

Youth Detention Center

The Youth Center is staffed by a team of dedicated, caring, and trained professionals, committed to providing a safe, secure and structured learning environment for young people who are placed in detention while their cases are pending before the court.

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. 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.

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.

Cause: Another word for “case.” Any question, civil or criminal, argued before a court of law. Can also mean a particular legal claim.

Child Abuse: Any physical mistreatment of a child that indicates the child's health or welfare is harmed threatened. This includes any physical or mental injury, sexual abuse, negligent treatment or maltreatment by a person who is responsible for the child's welfare.

Child Neglect: Failure by a parent or legal custodian to provide appropriate care to a child, which threatens the child's overall well-being. This includes failure to provide a child with suitable food, shelter, clothing, hygiene, medical care, or parental supervision.

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

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

Default Judgment: A court decision in favor of the plaintiff when the defendant does not answer or go to court when they are supposed to.

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.

Dependency: Used to describe child neglect or child abuse cases.

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 the interim custody of a minor pending an adjudication of the petition.

Discovery: A lawyer's examination, before trial, of information held or known by the opposing party that helps the lawyer prepare for trial. This can also refer to the process used to gather that information, and to 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.

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, otherwise known as an ankle bracelet.

Entry: The filing of a written, dated, and signed decision by a court. An entry can contain the court’s final decision on an entire case, or it can be on one small issue, like continuing a hearing.

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

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.

File Stamped: A stamp on a document made by the Clerk of Court indicating the date and time a document was officially filed with the Court.

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, when there is a conflict between child and parent or when the court believes a GAL is needed for other reasons, to help the court determine what is in the best interest of the child.

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

In Loco Parentis (In place of the parent): Refers to the actions of a custodian, guardian, or other person acting in a parent's place.

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.

Intake: The process of being admitted to the Youth Detention Center.

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.

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.

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.

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.

Misdemeanor: An offense considered to be minor.

Noncustodial Parent (NCP): The parent who does not have primary care, custody, or control of the child, and who may have an obligation to pay child support. Also referred to as the obligor

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

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.

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.

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.

Proceeding: The conduct of business before a judge or administrative hearing officer

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.

Purge: To clear a legal debt by payment or cleaning and eliminate any charge or attribution of guilt or contempt.

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.

Respondent: The person against whom an appeal is taken.

Risk Assessment Instrument (RAI): A data-driven process used to assess the likelihood that a youth will reoffend or unable to comply with Court requirements and identify ways to intervene on the child's behalf.

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.

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.

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

Unofficial: The possibility that a misdemeanor, low-level charge may be diverted from the official court process. If the agreed upon terms of diversion are successfully completed by the child, charges are dismissed and sealed, without an official court record.

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.