

# Parents Guide to Juvenile Court

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## Introduction:

Your child has been in trouble with the law, or has been truant from school, or has run away from home repeatedly. These situations, along with many others, may bring your family in contact with the Juvenile Court system.

This guide has been prepared to aid your understanding of the various Court proceedings by answering questions most often asked by parents and children. While we cannot cover every possible situation, we are sure you will find this brochure helpful. Although this guide does not specifically address abuse/neglect issues, (CHIPS) some procedures are similar. If you have further questions, do not hesitate to ask your Social Worker, your attorney, or the Juvenile Court staff for further clarification.

## The Parent's Role:

Parental involvement is a critical part of any Juvenile Court disposition. No court order can be very successful if the parents do not participate in their child's supervision plan. This may involve monitoring and enforcing the rules set down by the Judge and Social Worker, attending family counseling sessions, or taking part in Parent Education classes to help you better deal with your child. Your participation is very important so do not hesitate to speak up if you have comments or suggestions to be considered.

## Human Services Involvement:

When your child has been charged with a delinquent act or is alleged to be a Juvenile in need of Protection or Services (JIPS), a Social Worker from the Door County Department of Human Services will be assigned to your family. This usually takes one or two weeks. The social worker will then contact you by letter or phone to set up an initial meeting, called an **Intake Interview**. This meeting will take place at either the Social Worker's office or your home depending on the worker's schedule and preference.

Family history will be one of the topics that will be discussed so that the Social Worker can get to know you better. This is important because the Social Worker, as the case planner, will be making recommendations to the court about what the conditions of supervision will be, which community services to use, or even which type of out of home placement may be best suited to your child's needs, where necessary.

## The Juvenile Court Difference:

Although there are similarities, the juvenile justice system differs in some ways from the adult criminal system. The Juvenile Court attempts to address the interests of the public and the needs of the juvenile and family by considering what skills or competencies your child or you need to help avoid future problems, to protect the safety of the public, and to do what is necessary to restore any damage resulting from your child's behavior.

The terminology used in the Juvenile Court is somewhat different from that of the adult system. Because the primary emphasis of the Juvenile Court is education or rehabilitation, an attempt is made in the Juvenile Justice Code of the Wisconsin Statutes to use language that does not promote labeling children as "criminals" when involved with the Court. Some examples are listed below.

Adult Term	Juvenile Term
Arrest	Take into Custody or Apprehend
Warrant	Capias
Probation	Supervision
Plea of Not Guilty	Deny the (Facts of) Petition
Plea of Guilty	Admit to the (facts in) Petition
Misdemeanor, Felony	Delinquent Act
Arraignment	Plea Hearing
Sentencing	Disposition

## The Hearing Process:

In most Juvenile Court cases, the Juvenile Justice Code requires several steps in the hearing process, including:

A PLEA or JURISDICTIONAL hearing, at which the Juvenile and/or the parent, in some cases, will enter an admission or denial regarding the allegations in the petition. This hearing is where you may hear the juvenile's attorney make a request for a different Judge or for a waiver of the time limits for the next hearing. This may sound foreign and confusing to you, but the attorney is simply preserving the juvenile's rights under the statutes. Some of these rights may be lost if not requested at the PLEA hearing. The Commissioner or Judge may also order psychological and/or Alcohol Drug abuse (AODA) evaluations at this hearing. It is important to note here that this hearing is an initial hearing and long-term planning decisions will probably not be made at this time.

A PRE-TRIAL CONFERENCE at which the attorneys, Social Worker, parents, and the Judge may be able to work out an agreement that will settle the case without going to a trial.

A FACT-FINDING HEARING or TRIAL in which the Judge determines whether a juvenile is delinquent or in need of protection or services by hearing testimony from all parties. If the Judge determines that the juvenile is delinquent or in need of protection or services, the final hearing will be set.

A DISPOSITIONAL HEARING at which the Judge will hear the reports and recommendations of the Social Worker and others involved with this case. The Judge may have received written reports from other parties, such as psychologists and school personnel, before the hearing. Parents also will be asked their views on the recommendations. After the Judge hears all of the testimony, he or she will begin to list the "findings of fact," and then will decide the disposition of the case. The Judge will make a court order listing the conditions of the juvenile's period of supervision and a determination where the juvenile will reside if placement outside of the parental home is necessary.

If you are unclear on any point in any of the hearings, be sure to ask the Judge/Commissioner, the assigned Social Worker, or an attorney to explain the order in more detail.

In some minor cases, an agreement called a "Consent Decree" may be worked out at the pre-trial hearing thereby avoiding a final dispositional hearing.

The Court can and must frequently make the parents' pay some or all of the expenses associated with the Court Order including but not limited to:

1. Attorneys' fees
2. Out-of-home placement
3. Education/medical costs
4. AODA services/treatment.

## Confidentiality:

Many Juvenile Court hearings are confidential, unlike the open criminal courts. There are times, however, when the court proceedings are open to the public, mainly in second or subsequent delinquency cases. You should ask your Social Worker or attorney about the confidentiality of your particular hearing. You may be asked to sign a Release of Information form that allows certain parts of the record to go to other child-serving agencies that will be working with your child and the family. The Court may also issue an order to have certain records and facts released to involved parties.

## Attorneys:

In most cases, juveniles have the right to be represented by a lawyer. If the juvenile does not have sufficient funds to hire a lawyer, he or she may be eligible to have a Public Defender appointed. The attorney will represent the interests of the juvenile during all stages of the proceeding unless the juvenile wishes to continue without a lawyer and the Judge permits this.

If a Public Defender is appointed, the Court will order that the parent(s) pay for this representation. The Public Defender will determine the cost based on the nature of the charge. The Judge will enter an order of recoupment - Court Order that states the parent must reimburse the State for legal costs. Parents have the right to appeal this order to show indigence. Information about the appeal process will be provided once the case is concluded.

**State Public Defender's Office in Green Bay**

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