

Delinquency

Delinquency cases involve children under the age of 18 who are charged with acts that would result in criminal prosecution if committed by an adult.

Adjudication: The equivalent of being found guilty in adult court. To be adjudicated means that the judge or magistrate has submitted a judgment, decree, or order based on the evidence presented.

Admissible Evidence: Evidence that can legally and properly be used in court.

Admit/Deny: Used in place of guilty or innocent when entering a plea.

Affidavit: A written statement of facts. The author must swear an oath that the facts are true. Must be notarized and administered by an appropriate court officer.

Amenability Hearing: A hearing held to determine the fitness of a minor for retention, and the minor's ability to cooperate with juvenile court services. An amenability hearing is required before any evidence is heard on a petition and as a prerequisite to transfer a minor's case to adult court.

Amend: Change, correct or edit a complaint or other court document.

Appeal: Request for review made to a higher court by a party that lost on one or more issues.

Arraignment: The initial hearing after a petition has been filed where the alleged offenses are read. This typically happens at the Youth Center the morning after a youth is arrested. The youth is advised of their rights, and asked to admit or deny the offenses.

Bind Over: The process of transferring jurisdiction of a juvenile's case from Juvenile Court to adult court for prosecution.

- **Mandatory Bind Over:** Following a hearing to determine probable cause, Juvenile Court must transfer the case of any child who meets statutory age, offense, and prior record to adult court, to be tried and sentenced as an adult.
- **Discretionary:** Following an investigation and hearing, including a mental evaluation unless waived or refused, the Juvenile Court judge may consider, but is not required to transfer a case to adult court.

Capias: A warrant or order for arrest typically issued by a judge or magistrate.

Co-Defendants: More than one person arrested and charged for the same offense.

Competency: Refers to a child's ability to understand the nature and objectives of a proceeding against them and to assist in their child's defense. To determine competency, the child will undergo a competency evaluation.

Complaint: The formal written document filed in a court that includes the names of the parties, the allegations, and the official charge.

Continuance: Decision by a judge or magistrate to hold a court proceeding on a later date.

Default: Failure of a defendant to file an answer or appear in a civil case with the prescribed time after being properly served with a summons or complaint. The judge or magistrate may issue a default order or judgment in favor of the plaintiff.

Defendant: In a criminal case, the person accused of the crime.

Delinquent: The finding made in a juvenile case that a child has violated a law or ordinance. The term is used instead of “guilty,” which applies to proceedings involving adults.

Deposition: An oral statement made under oath, often taken from potential witnesses, that may be used later in trial.

Detention: The temporary confinement of a minor by a public officer pursuant to the law.

Detention Hearing: A judicial hearing, usually held after the filing of a petition for custody, to determine where a juvenile will be held pending trial.

Discovery: A lawyer’s examination, before trial, of information held or known by the opposing party, used to help prepare for trial. Discovery may also refer to the process used to gather that information, and the information itself.

Dismissal: An order or judgment ending a case without a final decision.

- **Dismissed With Prejudice:** Defendant may not be charged again with the same crime.
- **Dismissed Without Prejudice:** Defendant’s actions may result in charges for the same crime.

Disposition: The equivalent of sentencing in adult court.

Diversion: Removing some minor offenses from the full judicial process on the condition that the accused youth participate in mandated treatment or rehabilitation programming and/or make restitution for damages.

DYS: Department of Youth Services, the state agency charged with holding incarcerated children after their adjudication and disposition in Juvenile Court.

Emancipation: The age a person is no longer considered a minor (child) under government laws.

EMU: An electronic monitoring unit, or ankle bracelet, used to monitor the location of the wearer.

Entry: The filing of a written, dated, and signed decision by a court. An entry is issued after every hearing held on a case.

Evidence: Information presented in testimony or in documents that is used to persuade the judge or magistrate.

Exhibits: Physical evidence or documents that are used in a court proceeding.

Expungement: Officially eliminating a court record or of part of a court record. In some circumstances, a record may still be viewed by authorized people.

Felony: A serious crime.

Finding: A formal determination that has legal standing.

Fitness Hearing: A hearing held to determine the fitness of a child to be held and his or her amenability to juvenile court services. It may also be referred to as a certification hearing, remand hearing, transfer hearing or waiver hearing.

Guardian ad Litem (GAL): A person appointed in juvenile cases to help the court determine what is in the best interest of the child. A GAL is appointed when there is a conflict between the child and the parent or the Court believes one is needed for any reason.

Hearing: A formal proceeding where parties and witnesses testify and evidence is offered to the judge or magistrate presiding over the case.

Incorrigible/Unruly: Behaviors that are not criminal, but could be addressed and tracked through the juvenile court system. Disobedient, dangerous and disruptive behaviors fall into this category.

Indigent: The inability to pay fees and costs related to a case.

Job and Family Services (JFS): Hamilton County Job and Family Services is the local agency that administers state, federal and local programs designed to support families and keep kids safe.

Judgment: The official decision or finding in a case. A judgment is also known as a decree or order.

Jurisdiction: The geographic area over which the court has legal authority to hear and decide cases.

Juvenile: A person who was under 18 at the time of their offense. Once in the juvenile system, a person is considered a “child” until they turn 21.

Litigation: A case, controversy, or lawsuit. Participants in litigation are called litigants.

Magistrate: An attorney appointed by the Judge to hear certain cases. A magistrate hears evidence and makes rulings in a case.

Magistrate Orders: Written orders that regulate proceedings in a case. Magistrate orders are effective without a judge's approval.

Magistrate's Decision: The written decision on a case, issued by a magistrate. A Judge can accept, deny or modify a magistrate's decision.

Mediation: An alternative process to prevent a contested hearing among parties that includes a neutral, third party to help identify areas of agreement.

Misdemeanor: An offense considered to be minor.

Mitigation: Facts that do not constitute a legal defense or excuse, but may be considered as reasons for reducing a penalty for an offense.

Motion: A formal way of asking the Court to hear an issue. Motions can be filed before, during, and after a verdict is reached in a case either in writing or stating them aloud during a court proceeding.

Miranda Warning: A list of rights that must be read or out loud to a person who has been arrested or detained, before any questioning by police.

Notice: Official communication that a legal document has been filed and/or proceeding scheduled.

Objection: A protest by an attorney, challenging evidence presented at trial.

Parole: A conditional release from the Ohio Department of Youth Services (DYS) that allows a youth to serve the remainder of a sentence outside of detention, assuming they adhere to the terms of release.

- **Parole Violation:** Not adhering to the terms of parole, which may result in a return to DYS custody.

Parties: In a criminal case, the parties are the State and the Defendant(s). The State will be represented by a prosecutor, and a Defendant will either represent themselves (known as "pro se" representation) or they will have an attorney. An attorney for a criminal defendant can be either appointed by the court or hired directly by the defendant.

Permanent Commitment: Granting legal, full-time custody of and responsibility for a child to the Department of Youth Services for a period of at least two weeks.

Person in Need of Supervision (PINS): A juvenile status offender who is involved in non-criminal behavior such as truancy or being a runaway.

Plaintiff: A person who brings an action in a civil case. Also known as petitioner.

Plea: In a criminal case, the defendant's statement pleading guilty or not guilty in answer to the charges in open court..

Plea Agreement: An agreement between the prosecutor and the defendant, presented for the court's approval, regarding the sentence the defendant should serve upon a plea of guilty, an Alford plea, or a no contest plea. Typically, a defendant pleads guilty in exchange for some form of leniency. If a defendant and prosecutor agree on a recommended sentence, it is not binding. A judge can give a defendant a greater or lesser sentence if they believe that is the proper punishment for the crime. A plea agreement may also be referred to as plea bargain or plea deal.

Pre-Screen Risk Assessment (PSRA): A short assessment used to determine a youth's likelihood of committing another delinquent act in the near future without formal intervention, used to guide the decisions of probation.

Pre-Sentence Investigation (PSI): A background investigation of a defendant, usually by the probation department, to assist the judge in sentencing an adjudicated youth. Both the prosecution and the defense will receive a copy of the pre-sentence investigation and may use for sentencing arguments. The PSI must be returned to the Court after sentencing.

Pre-Trial Hearing/Conference: An informal meeting between the judge or magistrate, prosecutor and defense attorney to determine the status of a case or to discuss any issues before moving a case to trial.

- **Pre-Trial Conditions:** Requirements for the juvenile, including electronic monitoring, house arrest, partial confinement, etc. put in place by the judge or magistrate prior to trial.
- **Pre-Trial Discovery:** Information gathered to be used at trial.
- **Pre-Trial Violations:** Failure to abide by pre-trial conditions that will result in more restrictive orders for the juvenile prior to trial.

Pre-Trial/Preliminary Hearing: A hearing used by the judge or magistrate to determine if there is enough evidence to prosecute an individual.

Pro se: When a person represents themselves in a legal matter instead of being represented by a lawyer.

Probable Cause: Evidence required before a person or property may be searched or seized by law enforcement and before a search or arrest warrant may be issued. It requires a reasonable belief that a person is currently committing a crime, or that evidence of a crime will be found in a particular location.

- **No Probable Cause:** Insufficient reason or evidence to hold a person who was arrested.

Probation: A finding that allows the youth to remain outside of detention under the supervision of a probation officer, requiring compliance with certain conditions.

- **Probation Violation:** Failure to abide by the terms of probation resulting in revoking privileges and/or new charges.

Prosecutor: A trial lawyer representing the government in a criminal case. The prosecutor has the responsibility to decide which crimes to prosecute and who will be prosecuted for those crimes.

Psychological Evaluation: A mandatory screening ordered by a judge or magistrate with a licensed psychologist and psychiatrist to determine the mental stability of a juvenile. The results are used to help inform decisions about a child's ability to understand charges and proceed through the court process.

Public Defender: Court-appointed attorneys who represent defendants who are declared indigent. They are appointed in criminal cases, where prison or jail time is a possible sentence, but not in civil cases or criminal cases where jail/prison is not a possible sentence.

Quash: To vacate or void a summons, subpoena, warrant, etc., making it no longer valid to be used for an arrest.

Restitution: Financial reimbursement to the victim or community service, required of the youth, imposed by the court.

Seal/Under Seal: To stop a court record from being publicly available. A sealed record can be accessed only by certain people for specific and limited reasons.

Serious Youth Offender (SYO): A blended sentence disposition available in Juvenile Court for certain youth, based on offense type and age at the time of an offense. Children with an SYO disposition are given a juvenile-court sentence, which remains in effect until the child reaches 21. In addition, they are given a suspended adult sentence, which could be served if the juvenile disposition is not successfully completed.

Show Cause: An order directing a person to appear in court with evidence as to why the remedies requested should not be granted. Typically based on a motion or affidavit asking for relief.

Status Offense: Non-criminal misbehavior, which would not be criminal if committed by an adult such as truancy and runaway charges. The behavior is an offense only because the youth is a minor.

Stay: An order by a Court that suspends all or some of the proceedings in a case.

Subpoena: A court order for a witness to appear and give testimony.

Summons: A notice to a defendant that an action against him or her has commenced in the court and that a judgment will be issued if the complaint is not answered within a certain time.

Suppress: To forbid the use of evidence at a trial because it is improper or was improperly obtained.

Suspended Sentence: A sentence that is imposed, but not immediately carried out. The sentence is postponed, or stayed, for a period of time and on certain conditions set by the judge. If an individual does not follow the terms of the conditions, the sentence will be imposed.

Transcript: A written, word-for-word record of what is said in court.

Waive: To voluntarily give up a known right. For example, by pleading guilty, a person gives up their right to a trial.

Ward: A minor who is under the jurisdiction of the Juvenile Court for a delinquent act, status offense, or an allegation or finding of abuse, neglect, or dependency.

Warrant:

Written orders requiring probable cause, in order to be issued.

- **Arrest Warrant:** A written order directing an arrest be made.
- **Search Warrant:** Orders that a specific location be searched for items which, if found, can be used in court as evidence.