

Probation Department

The Probation Department works with children, and families who are under Court supervision. The department is responsible for using all suitable methods to help these young people adhere to their probation plan, set and achieve positive goals, and improve their behavior at home and in the community.

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.

Arraignment: The initial hearing after a petition has been filed where the alleged offenses are read, the youth is advised of their rights, and they are asked to admit or deny the offenses.

Arraignment Waiver: A form that allows a youth to bypass the arraignment hearing and proceed to a pretrial hearing.

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.

Caption / In Re: The heading on a legal document listing the people or entities involved in the case, the court, the case number, and a description of the legal document.

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

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

Defendant: In a civil suit, the person complained against; 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.

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.

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.

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.

Hearing: A formal proceeding. Parties and witnesses testify and evidence is presented to the judge or magistrate.

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.

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.

Mandatory Transfer: When a juvenile court, after finding probable cause, must transfer a juvenile case to criminal court for prosecution as an adult. Eligibility for mandatory transfer is determined by age, offense, and whether a firearm was used in the offense.

Misdemeanor: An offense considered to be minor.

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.

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

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

Plea: In a criminal case, the defendant's statement pleading guilty or not guilty in answer to the charges in open court. A plea of nolo contendere or an Alford plea may also be made. By pleading guilty, a defendant gives up their right to a trial and is also prohibited from raising a number of issues if they later choose to appeal.

Plea Agreement: Also called a “plea bargain” or a “plea deal.” 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. This may include pleading guilty to lesser charges, a dismissal of some charges, or the prosecutor’s recommendation to the judge for a shorter prison sentence. Even if a defendant and prosecutor agree on a recommended sentence, that recommendation is not binding on the court. This means a judge can give a defendant a greater or lesser sentence if they believe that is the proper punishment for the crime.

Pleadings: Statements or allegations, presented in logical and legal form, which constitute a plaintiff’s cause of action or a defendant’s grounds of defense.

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 which guides a probation officer's decision making on a youth's case.

Pre-Sentence Investigation (PSI): A background investigation of the defendant, usually done by the county probation department, to assist the judge in sentencing a convicted defendant. Both the prosecution and the defense will receive a copy of the pre-sentence investigation and may use it to support their sentencing arguments. The copy must be returned after sentencing.

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

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 of deciding which crimes to prosecute and who will be prosecuted for those crimes.

Protective and Risk Assessment (PRA): An in-depth risk and needs assessment used for disposition and case planning purposes.

Public Defender: Court-appointed attorneys who only represent defendants if they are declared indigent. Public Defenders may be 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.

Remand: When an appellate court sends a case back to a lower court for further proceedings. The lower court is usually instructed to do something differently in the further proceedings, but that does not necessarily mean the lower court's decision will change.

Response: A written pleading filed by a defendant to respond to a complaint.

Restitution: Financial reimbursement to the victim or community service 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.

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 temporarily suspends all or some of the proceedings in a case.

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.

Transfer: Sending a case from one court to another.

Trial: A court proceeding in which a judge or a jury decides disputed facts and determines guilt or innocence based on the evidence presented.

Vacate: To undo a decision by a court. The court will then have to make a new decision on the case or issue.

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.