial (called an "adjudicatory hearing" in a juvenile case), both sides present evidence and the attorneys argue the case (much like a criminal trial). In most states, the hearing is before a judge, not a jury. At the conclusion of the hearing, the judge will determine whether the juvenile is delinquent. A delinquency ruling is called "sustaining the petition."

If a delinquency ruling is made, a probation officer will evaluate the juvenile, order psychological examination or diagnostic tests if necessary, and then make recommendations at the disposition hearing (which is similar to a sentencing hearing in criminal court). The judge then decides what is in the best interest of the juvenile, and may order any number of things as part of the disposition, including:

- counseling
- confinement in a juvenile detention facility
- reimbursement of the victim, or
- probation.

The judge may also order the juvenile to appear in court periodically (called post-disposition hearings) so that the judge can monitor the juvenile's behavior and progress.

(For more information about juvenile court, the rights of minors in juvenile proceedings, and how to help if you are the parent of a minor in trouble with the law, get [\*The Criminal Law Handbook: Know Your Rights, Survive the System\*](#), by Paul Bergman and Sara Berman (Nolo). And you can find an attorney experienced with the juvenile justice system by turning to Nolo's trusted [Lawyer Directory](#).

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*<http://www.nolo.com/legal-encyclopedia/juvenile-delinquency-what-happens-typical-case-32223.html>*

After the lecture and reading this article about Juvenile Delinquency, discuss as a group what should happen to Janie and what should happen to Mark. Why? Be sure to record your thoughts and opinions on a piece of paper and be ready to share your responses.