

Navigating the Juvenile Justice System

A Handbook for Families



*Advocacy Services for Kids
414 E. Michigan Ave
Kalamazoo, MI 49007*

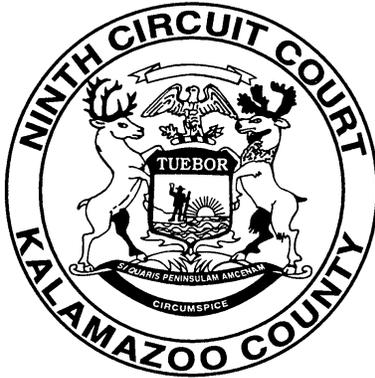
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ACKNOWLEDGEMENTS

**Maryland Coalition of Families
For Children's Mental Health**

Staff at the Kalamazoo Ninth Judicial Circuit Court Family Division

**Mary Beth Mapes
Family Support Partner
Advocacy Services for Kids**



VISION STATEMENT

The Ninth Judicial Circuit Court will be a leader among Michigan courts in the provision of justice, innovative programming, financial efficiency, service to people and protection of the public's safety.

MISSION STATEMENT

The Ninth Judicial Circuit Court will provide timely, fair and cost effective disposition of all matters properly presented to any of its service units or courts. We subscribe to these guiding principles and values:

- X To serve the public and foster a friendly accessible environment, treating all individuals with dignity, respect, honesty and fairness.
- X To operate with a pro-active, innovative and progressive approach to program development and implementation, remaining open to suggestions for improvement.
- X To respect the interests of the taxpayers and our funding unit by continuously seeking greater efficiencies for improved service in coordination with elected officials, county departments and other units of government.
- X To provide the least restrictive alternative for offenders consistent with public safety while seeking to maximize restorative and therapeutic justice.
- X To comply with all Trial Court Performance Standards promulgated by the Michigan Supreme Court.
- X To encourage the spirit of teamwork among courts and service units to exemplify a unified Circuit Court.
- X To serve as an example worthy of emulation by other courts in Michigan and the United States.



advocacy services for kids

Guiding Principles

Mission

To empower families raising children with mood, behavior and emotional disorders, by providing support, training and advocacy skills and collaborating with community partners to improve the system of care for children.

Vision

Parents will be respected and valued as competent advocates in the care of their children.

Values

As ASK members we embrace these values in our interactions with families, partners, the community and each other:

Respect

Compassion

Collaboration

Empowerment

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INTRODUCTION

A knock on the door or a phone call from the police that your child has been arrested is often a family's first introduction to the juvenile justice system. Family members frequently tell us they could have predicted that their child would get in trouble with the law because of earlier signs and behaviors. Many times families have desperately tried to find help that would change the path their child was following.

You will have a mixture of questions and emotions when your child is arrested. First, you are concerned about your child's welfare — Is your child all right? Where is your child now? Can you bring your child home? Second, you are concerned with the circumstances of your child's arrest — What did your child do? Was anyone else involved? Was anyone injured? Was your child unjustly accused?

A natural reaction is fear — fear that your child is not going to be okay or that they may not have the future you dreamed about; fear that anything you say may further harm your child; fear that you may somehow be charged, too. Another natural reaction is anger — anger with the police, the person who filed the complaint, the juvenile justice officer, other youth that may have been involved and anger at your child for doing such a thing!

You may also feel embarrassed or humiliated by your child's arrest. You may not want to tell relatives or employers, especially if you have to take time from work. In the midst of all of this confusion and emotion, it is difficult to understand what has happened and what lies ahead for your child.

If your child is in the juvenile justice system, this Handbook is for you. It was written to help families whose children are in the juvenile justice system:

- 1) Understand a very complex and confusing system, and
- 2) Participate in the decisions that will be made regarding your child.

We must emphasize that the information contained in this handbook is **not** legal advice. You should always consult a lawyer for legal advice.

JUVENILE JUSTICE SYSTEM – HOW IS IT DIFFERENT?

The juvenile justice system for youth is different than the criminal system for adults.

- The juvenile justice system is designed for children and youth under age 17.
- Offenses are considered **delinquent acts** rather than **crimes**.
- Hearings are held at the 9th Circuit Court Family Divisions and are presided over by a Judge or Attorney Referee.
- A juvenile committing certain offenses may be **waived** to the adult court due to the seriousness of the offense and other factors.
- A “program of treatment, training, and rehabilitation consistent with the child's best interests and the protection of the public interest. **“The juvenile justice system is not simple and each child's experience is different.** What happens to your child depends upon many factors:

- The needs of the child
- The nature of the offense and whether injury or damage was done
- Whether it is the first contact with the court or police
- Whether there is risk to other people or property.

THE PEOPLE YOU MEET

Decisions are made by different people at various points in the process; you need to be constantly aware of what decisions are being made and who has the authority to make the decision. As the family member or guardian most concerned about your child's future, you need to be informed and involved in the decisions.

Probation Officer/Caseworker – 9th Circuit Court/Family Division employs people to work in a variety of settings. These individuals have different titles and responsibilities within the department such as intake worker, case worker, and probation officer. Be sure to write down the name, title and phone number of the individuals who are working with your child's case.

Judge – Judges are attorneys who have been appointed or elected to conduct hearings and trials.

Referee – Referees are attorneys who are appointed to serve in the Family Division. A judge must review and approve the Referee's decisions and recommendations. Decisions may be appealed to a Judge.

Prosecutor – Each jurisdiction in Michigan has a Prosecuting Attorney who is elected by voters. Depending upon the size of the jurisdiction, additional attorneys may be hired to work in the Prosecutor's office. It is the Prosecuting Attorney's responsibility to prosecute, or prove, the charges against the youth.

Court Appointed Attorney – This Family Division contracts with a pool of defense attorneys that may be appointed (assigned) to represent people who are unable to afford an attorney on their own.

Private Attorney – Like court appointed attorneys, private attorneys are licensed by the State to practice law in Michigan. These attorneys are hired for a fee. To be referred to a private attorney with specialized training or experience in juvenile law, start by contacting the Michigan Bar Association.

ADVOCATING FOR YOUR CHILD

You are your child's best advocate and the one most concerned about your child's welfare. There are important things you can do that will help your child's case.

1. **Be organized.** Put letters, evaluations, assessments, and reports from the police, Juvenile Services, courts, lawyers, doctors, mental health professionals and lab results in one folder. This is not the first thing that comes to mind when your child enters the juvenile justice system, but as time goes on it is critical to be able to refer back to papers or letters. Keep the folder for a long time – you never know when you may need it.

2. **Be aware.** You won't remember everything, so keep a notebook to record information from meetings or telephone conversations with Juvenile Services workers or lawyers regarding your child's case. Be sure to include:

- The date and time
- Who you spoke with and their title
- Important information they gave you – repeat it back to the speaker so you have accurate information
- Next meetings or additional phone calls you must make

3. **Be vigilant.** Ask to read and request copies of everything - including charges, reports, evaluations, assessments, lab results, court orders, juvenile justice policies and procedures. You may have to make a written request for copies of some reports (you may be charged a fee to make copies). Not all reports maybe available and request must be made through Court Services.

4. **Be prepared.** Help others understand your child by writing down information about your child – not just the information about how your child got into trouble with the law. Include information about any:

- Problems your child has had such as previous arrests, suspensions or expulsion from school, poor grades, and drug and alcohol abuse
- Family circumstances such as illness, unemployment, death or divorce, language spoken at home, or cultural or religious background.
- Any mental health diagnosis your child may have such as depression, anxiety, learning disabilities, attention deficit disorders, allergies, triggers that effect moods, and medication they may be taking.
- Health or physical problems your child may have such as hearing, vision or diabetes
- Agencies and people you have contacted in the past to seek help for your child
- Strengths, interests and successes, such as being good at art, sports, computers, music; being funny, considerate, holding a job
- Needs – You are the best person to understand what your child needs. Write it down so that you can share it with juvenile justice staff, lawyers and Judges or Referees when the time comes. Your child may benefit from drug treatment, mental health services, mentoring, job training, special education or literacy services. Appendix II contains a checklist to help families compile information about their child.

5. **Be present.** Attend and arrive on time for meetings and court hearings. Sometimes this is difficult because of job pressures. Families are often embarrassed to tell an employer that their child has been arrested. Families may also lose wages due to time spent for meetings and court hearings. Remember that your presence is **required**. Your child needs you to be present and if you are not present others may assume you are not interested. If you are not able to attend, please contact the court in advance. A responsible adult may attend in your absence but may not make decisions concerning your child.

6. **Be honest.** You will not help your child by making statements that are not true.

7. **Be heard.** While it may feel awkward or intimidating, you should speak up at meetings to provide additional information or to give input on your child's needs. In court, you may have to ask your lawyer to inform the judge or referee that you would like to speak.

8. **Be persistent.** The juvenile justice system is overburdened. Stay on top of your child's case by making phone calls or writing letters to keep informed of your child's case. Keep calling or writing until you get an answer. Be sure to make note of all of your conversations and keep copies of your letters.

9. **Be respectful.** However you may personally feel about your child's situation or the individual probation officer/caseworker, lawyer, referee or judge, you should always be respectful. It may be very difficult at times, but it is for your child's benefit. In turn, you can expect to be treated with respect. You can help foster mutual respect by letting court and Family Division personnel know that you are concerned for the welfare of your child, and that you look forward to working with them to ensure your child's success.

10. **Be good to yourself.** This is a stressful time for you and you need support too. Ask a family member, trusted friend or Family Support Partner to come with you to meetings or to court. They can be a support to you and can also be another set of ears to hear what is being said as well as a note taker for you.

LEGAL REPRESENTATION

The juvenile justice system is complex and the outcome could have serious consequences for your child. The Juvenile Code states that children and youth have the right to counsel (legal representation) at every stage of the juvenile justice process. Therefore, it is important to get competent legal representation for your child.

COURT APPOINTED ATTORNEYS AND PRIVATE ATTORNEYS

Your child may be eligible for a Court Appointed Attorney. Michigan Rules of Procedure state that “an indigent party or an indigent child, whose parents are either indigent or unwilling to employ counsel, may be represented by an attorney in a delinquency case.” You may request that a defense attorney be appointed to represent your child. It’s a good idea to request one at least ten (10) days in advance. If your child is not eligible to receive legal representation from a court appointed attorney, you may want to consult with a private attorney to represent your child. Contact a lawyer referral service, Legal Aide or the Michigan Bar Association and ask for an attorney who has expertise and experience practicing in the 9th Circuit Court Family Division.

TALK IT OVER WITH YOUR CHILD’S LAWYER

Always seek legal counsel when your child has been arrested. A lawyer understands the process and will be able to answer your questions. Be sure to discuss all aspects of your child’s case including the following information.

- The police report.
- The “petition” which states exactly what your child has been charged with doing.
- Your child’s explanation of the situation.
- Witnesses to what happened.
- Special needs your child has such as physical disabilities or learning disabilities, a history of mental health or drug abuse problems, education needs, medication or treatment your child may be receiving.
- Information about other agencies your child may be involved with or private therapists or services you have gotten for your child.
- Special situations such as where the child is currently living and with whom.
- Immigration status and language spoken of child.

WHAT’S NEXT? HOME OR DETENTION

One of two things could happen following your child’s arrest. Which one depends upon the seriousness of the crime, the parent’s ability to supervise and community safety.

1. Your child may be released to your custody to return home.
2. The police may contact the 9th Circuit Court and request that your child be **detained** or locked up until the preliminary hearing.

If your child is released to your custody:

■ Some police departments have “First Offender” or “Diversion Programs” that screen out youth who may have committed minor offenses. Youth entering these programs are not referred to the juvenile justice system and the case is closed when the child completes the program.

If your child is detained:

- He/she will be in the Juvenile detention facility. A preliminary hearing will be scheduled within 24 hours of being detained (except for weekends and legal holidays)

INTAKE

Intake/Inquiry will be the first meeting at which a person from the Intake Department will be assigned to your child's case. Be sure to go with your child to the intake meeting and bring the information you have put together to describe your child's history, strengths and needs.

Inquiry & Assessment

Part of the intake process is a MAYSI-II screening. The screening consists of a series of questions you and your child will be asked to answer. The screening is voluntary and you can refuse to answer any questions. However, the purpose of the screening is to determine whether your child may need services such as counseling or drug treatment. It is to your child's advantage to answer the questions. Information from the assessment will be used to develop a Treatment Service Plan, and will be provided to the court and Juvenile Services personnel for this purpose. Any release of confidential information would follow state and local guidelines. At the meeting, the Intake Worker has to make a determination to either:

1. **Deny** (dismiss) the case
2. **Resolve** (close) the case at intake
3. Continue your child for **informal supervision**
4. Send the case to the Prosecutor's Office for **formal processing**

INFORMAL SUPERVISION

Generally, informal supervision is used when the intake worker believes the case does not need to go to court and instead, the child may benefit from services in the community. Informal supervision could include several possibilities:

- **Community Service** – Your child may be required to work without pay for a local church, agency or service organization. The intake worker will determine how many hours of community service your child must complete. If you are not assigned a community service placement, ask for a list of organizations that have community services projects. You and your child are responsible for contacting the organization, making the arrangements and reporting back to the Intake worker.

- **Diversion Programs** – Local communities and Juvenile Services offices may also operate Diversion Programs that divert youth from going to court. Some of these programs are Teen Courts, Community Conferencing, Neighborhood Youth Panels and more. Discuss with your child's intake worker what programs are available in your jurisdiction and would best serve your child's needs.

- **Accountability** – In addition to an order to perform community service, pay restitution, or enter a diversion program, your child may be asked to write a letter of apology to the individual or business victim.

- **Restitution** – If damages were done to property or the victim incurred expenses for repair or replacement of property or lost wages, there may be an agreement to pay the individual or

business for the cost of the damages. If the restitution is not paid as agreed, then the case may be reopened and put on the Formal Calendar, where both parent and juvenile maybe ordered to pay restitution.

■ **Self Improvement Programs** – Some programs are intended to develop skills that will prevent youth from getting into trouble again. These programs include anger management classes and victim awareness education classes.

■ **Mental Health or Drug Counseling** – If your child’s MAYSI-II indicates a mental health or substance abuse problem; your child may be referred for counseling. The 9th Circuit court does not pay for these services. Be prepared to use your private insurance or possibly pay for these services yourself. If your child is covered by Medical Assistance these services should be covered, although a particular program may not be covered. Check with Juvenile Services or the appropriate agency before your child begins treatment.

FORMAL PROCESSING

Formal processing means that the 9th Circuit Court Family Division intake department sends **charges** to the Prosecuting Attorney which generates a **petition** that will be scheduled for a hearing.. If charges are filed, there are several possible hearings when a child may be required to appear before the Judge or Referee depending upon what is decided at each step of the process.

■ **Preliminary Hearing** – There are two stages to a Preliminary hearing: First a decision must be made whether or not to authorize (find probable cause) the petition. And secondly, a decision must be made for placement.

■ **Pre-trial Conference** - The child can either **deny** (not guilty) or **admit** (guilty) the charges. This hearing is not a trial and does not determine whether the child was “responsible” or “not responsible” or include disposition (sentencing) or consequences for the child. Before the pre-trial hearing, be sure your child is represented by a lawyer and that you have had time to meet with the lawyer prior to the hearing. Remember the attorney represents your child not you. If a child admits to the charges or a plea agreement is made at the pre-trial, then the Judge or Referee accepts or denies the plea.

■ **Trial** – If the charges are **contested** a trial is held at this hearing, the Prosecuting Attorney presents a case to prove that a child committed the charged offense. The State may present evidence and ask witnesses to testify. The child’s attorney can cross-examine the witnesses and present evidence on the child’s behalf. After each side has presented its case, the Judge or Referee determines whether the child is found to be “responsible” (guilty) with the criminal charges. If the child is found “responsible,” (guilty) a date is set for a dispositional hearing.

■ **Waiver Hearing** - A child 14 years or older charged with a serious offense, such as burglary, assault, rape or murder, may be automatically **waived** to the criminal justice system, or a hearing may be held to determine whether the case should be waived. Five factors are considered when a youth is waived:

1. Seriousness of the offense
2. Character, physical and mental maturity
3. Is the child agreeable to treatment?

4. Whether previous offenses are part of a repetitive pattern
5. The nature of the child's delinquent behavior is likely to render the child dangerous to the public if released at age 19/21.

■ **Adjudicatory Hearing** – Uncontested (admitting responsibility)

■ **No Contest** -

■ **Disposition Hearing or Sentencing Hearing** – If the Judge or Referee found that a child committed the offense and is delinquent, a disposition hearing is held to decide what should happen to the child –the court may terminate jurisdiction or there are several kinds of probation, (e.g., moderate or intensive) and the court will decide on home or out of home placement. Before the Disposition Hearing, the Intake Worker gathers information and may interview the child, parents, teachers, and others to prepare a report with recommendations for the court. The Judge or Referee considers the recommendations from the Juvenile Services officer and the Prosecuting Attorney. The child's family should also provide information. Families are often given the opportunity to speak at the disposition hearing. Victims are also given the opportunity to speak at the hearing or through a written statement.

DETENTION

While awaiting hearings in court, a child could be placed in detention at the

1. **Juvenile detention facility**, located at, 1424 Gull Road.

A youth cannot be detained in a facility for an indefinite period of time. Kalamazoo statute requires that a youth must have a hearing within 24 hours of being detained (except weekends or holidays). After being detained the juvenile can be released to:

2. **In-home detention (IHD) with daily person-to-person contact**
3. **Electronic monitoring at home by phone or ankle bracelet (GPS)**

WHAT COULD HAPPEN AT DISPOSITION?

The Judge or Referee has several options for disposition of a child's case:

1. **Probation** – Probation allows the child to return to the community with structured supervision such as curfews, getting mental health or drug counseling, and attending school or work under the supervision of a Probation Officer. Conditions of probation may include the following.

- Juvenile will report to a Probation Officer, in person or by telephone.
- Notify the Probation Officer of changes to a child's or parent's address or job, and requesting permission to leave the State.
- Obey all laws.
- Notify the Probation Officer right away if the child gets arrested or commits any delinquent act.
- Juvenile needs to be available when the Probation Officer requests a home visit.
- Appear in court when required.
- Juvenile will not use or sell any illegal drugs.
- Additional conditions may be required such as payment of restitution or completing community service hours.
- Random urine tests, if the tests are positive the child could be sent back to 9th Circuit Court Family Division for a violation of probation hearing. The Judge or Referee could then send the child to detention.

2. Residential Placement – The court may order that a child be placed in a residential program such as a group home, residential treatment center or foster care. Residential programs are located throughout the state and possibly out of state. Most of the programs are privately operated and must meet state guidelines for the safety and quality of their programs.

3. Commitment to the Department of Human Services (DHS) – A commitment to the Department of Human Services under State ward-delinquency ACT 150 changes the status of a minor from a temporary ward of the court to a state ward.

IF YOUR CHILD IS DETAINED

Visiting Your Child

Families often say that visiting their incarcerated child is the most difficult thing they have ever done. You will have to go through security before entering the building. Your child will be wearing a uniform. This is an emotional time for both you and your child. Since your time together is limited, be supportive and positive. Try not to get into arguments with your child during your visit. Your child may be depressed, scared and angry about what has happened. Help your child focus on cooperating with staff. Keep the goal of returning home as soon as possible the main objective. Be sure to ask your child about:

- School - course work, supplies, attendance and length of school day
- Exercise and recreation opportunities
- Meals
- Mental health and drug treatment services and counseling
- Medical treatment
- Access to case worker

Be sure to ask your child's Probation Officer/Caseworker about:

- Schedule for visiting days and hours
- Policy on who may visit the child, such as family and friends
- Phone calls
- Personal belongings
- Medication
- Mail
- School
- Facility's phone number and 24 hour emergency number
- Name and title of the person you should contact for information about your child

DETENTION AND PLACEMENT A LAST RESORT

The 9th Circuit Court/Family Division is making an effort to serve children in their communities rather than removing them to a residential placement far from their home. Programs may include Day Treatment, Mentors, and Case Management. Additionally, the County is implementing a "wraparound" approach to serving youth. The intent is to "wrap" the child and family with services designed to meet their individual needs. Ask your child's Juvenile case worker. You can ask the Judge to order a "wraparound" program for your child that you propose, or help put together. This should include services for schooling, counseling if needed, and a plan of structured supervision, which can include the assistance of family members or close friends.

YOUTH CENTER SCHOOL

Juveniles held in secure detention will attend the Youth Center School with teachers certified and employed by KRESA.

INTENSIVE LEARNING CENTER (ILC)

The ILC is a specialized school program for minors ages 13-17 who are temporary wards of the court and have been accepted into the program. They can earn high school credits or work on their GED. Space is limited. The goal is to return to home school or other appropriate educational setting.

I-CAN DAY TREATMENT PROGRAM

The I-CAN (Intensive Community Alternative Network) is a comprehensive community based treatment program designed to assist youth and families in eliminating “at risk” factors in their lives. The I-CAN program builds a comprehensive treatment plan for adjudicated youth (13-17) And their families to provide an opportunity for positive change while the family unit remains together. The program’s main goals are to promote family preservation, delinquency prevention and cost effectiveness through reducing institutional/residential placement.

DRUG TREATMENT COURT

This program is for youth 13-16 ½, with a substantial substance abuse problem, not social or sporadic social users. It requires parent’s support and involvement, attendance at meetings and weekly urine checks.

ON-TRACK

This program is a **local** residential program.

DISABILITIES

Nationally, the number of youth with disabilities is three to five times greater in the juvenile justice system than in public school populations. The most common disabilities among youth in the system are emotional or behavioral disorders (EBD), attention deficit hyperactivity disorder (ADHD), learning disabilities (LD), and mild mental retardation (MR). These disabilities often occur together. Other disabilities, including traumatic brain injury and speech and language disorders, are found among incarcerated youth but are less common. If your child has a disability, it is important to inform the Intake Worker about the disability and to provide information about your child’s diagnosis and treatment including medication your child may be taking. You will want to contact the court before hand if your child needs special assistance such as an interpreter, or assistive listening devises.

HEALTH AND MENTAL HEALTH

Many children in the juvenile justice system have histories of health, mental health and substance abuse problems. Your child may be required to participate in additional Family Court assessments. Our goal is to accomplish assessment and referrals for mental health and substance abuse treatment for youth involved with the Kalamazoo Juvenile Justice System.

THE POWER OF “THANK YOU”

Just as families are encouraged to write or telephone a child’s caseworker or public officials if there is a problem, families should also take the time to telephone or write a letter of thanks when someone has been particularly helpful. This gesture of thanks establishes trust and good will and acknowledges those efforts that go above and beyond the call of duty. The Court has a policy that does not allow the acceptance of gifts of any kind.

SPECIAL CONSIDERATIONS

Juvenile Records

Juveniles involved with the formal system, records are public. When a youth turns age 18, a special motion must be filed to have a juvenile record sealed. The court is not required to seal records even when requested. If a record is **sealed**, only law enforcement or federal security checks can access the juvenile record. Educational institutions and employers will not have access to the records. Juvenile records may be **expunged** or deleted but it is not automatic and you need to petition the court. Under current law, an individual seeking a copy of their juvenile record simply needs to request a copy from the 9th Circuit Court Family Division where the records are kept.

Emancipation

Michigan law states that the age of majority is 18 years and that a person reaching that age is an adult for all purposes, except when specifically provided otherwise by statute. Unlike some other states, Michigan does have a Youth Emancipation Act 722.4.

Juvenile Justice and Girls in the System

Girls who enter the juvenile justice system have unique needs. Sixty-eight percent of runaways are girls and it is the only offense that girls commit more than boys. Research shows that almost 85% of girls in the system have been sexually, physically or emotionally abused. Also, some girls engage in risky sexual behavior which may result in pregnancy.

CONCLUSION

Having a child arrested and enter the juvenile justice system is a difficult and frightening experience for any child and family. It is important to know that a majority of youth only have contact with the system one time and never return to the juvenile justice system again. Most of these youth become productive and law-abiding adults. If you are among the families whose child becomes deeply involved with the juvenile justice system, we wish you strength and applaud your continued courage and dedication to helping your child.

APPENDIX I - CHECKLIST FOR FAMILIES

One of the most helpful things you can do is to provide information about your child. Use this checklist to prepare for meetings with the Juvenile Services intake officer, your child's lawyer, or the Judge/Referee.

Educational History

- Last school attended
- Last grade completed – on grade level – ahead or behind
- Special education – IEP (Provide a copy)
- Learning Disabilities
- Non-public school, alternative school or residential schools attended
- Assessments done by the school
- GED courses or certificates
- Report cards (Provide a copy)

Medical History

- Chronic problems – asthma, allergies, diabetes, hepatitis, heart
- Speech/language/hearing disorders
- Attention Deficit Disorder/Mild Mental Retardation
- Sexually transmitted diseases (STDs)
- HIV/AIDS
- Hospitalizations, surgeries – name of hospital
- Doctors, clinics where treated
- Medications and dosages

Psychiatric History

- Diagnosis – Bipolar Disorder, Attention Deficit Disorder
- Hospitalizations – name of hospital and date of hospitalizations
- Medications and dosages
- Treatment received - psychiatrist, therapist, counselor, clinic
- Family history of mental health problems

Substance Abuse

- Drugs used
- Frequency of use and last date used
- Alcohol abuse
- Treatment received – place and type of treatment – outpatient –inpatient
- Substance abuse history in family

Health Insurance Information

- Medical assistance
- Private insurance

Other

- Language spoken
- Housing
- Employment

Child's Strengths

- Interests – sports, computers, art, music, cooking
- Personality – outgoing, quiet, good sense of humor, cares about people
- Jobs worked
- Favorite subjects in school
- Favorite activities
- Important people in their life – adults, peers

APPENDIX II

Definition of Terms to Assist Juveniles and Parents in Understanding the Court Process

DISCLAIMER

The information included in this brochure is a brief description of terms that may be heard during involvement with the 9th Circuit Court Family Division. It is meant solely to assist juveniles and their parents in understanding some of the language. It is in no way meant to give parties the exact legal definition of the law.

9TH CIRCUIT COURT FAMILY DIVISION TERMS

Abstract: A document sent to the secretary of state notifying them of an adjudicated offense, which could impact a person's permanent driving record. An abstract may be issued even if the juvenile does not yet have a driver's license.

Adjudicate: The process of having a legal matter settled by court proceedings.

Adjudicatory hearing (trial): A hearing to determine whether the juvenile committed the offense charged in the petition.

Authorized petition: When a judge or referee authorizes a petition in a court hearing, it does not mean that you have been found responsible for the charge. It means that the court finds that there is enough information to proceed with the case.

Burden of proof: The duty of the prosecuting attorney is to prove an allegation (charge) in court. The burden of proof in delinquency cases is proof beyond a reasonable doubt.

Consent calendar: A term used for cases which are handled informally. A juvenile cannot be removed from home if his or her case is on the consent calendar.

Co-respondent: Any other person who may be charged as a result of the same incident.

Decision to prosecute: The prosecutor determines whether a particular person should be charged with a crime by reviewing the petition provided by the police. The petition is then submitted to the Juvenile Division.

Dispositional hearing (sentencing): A final hearing to determine what action the court should take when a juvenile has been found responsible for an offense. Dispositional orders directed to a juvenile and his or her family are issued after the dispositional hearing.

Diversion: The 9th Circuit Court Family Division may refer a juvenile to the Diversion Program as an alternative to formally authorizing the petition. The Diversion Program provides supervision of the juvenile, community service, restitution, and other services.

Emancipation: A juvenile who is at least 16 years of age may ask the probate court to be released from the supervision and control of his or her parents. To be emancipated, the juvenile must show that he or she can support himself or herself and can use mature judgment.

Felony-level offense: A serious charge. Adults convicted of felonies may be punished by more than a year in prison.

Incorrigibility: When a juvenile is repeatedly disobedient to his or her parent(s).

In-home detention: If a juvenile is placed on in-home detention, a court worker comes into the home at least an hour every day to monitor the juvenile's behavior. In-home detention is usually ordered for a period of 30 days.

Intake process: The process used to determine whether a charge should be handled formally or informally.

Jurisdiction: The court's authority to make orders regarding juveniles or their parents. Jurisdiction exists until there is a court order to remove it.

Misdemeanor charge: A charge that is less serious than a felony. An adult convicted of a misdemeanor may be fined or jailed for up to one year.

Offer of proof: A statement which describes the evidence that would be presented at an adjudication hearing.

Preliminary hearing: A formal review of a petition during which the judge or referee considers authorizing a petition and placing the case on the formal calendar. Temporary court orders are issued at the end of the preliminary hearing.

Preliminary inquiry: An informal review by the court to determine the appropriate action the court should take regarding a petition.

Petition: A document requesting the 9th Circuit Court Family Division to take action against a juvenile accused of a crime.

Petitioner: The person or agency that is requesting that the juvenile court take jurisdiction over a juvenile.

Probable cause: A set of facts and circumstances that would persuade a person to believe that the juvenile has committed a specific crime.

Probation: A period of time when a juvenile is under the supervision of the 9th Circuit Court Family Division.

Probation officer: A 9th Circuit Court Family Division employee who supervises juveniles placed on probation.

Prosecuting attorney: The lawyer who represents the people of the State of Michigan against a juvenile who has been charged with a delinquent offense.

Referee: A 9th Circuit Court Family Division employee, designated by a Family Division judge to conduct hearings in 9th Circuit Court Family Division. A referee is also called a judicial officer or a jurist. The referee makes recommendations to the judge about what orders to enter.

Reportable offenses: Any charge that requires fingerprints.

Respondent: A person who is charged with committing an offense when he or she is less than 17 years old.

Restitution: An amount of money that a juvenile or parent is required to pay to the victim for property loss or injuries caused by the crime. Restitution may also be assessed for lost wages.

Statutory review:

Status offense: An offense where a juvenile repeatedly disobeys parents, fails to attend school, or runs away from home. Status offense violations can only be committed by a juvenile, not an adult.

Truancy: When a juvenile is repeatedly absent from school without good cause.

Waiver hearing: Under certain circumstances, the juvenile court will hold a waiver hearing to determine if a 14 year old juvenile should be tried as an adult. If tried as an adult, the case is transferred to circuit court, and adult punishments may be imposed

Witness: Someone who offers evidence in court. Witnesses testify after taking an oath and may be questioned by opposing parties.

Appendix III

Rules of Probation

In the matter of:

DOB:

I will not violate any law.

I will attend school every day unless I have a medical excuse. I will be on time for my classes and follow school rules.

I will not use alcoholic beverages or illegal drugs. My probation office may request urine tests at any time.

I will attend all appointments scheduled with my probation officer and attend any activities arranged by my probation officer.

I will obey the rules of my parent(s), guardian/custodian, foster parent(s) and probation officers.

A violation of the Rules of Probation may result in sanctions including detention in the Kalamazoo County Juvenile Home.

The probation officer may make additional rules or change the Rules of Probation, provided a copy is furnished to the court within five days of receipt.

1. I will not take part in any activities with or associate with anyone on probation or parole, nor will I go to places deemed off-limits by my caseworker and/or parents.
2. I will follow a curfew of ____pm (Sunday –Thursday) and ____pm (Friday and Saturday), unless previously approved by my caseworker.
3. I will take part in a substance abuse assessment and shall cooperate with all recommendations.
4. I will cooperate with individual/family counseling.
5. I will pay \$_____ to the Court as restitution to the victim, at the rate of _____.
6. I will complete _____hours of community service by the review date or spend _____ days in detention.
7. I will attend the Intensive Learning Center (ILC) at the discretion of my probation officer. I will obey all the rules and regulations of the ILC.