

Collier County Teen Court
Collier County Courthouse
3315 East Tamiami Trail
Suite 506
Naples, FL 34112
Tel: 239-252-2756
Email: cfritsch@ca.cjis20.org



UNDERSTANDING JUVENILE LAW

*Read and follow the instructions on each page.
Incomplete work will count as unsuccessful completion of your Teen Court Case
which will result in your case being brought back to court.
MUST BE COMPLETED IN INK-- NOT PENCIL*

Name: _____

Guide To Florida's Court System

WHAT COURTS MAKE UP THE FLORIDA SYSTEM?

The Florida court system consists of the Supreme Court in Tallahassee; five district courts of appeal which have appellate jurisdiction for most cases, located in Tallahassee, Daytona Beach, Lakeland (with a branch in Tampa), Miami and West Palm Beach; county courts in each of Florida's 67 counties; and 20 circuit courts having jurisdiction over one or more counties.

WHO PAYS FOR THE COURT SYSTEM?

The state pays all of the costs of running Florida's appellate courts. It pays the salaries of all trial (circuit and county) judges and their secretaries, who are called judicial assistants, and most other costs of running the trial courts. Counties pay some other costs of the trial courts, such as providing the court facilities.

WHAT LEVEL OF COURT WOULD HANDLE YOUR CASE

County Courts, which are courts of limited jurisdiction, handle among other things:

- County and city ordinance violations, including traffic infractions.
- Minor criminal offenses.
- Civil cases involving amounts of \$15,000 or less, such as landlord-tenant and small claims disputes.

Circuit Courts, which are courts of general jurisdiction, handle, among other matters:

- Domestic relations cases such as dissolution of marriage (divorce), guardianship, juvenile delinquency and juvenile dependency (cases of child abuse, neglect, and abandonment.)
- Major criminal offenses.
- Probate matters, such as the processing of wills and settling of estates of deceased persons.
- Civil cases involving amounts greater than \$15,000.
- Appeals from county court judgments, except when a state statute or provision of the state constitution is held invalid.

District Courts of Appeal, which sit in panels of three judges, or en banc (special cases), decide appeals from circuit courts in most criminal and civil cases. They also have jurisdiction to decide appeals from county courts when (1) a state statute or provision of the state constitution is held invalid, or (2) for orders or judgments of a county court which are certified to be of great public importance and are accepted for review. In Florida, district courts of appeal are courts of finality in many instances.

The **Florida Supreme Court**, has seven justices, decides the most important legal issues in Florida. Among other issues, the court decides:

- Constitutional questions.
- District court decisions holding invalid laws or provisions of the state constitution.

- Questions certified by the district courts as being of great public importance or in conflict with another district court's decision.
- Conflicts between those courts or between district courts and the Supreme Court.
- Bond validation judgments.
- The legal sufficiency of Public Service Commission rulings on electric, gas, or telephone utilities rates or service.
- The legal sufficiency of all judgments imposing the death penalty.

ARE THESE COURTS CONVENIENT TO YOU?

Circuit courts and county courts are located in each county. The county courts may meet in any location convenient to the people and at any time, including evenings and weekends. Typically, however, they meet in either the main courthouse or in branch courthouse buildings, which usually are located in the most convenient, populous part of a county.

The chief judge of each of Florida's 20 judicial circuits has the power to decide when and where circuit or county courts meet.

WHO CAN BE A JUDGE?

All judges must be lawyers. County court judges must have been Florida lawyers for five years prior to qualifying for election or appointment. In counties with a population of less than 40,000, county court judges need only be Florida lawyers in good standing.

Circuit court judges must have been Florida lawyers for at least five years before their appointment or election.

District court judges and Supreme Court justices must have been Florida lawyers for at least 10 years before their appointments.

Judges must devote full time to their judicial duties and may not have a private law practice or hold office in any political party.

HOW ARE JUDGES SELECTED?

All circuit and county court judges who are not appointed by the governor to fill vacancies are chosen by the electors in nonpartisan judicial elections.

Justices of the Supreme Court and judges of the district courts of appeal are appointed by the governor after their names have been submitted by a nominating commission. Most incumbent justices of the Supreme Court and judges of the district courts of appeal run for six-year terms under a merit retention system when the name of each justice or judge appears on the ballot as a question to the voters: Should the justice or judge be retained in office? When an unfavorable vote results, the judicial position becomes vacant automatically, and the nominating process begins anew.

HOW DOES THE JUDICIAL NOMINATING PROCESS WORK?

A panel of lawyers and non-lawyer members screens applicants for vacant judgeships and recommends from three nominees to six to the governor for appointment. Twenty-

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six judicial nominating commissions operate in Florida: one for the Supreme Court of Florida; one for each district court of appeal and one for each of the 20 judicial circuits. Commission members are appointed by the Governor with some input from The Florida Bar.

A 1984 constitutional amendment requires that uniform rules of procedure be established by commissions at each court system level and that certain records and proceedings be open to the public.

HOW ARE JUDGES DISCIPLINED?

Article V, section 12 of the Constitution creates a Judicial Qualifications Commission, which is charged with the duty to investigate allegations that conduct of a Florida judge or justice "demonstrates a present unfitness to hold office." This 15-member Commission is composed of judges, attorneys, and lay persons-public citizens. Upon investigation and a hearing, the Commission may recommend punishment that can include a fine, a public reprimand administered in person by the Supreme Court, suspension from office, or removal from office. The Commission can also recommend the retirement of judges too ill to perform the duties of their offices. That recommendation goes to the Florida Supreme Court for final determination.

WHAT IF YOU CANNOT AFFORD A LAWYER?

In criminal cases a public defender or private counsel may be appointed to represent an indigent defendant.

In civil matters, legal assistance can be found by looking under "Legal Aid" or "Legal Services" in the white pages of the telephone book, or by calling information for the telephone number of the nearest local bar association office.

HOW DO YOU FIND A LAWYER?

Consult the yellow pages for the number of your nearest lawyer referral service or dial The Florida Bar Lawyer Referral Service toll-free, 1-800-342-8011.

WHERE CAN YOU GET MORE INFORMATION?

Contact: State Courts Administrator
Supreme Court Building
Tallahassee, Florida 32399-1900
Telephone: (850) 922-5081

The material in this pamphlet represents general legal advice. Since the law is continually changing, some provisions in this pamphlet may be out of date. It is always best to consult an attorney about your legal rights and responsibilities regarding your particular case.

Taken from the Florida's Bar Associations Guide to Florida's Court System.

Exercise 1

1. If you are arrested and go before a Judge which Court would your case be handled in?

2. How many Circuit Courts exist in Florida? _____
3. Who pays all of the costs of running Florida's appellate Courts? _____
How do you think they get the money to pay for it? _____

4. How long does a person have to be an attorney before they can become a Judge?
Why? _____

5. Justices of the Supreme Court are _____ by the governor.

Why do you think it is important to know this information? How do you think it can affect your life by knowing this information?

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RIGHTS OF JUVENILES WHO ARE ARRESTED

The law and the court system do not deal with juvenile offenders in the same way they deal with adult offenders. Although the juvenile may have broken the law, the major purpose of the juvenile courts is not to punish but to try to help and guide the offender and his or her parents. Another purpose of juvenile courts is to protect the rights of innocent juveniles. One of the most important features of juvenile court is that the offender will not end up with an adult criminal record.

Anyone under 18 who is arrested for breaking the law comes within the juvenile court system and must be taken directly to a juvenile detention center and not to jail, unless released to the custody of a parent, other adult relative or guardian.

The right to remain silent which derives from the Fifth Amendment right against being compelled to testify against yourself, does apply to juveniles, and the juvenile has the right not to say anything to the arresting officers or to anyone else about the offense he or she is accused of until he or she talks to an attorney.

Every juvenile also has the right to an attorney as soon as he or she is arrested.

Once a juvenile is taken into custody, he or she does not have the right to bail. The intake screener who reviews the case, however, can let the juvenile go home if that intake screener and the police believe this is in the best interests of all concerned and if the State Attorney approves the release. If the juvenile remains in a juvenile detention center, then a detention petition, a legal document that states why the juvenile was taken into custody and why he or she should remain in custody, must be filed and heard in the Juvenile Division of the Circuit Court within twenty-four hours. At the hearing on the detention petition, the judge decides whether or not the juvenile will be permitted to return home. Later, a trial is held on the delinquency petition which is the formal charge against the juvenile. If the juvenile is in custody, a trial must be held within twenty-one days; if he or she is not in custody, the trial must be held within ninety days of his or her arrest or, if not arrested, the filing of a delinquency petition.

At the trial, the juvenile is presumed innocent. And just as in an adult criminal prosecution, the prosecutor must prove the guilt of the juvenile. The juvenile does not have the right to a jury trial. Guilt must be proved beyond a reasonable doubt. The juvenile has the right to call any witnesses in his or her defense at no expense. Witnesses can be subpoenaed--that is, ordered to come into court.

At the trial, if a juvenile is found to have violated the law, the court can place the juvenile on probation in his or her own home or commit the juvenile to the Department of Juvenile Justice. Generally, if no crime of violence is involved and the juvenile has not been in trouble with the law before, the court will make every effort to work with the juvenile in his or her home on probation.

If you believe you need legal advice, call your attorney. If you do not have an attorney, call The Florida Bar Lawyer Referral Service at 1-800-342-8011, or the local lawyer referral service or legal aid office listed in the yellow pages of your telephone book.

(Updated 6/05)

Juvenile Arrest

Please read the following information with your parents!

IF YOUR CHILD IS ARRESTED

The purpose of Florida's juvenile justice system is to protect society more effectively by attempting to rehabilitate, not just punish, children who commit crimes. Children in Florida are persons under age 18. Juvenile courts in Florida work with law enforcement, prosecution and defense attorneys, and the Florida Department of Juvenile Justice (DJJ) in devising rehabilitation plans for children in trouble with the law. The courts will try to ensure that the child learns from his or her experience and returns to the community as a productive citizen, without having suffered permanent harm.

Children who are referred to the juvenile court have many of the same rights as an adult charged with a crime. You and your family should understand those rights. The following questions and answers provide you with specific information and procedures for you to follow . . . IF YOUR CHILD IS ARRESTED.

If your child is brought in for questioning, should he or she cooperate with law enforcement?

Yes and No. A good general rule is to tell your child that if taken to the police station as a suspect, he or she should be cooperative, but not answer questions about particular offenses until you are there to help. Anyone taking a child into custody must try to notify the child's parent, guardian, or legal custodian. Florida law says a child can be questioned outside the presence of his or her parents. However, in deciding whether a confession will be admitted as evidence against the child, the judge will consider whether the child fully understands his or her constitutional rights, and whether the parents should have been present to advise the child.

Children *do* have the right to consult an attorney before making a statement or answering questions, but in cases of minor offenses, it may not be necessary. However, if your child is charged with a major crime, such as a very serious property offense or a crime against a person, for which he or she could be tried as an adult, or if your child is currently under any type of court supervision, you and your child should definitely consult with an attorney before speaking to the police.

Your child can be taken to the county jail and held for up to six hours to be fingerprinted and photographed upon a reasonable belief that he or she has committed a crime. These records should be kept separately, are not available to the public, and should be destroyed at specific points in time or by court order. The police are then required to release your child to you or another responsible adult relative, or DJJ Intake for the purpose of releasing your child to you or detaining your child in a secure juvenile detention facility.

Can your child be put in jail?

No, unless your child has previously been tried and convicted in adult court, or is being transferred to adult court for the first time. If your child is held in jail, he or she must be separated from adult inmates by sight and sound.

Your child can be placed in "detention care" pending a court hearing. The DJJ Intake

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Counselor will determine if detention is necessary based on specific criteria. Detention may include "secure detention" (physical restriction in a DJJ detention facility); "non-secure detention" (placement in a physically nonrestrictive residential facility supervised by DJJ); or "home detention" (placement at home with DJJ supervision). If your child will be detained, a reasonable effort must be made to notify you. A child may not be detained for more than 24 hours without a hearing before a judge to determine the need for continued detention. Once a child is placed into detention, an adjudicatory hearing (trial) must begin within 21 days.

If the police charge your child, what procedures follow?

Information concerning the charges will be furnished to the DJJ and to the state attorney for review. A counselor from DJJ will contact you and your child and arrange a conference to discuss the charge and your child's background. Your child should refrain from answering questions about involvement in the actual crime, because this conversation can be used in court in many instances. DJJ will make recommendations to the state attorney concerning appropriate ways to handle the matter. These recommendations are advisory only; the state attorney will make the final determination as to whether or not formal charges (a delinquency petition) will be filed against your child. In many parts of Florida, less serious offenses are handled by diverting the child from the formal judicial process into programs designed to remedy the situation without the need for court action. You should inquire about these programs.

Are all law violations by children handled in juvenile court?

No. If your child commits a violation of law pertaining to the operation of a motor vehicle, other than a felony traffic offense, the charges will be referred to the same court that handles traffic and motor vehicle offenses committed by adults. There are provisions in Florida law that allow the state attorney to transfer certain charges and certain children for prosecution in the criminal courts. A child, joined by his or her parents, has a right to demand to be tried as an adult. Cases also are referred to other programs outside juvenile court for resolution, such as a community arbitration program or a diversion program.

Does your child have a right to be represented by an attorney?

Yes. Florida law provides your child the right to be represented by an attorney at all stages of any juvenile court proceeding. If the judge determines that you are financially able to do so, you have an obligation to provide an attorney for your child. If you are not financially able to hire your own attorney, the court may appoint a public defender to represent your child. If a public defender is appointed, the court can assess a fee for the public defender's services against you as your child's parent or guardian. Any attorney is obligated to represent your child's best interests and not necessarily the parent's wishes.

Does your child really need an attorney in delinquency proceedings?

That is a question your child, in consultation with you, will have to answer. Remember that your child's attorney will represent the child's interest. Discussions about the case between your child and his or her attorney are confidential. The attorney will be as cooperative as possible with the parent(s), but cannot violate confidences between the attorney and your child.

If a delinquency petition is filed against your child, it is wise to have an attorney determine whether there is a legal basis for the charge as well as whether the legal requirements were met before the charges were filed. This is even more important when the state attorney is seeking prosecution against your child in adult court.

Does your child have a right to a trial in juvenile court?

Yes and No. There is no constitutional right to be tried as a child merely because of age. A child may demand to be tried as an adult or may be transferred for prosecution as an adult under certain circumstances.

If a delinquency petition is filed against your child and he or she pleads not guilty, a trial will be held before a juvenile court judge. If the child is prosecuted as an adult, the trial will be the same as an adult criminal proceeding.

What is a "treatment plan"?

Florida law provides that a child who has had a delinquency petition filed against him or her can make a contract with the judge to be placed voluntarily under the supervision of DJJ without admitting guilt. The child gives up the right to a speedy trial and agrees to obey specific conditions. The judge promises that if the child complies with the conditions, the delinquency petition will be dismissed and the child's record will be wiped clean. If the child does not comply, the delinquency petition can be brought up again. The child will need the help of an attorney and the DJJ counselor to prepare the required documents. The treatment plan is an excellent way for a child to "pay for the crime," without retaining a record in juvenile court. The plan must include the state attorney's consent to defer prosecution.

What happens if your child is found guilty?

If your child pleads guilty or is found guilty, the judge will go on to the dispositional phase of the delinquency proceeding to determine what should be done for your child. At the disposition hearing the court is required to consider a report prepared by DJJ which contains information on your child and his or her background. The court is required to discuss the offense with your child and give everyone present, including the victim, you, your child, your child's attorney, the prosecutor, the arresting officer, and representatives of DJJ and your school system an opportunity to comment on the offense and an appropriate disposition. Many times a child is placed on probation, called community control, with specific conditions the child must obey. For children charged with serious offenses or who have a record of serious offenses, commitment to DJJ may be ordered. The child is then placed in the custody of DJJ. Commitment may be to a program in which your child still remains at home, or to a program in which your child is temporarily removed and placed in a residential facility.

A finding of guilt in a juvenile proceeding can later be used by the court in sentencing in adult court for subsequent criminal convictions under certain circumstances.

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Do you have any liability for delinquent acts committed by your child?

You may. Florida law allows the juvenile court to order you to pay restitution to the victim of up to \$2,500 for each criminal episode in which your child is involved. In these cases, your liability is limited to the actual damages plus court costs. Additionally, another provision of Florida law allows the victim to sue you outside of juvenile court for damages done to the victim's property by your child. You may wish to consult with an attorney if it appears an effort will be made, either in juvenile court or in a separate lawsuit, to hold you financially liable for damages done by your child.

Are juvenile court records confidential?

Yes. Juvenile records should be kept separate and apart from other court records.

Accessibility is limited to the child, his or her attorney and parents, DJJ, law enforcement, some school personnel, and some correctional staff. They should never be accessible to the general public. Even the records of related agencies are not accessible without permission of the court. As with police records, there is also provision for destruction at specific points in time. Victims also have a right to the information and reports.

Does this mean the media cannot publish your child's name?

No, it does not. Juvenile court hearings are open to the public unless closed by the court. The press is free to publish any information gathered at a public hearing. Florida law also permits the police to release the name and address of a child 16 years of age or older who has been arrested for a felony.

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[Updated: 08/01/1998] Taken from the Florida Bar Associations Juvenile Arrest Consumer Information Pamphlet.

Terminology

Glossary of Juvenile Justice Terms

The juvenile justice system, statutes relevant to children's issues, and the budgetary process, use unique terminology not associated with the adult criminal justice system. This glossary is designed to provide you with a better understanding of the Juvenile Justice System, and is not intended to be a substitute for the legal definition listed in CH 985.03, F.S.

Adjudicate

To hear and decide a case; to judge. An adjudicated delinquent is a youth who has been found guilty by a judge of committing a delinquent act. The court can commit an adjudicated juvenile or place the juvenile on community control.

Adjudicatory Hearing

Hearing for the Court to determine whether the facts support the allegation(s) stated in the Petition for Delinquency. The standard of proof is the same as in a criminal trial - beyond a reasonable doubt.

Adjudication Withheld

An order is entered by the court finding that the youth committed a delinquent act or violation of law, but adjudication of delinquency is withheld. The court may place the child on community control or other similar community program.

Arrest

An arrest is made when a law enforcement officer charges an adult with a criminal act, or violation of law and takes the adult into custody based on probable cause. A juvenile is not "arrested", but "taken into custody" under the identical circumstances.

Case

A case is determined by selecting the most serious offense committed by an individual youth on a specific date. Thus, the number of cases in the juvenile justice system is determined by counting only the most serious offense for which a youth is charged on any specific date; if the youth is referred for several offenses on the same date, this is considered *one case* and offenses committed by the same youth on another date are considered another case.

Commitment

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Commitment Program

Rehabilitation program for delinquent juveniles, ranging from the least restrictive to the most restrictive. Higher restrictiveness levels compare to incarceration within the adult system, but with rehabilitative components.

Community Control

The legal status of probation created by law and court order in cases involving a juvenile who has been found to have committed a delinquent act. Similar to adult probation; it includes the supervision of juveniles by a case manager.

Delinquent Act

Any action taken by a juvenile under the age of eighteen years, who has not been previously transferred to adult criminal court and sentenced as an adult for a felony that would be a violation of law or ordinance if committed by an adult.

Delinquent Youth

A juvenile who has been found to have committed a delinquent act (equivalent of being found guilty of a criminal offense) by a judge. The juvenile may be adjudicated delinquent or adjudication may be withheld by the court.

Detention Care

The temporary care of a juvenile in secure, non-secure or home detention, pending a court adjudication or disposition or execution of a court order.

Detention Center

Facilities statewide, used primarily as a pre-disposition holding facility for serious offenders. By law, offenders may be held twenty-one days prior to their adjudicatory hearing and up to fifteen days following an order of adjudication. A juvenile may be held up to fifteen days following the disposition of the case, pending residential placement if the department has reason to believe that placement will be available within the fifteen daytime period. High risk and maximum risk offenders are held until placement in a commitment program. Detention is NOT a commitment program, and compares to a jail in the adult system.

Diversion/Alternative to Court

A program designed to divert or keep a juvenile from entering the system and as an alternative to court; used at intake prior to adjudication.

Intake

Initial acceptance and screening of the child by DJJ. The emphasis of intake is on diversion and the least restrictive available services.

Intervention

Programs or services that interrupt the delinquency process and prevent a youth from penetrating further into the juvenile justice system.

Juvenile/youth/child

Any unmarried person under the age of eighteen alleged to be dependent, in need of services, or from a family in need of services, or any married or unmarried person who is charged with a violation of law occurring prior to the time that person reached the age of eighteen years.

■ NOTE: The juvenile court has jurisdiction in delinquency cases until the youth's nineteenth birthday, or until the youth/adult completes restitution payment as ordered by the juvenile court.

Juvenile Found to Have Committed a Delinquent Act

A juvenile who, pursuant to Chapter 985, F.S., is found by a court to have committed a violation of law or to be in direct or indirect contempt of court, except that this definition shall not include an act constituting contempt of court arising out of a dependency (child abuse, neglect or abandonment) proceeding or a proceeding pursuant to CINS/FINS Chapter 984, F.S.

Outcome

The status of a juvenile in relation to delinquent behavior after completion of a program or services, and the extent of the change in modifying the original conditions that led to the juvenile being referred for services.

Outcome Evaluation

A comprehensive means of assessing the extent of change in the situation of a juvenile offender; a juvenile-in-need-of-services, and, where appropriate, their families; the effect of DJJ activities on the youth's behaviors; and the cost of those changes.

Prevention

All prevention efforts are an investment in public safety and are those efforts that help prevent a juvenile from entering the juvenile justice system as a delinquent. Prevention includes arbitration, diversionary or mediation programs, and community service work or other treatment available subsequent to a child committing a delinquent act (985.03 (15)(c), F.S.).

Process Evaluation

A process evaluation examines specific components of a program to describe its operations, intentions and internal relationships. Rather than concentrating on the

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Process Evaluation

A process evaluation examines specific components of a program to describe its operations, intentions and internal relationships. Rather than concentrating on the

outcomes or results obtained, process evaluations focus on program monitoring and efficiency of services.

Quality Assurance

QA - a legislatively mandated program whereby each state-operated or contractor-operated program must be evaluated based on standard criteria.

Referred To DJJ

As used in the juvenile justice system, a youth is referred to the department based on an allegation of a criminal law violation as listed in the Client Information System.

Sanction

The penalty for noncompliance specified in a law or decree; a penalty that acts to ensure compliance or conformity.

Serious or Habitual Juvenile Offender SHO, SHOP or SHJO

A juvenile who has been found to have committed a violation of law, in the case currently before the court, and who meets at least one of the following criteria:

1. The juvenile is at least 13 years old at the time of the disposition for the current offense and has been adjudicated on the current offense for arson, sexual battery, robbery, kidnapping, aggravated child abuse, aggravated assault, aggravated stalking, murder, manslaughter, unlawful throwing, placing, or discharging of a destructive device or bomb, armed burglary, aggravated battery, lewd or lascivious assault or act in the presence of a child, carrying, displaying, using, threatening, or attempting to use a weapon or firearm during the commission of a felony.
2. The juvenile is at least 13 years old at the time of the disposition, the current offense is a felony, and the child has previously been committed at least two times to a delinquency commitment program.
3. The juvenile is at least 13 years old and is currently committed for a felony offense and transferred from a moderate risk or high risk residential commitment placement.

Status Offenders

Status offenders are defined as juveniles, who have been accused of, or charged with, conduct which would not, under law, be an offense if committed by an adult such as truancy, running away or underage drinking.

Taken into Custody

The status of a juvenile when temporary physical control over the child is attained by a

person authorized by law, pending the juvenile's release, detention, placement, or other disposition as authorized by law. This is similar to an adult arrest.

Exercise 2

True or False:

- _____ A youth may be held in a detention facility for up to thirty days.
- _____ When a youth's adjudication is withheld they can be sent to a commitment facility.
- _____ The emphasis of intake is ion diversion and the least restrictive available services.
- _____ Quality Assurance is the penalty that acts to ensure compliance or conformity.
- _____ Diversion is a program that is designed to divert or keep a juvenile from entering the system as an alternative to Court.
- _____ A status offender are juveniles, who have been accused of or charged with conduct which would not under law be an offense. Such as truancy or running away.
- _____ Juvenile records are public information.
- _____ Children do not have the right to consult an attorney before making a statement or answering questions to law enforcement.
- _____ Youth who commit a motor vehicle traffic infraction will be referred to the same Court that handles adults who commit a motor vehicle traffic infraction.

Matching:

- | | |
|-----------------------------|---|
| 1. _____ Taken into Custody | A. Any action taken by a juvenile under the age of eighteen years |
| 2. _____ Case | B. The child is committed to DJJ at a restrictiveness level defined by statute. |
| 3. _____ Commitment | C. A juvenile who has been found to have committed a delinquent act. |
| 4. _____ Delinquent Act | D. Are an investment in public safety and are those efforts that help prevent a juvenile from entering the juvenile justice system as a delinquent. |
| 5. _____ Detention Care | E. Is determined by selecting the most serious offense committed by an Individual on a specific date. |
| 6. _____ Prevention | F. The temporary care of a juvenile in secure, non-secure, or home detention. |

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Step One - Origin of Offense/Referral Process

Law enforcement agency charges youth with law violation. Depending on the seriousness of the offense and the law enforcement officer's view of what is needed to appropriately address the offense, the next step may be:

- Deliver youth to a Juvenile Assessment Center (JAC) for intake screening to further assess youth's risk to the community and determine if some type of detention is necessary.
- Call an "on call screener" to assess youth's risk and determine if detention is necessary (this is done in localities where a JAC is not available).
- Release youth to a parent or guardian and forward the charges to the local clerk of court and DJJ Probation office.
- Release the youth to parent or guardian with a direct referral to a "diversion program".

Step Two - Intake Process

An "Intake" Juvenile Probation Officer receives a copy of the charge from law enforcement or the clerk of the court. The Juvenile Probation Officer (JPO) will contact the youth and family and conduct an interview to gather information about the youth and family.

This information will assist the JPO in making an assessment and developing a plan to address the offense. The nature of the offense, the risk the youth presents to the community, damages incurred to the victim by youth's actions, and other needs the youth may have are all considered.

The JPO then makes a recommendation to the State Attorney's Office presenting the assessment of information gathered and a plan to address the delinquent offense. This plan will be individually tailored to ensure adequate protection of the community, accountability of the youth to the victim and a rehabilitative plan to address the youth's needs and prevent recurrence of delinquent behavior.

Step Three - Non-Judicial Intervention

The recommendation presented by the Juvenile Probation Officer to the state attorney may recommend a "non-judicial" diversion program. If this recommendation is approved by the state attorney, the youth and guardian may be required to sign a "waiver of speedy trial" agreement. With this agreement the youth and family agree to waive their right to a speedy trial with the understanding that the youth will complete all the requirements of the diversion program.

If the youth successfully completes the program, no further action (no judicial action) will be pursued by the state attorney. However, if the youth fails to complete the program, the state attorney will file a petition with the juvenile division of the circuit court, formally charging the youth with the delinquent offense.

Step Four - Recommendation for Court Intervention

The recommendation presented by the Juvenile Probation Officer to the state attorney may recommend that the state attorney file a petition in the juvenile division of the circuit court, formally charging the youth with the delinquent offense.

Step Five - Recommendation for Court Disposition

If a petition is filed in court, the Juvenile Probation Officer will present a recommendation to the court that considers risk, accountability and individual needs. This recommendation may range from a court ordered diversion or plan to probation to residential commitment.

Step Six - Court Fees/Cost of Care

If there is a disposition that results in a diversion or any other court ordered sanction or program, the youth and family may be responsible for costs. These costs may include court fees and if the youth is or was in the custody of the Department for detention or commitment, a per day charge for the youth's cost of care while in DJJ custody.

Step Seven - Supervision after Residential Commitment

Upon completion of a residential commitment program a youth will probably be expected to cooperate with Conditional Release Supervision or some type of "aftercare" supervision.

This is similar to Probation except that the youth may still be technically committed to the Department and could be administratively returned to a residential commitment facility for violation of the supervision without further order of the court.

Step Eight - DNA Testing

Being found guilty of certain felony offenses may result in a court order that the youth cooperate with DNA testing. The results are kept on file with the FDLE.

Step Nine - Juveniles Referred to Adult Court

With certain felony offenses, there is the possibility that the jurisdiction of the youth's charge may be sent to the adult criminal division of the court by Direct File, Waiver or Indictment. In these circumstances it is possible that the youth would be tried as an adult for the offense and receive adult sentencing. When this occurs, the Department of Corrections also becomes involved in the youth's case, giving recommendations to the adult division of the court. In some circumstances, a juvenile may be found guilty in adult court, but be "sentenced back" to the Department of Juvenile Justice for implementation of juvenile sanctions or programs. *Taken from the Florida's Department of Juvenile Justice's website.*

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Interesting Facts – Did you know?

- If you are found guilty with your adjudication withheld and placed on probation you can be supervised until your nineteenth birthday.
- In most circumstances your curfew is 7:00 PM unless you are working or involved in an extracurricular activity.
- If you are committed to a Juvenile Facility your stay will be:
 - 2nd Degree Misdemeanor – Up to 60 days.
 - 1st Degree Misdemeanor – Up to one year.
 - Felony – Not to exceed your 21st Birthday.
- Your parent/legal guardian must pay \$1 a day for you to be placed on community supervision (home detention, probation supervision, conditional release, or post-commitment probation). That is \$30 dollars a month, and at least \$360 dollars a year!
- Your parent/legal guardian must pay \$5 a day for a child in custody (both detention and commitment facilities). That is \$150 dollars a month, and at least 4500 dollars a year!
- If you successfully complete a Diversion program you have the opportunity to have your case expunged.

What were you charged with?

If you were committed to a facility how long could your stay be?

Was it worth it?

What would you do differently if the same situation arose again?

What have you learned from this booklet?



CONSEQUENCES OF YOUR ARREST, PLEA AND TRIAL

Consequences of your arrest

- You were fingerprinted and photographed. That information was sent to the Florida Department of Law Enforcement (FDLE), who then gave it to the FBI. Even though you are a minor, you should know that FDLE sells your information to anyone who pays for it.
- You will not be able to clean your arrest record with the FBI because the FBI does not seal or expunge arrest records. On the other hand, you may be able to clean your FDLE arrest record depending on what happens in your delinquency case.
- Your arrest record does not disappear or go away when you turn 18. Your arrest record is not private or confidential. Anyone who wants to see it can see it.
- You should know that your FDLE record is incomplete. When your case is closed, ask your attorney to get you a certified copy of the final disposition of your case. This will help you explain yourself in the future if anyone asks about your juvenile record.
- When you were arrested, you were interviewed at the Juvenile Assessment Center, and the answers you gave will probably be kept by the Department of Juvenile Justice (DJJ) for 25 years.
- If you were not born in the United States and do not have a green card (as permanent resident), you may be deported.

Consequences if you agree to a guilty or no contest plea or if, at the end of your trial, the judge adjudicates you delinquent (says you are guilty of a charge)

- The judge may require you to give a sample of your DNA for a felony adjudication or withhold. If the judge says that you are “adjudicated delinquent” that is similar to a conviction.



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- You may have to register as a sex offender (that means your name will appear on the internet as a sex offender), if you are 14 years old or older and are adjudicated of a felony offense of sexual battery, lewd and lascivious molestation, lewd and lascivious battery, and the other person is younger than 16 years old. You may be able to avoid having to register as a sex offender, if the other person is between 14 and 17 years old; and the judge believes that it was consensual (that the two of you agreed to do it) and without force or coercion.
- You may be suspended from school or may have to attend another school. Even though your case may have happened on or off school property, your school will be notified and you may have to attend another school if you are adjudicated on charge of assault or battery, aggravated assault or battery on a school official, or bringing or possessing a firearm, drugs or weapon in school, at a school function or on any school-sponsored transportation, or making a threat or false report.
- You cannot live with or visit someone who lives in public housing or Section 8 housing.
- You may have your license or learner's permit suspended if it involved a drug charge, possessing, attempting to buy or giving alcohol to a minor, misrepresentation of age to obtain alcohol, possessing or using a firearm, felony fleeing or eluding, graffiti, grand theft auto, theft of gasoline drive-off, retail or farm theft, or contempt of court.
- You may not be able to serve in the military, depending on type and number of adjudications.
- You cannot serve in the military or become a law enforcement officer if convicted of domestic violence (misdemeanor or felony).
- If your adjudication or withhold charges are for a felony, you cannot lawfully possess a firearm until you reach 24 years of age. However, if you are convicted as an adult, chances are that you will never be able to own or possess any type of firearm.
- Depending on your charge and the result of your case, you may not be able to ask a judge to wipe out or clean your juvenile record (seal or expunge). With the exception of some sex offenses, your juvenile arrest record will be automatically wiped clean when you turn 24 or 26 years old, depending on your juvenile record, if you are not arrested or convicted (or withheld) on any felony as an adult.
- You will not be able to obtain a pardon or clemency for an offense committed as a juvenile.
- If your arrest or adjudication (or withhold) was for a sex-related or sexually motivated charge as a minor, that can be used against you in the future to keep you locked up for a long time even after you have finished your sentence.

Consequences if convicted of a felony as an adult (in addition to items above)

- You will not be able to obtain State of Florida college financial aid (Bright Futures, Gold Seal Vocational & Academic Scholars). You will not be able to obtain federal student financial aid (grant, loan, or work assistance), for a period of time, if you were convicted of possession or sale of a controlled substance while receiving the aid.

- You will not be able to petition to seal or expunge your adult or juvenile arrest record.
 - You will lose your right to vote, hold public office, be a juror, own or possess a firearm or carry a concealed weapon if you are 18 or older at the time of the conviction. In some cases, once you complete your sentence, some of these rights will be given back to you (restored).
 - You will have to register as a convicted felon if convicted of a felony.
 - You will have to register as a sex offender or sexual predator if convicted of a sex offense. You will not be able to live anywhere you want.
 - You will not be eligible for food stamps if convicted of trafficking drugs.
 - You could face a mandatory prison sentence on future felony charges or a longer jail sentence on misdemeanor or felony charges. A prior felony conviction, including adjudications as a juvenile, may subject you to a longer prison term or mandatory sentence.
-
- You may not be able to obtain employment with:
 - the state or municipality if you were convicted of drug trafficking or convicted of any felony or 1st degree misdemeanor “directly related” to the job;
 - a county or municipality (if the job is critical to security or public safety);
 - law enforcement or correctional agency or agency that works with children or elderly;
 - the public school system, a seaport or airport.
 - Your conviction may be used against you if you testify, to undermine your credibility.
 - Your photograph may be posted on the Department of Corrections website, if you are sentenced to probation or state prison.
 - You will have your occupational license revoked if convicted of selling drugs, if your civil rights are not restored.
 - You may be denied an occupational or business license if your civil rights are not restored.

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