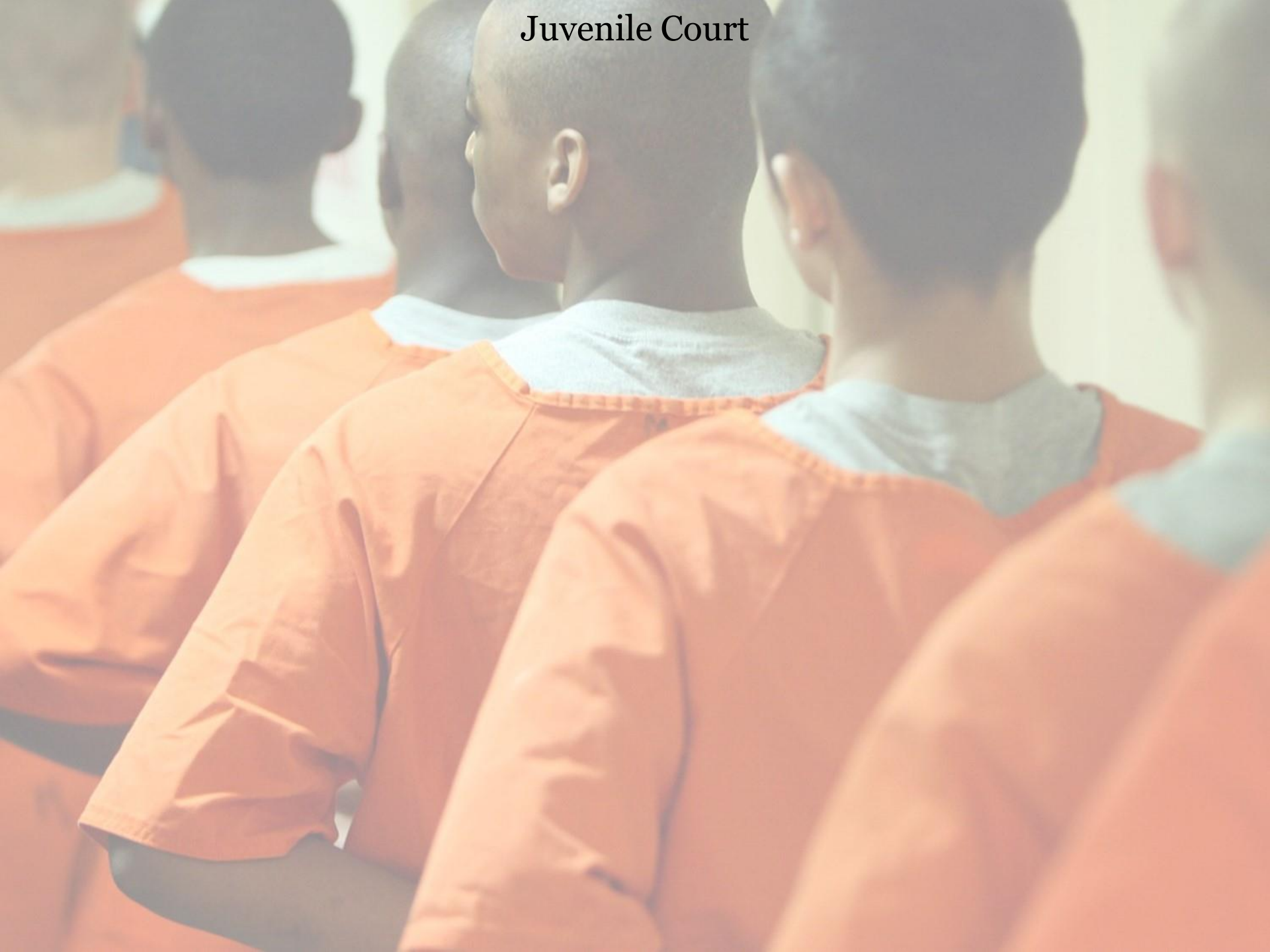


# Juvenile Court

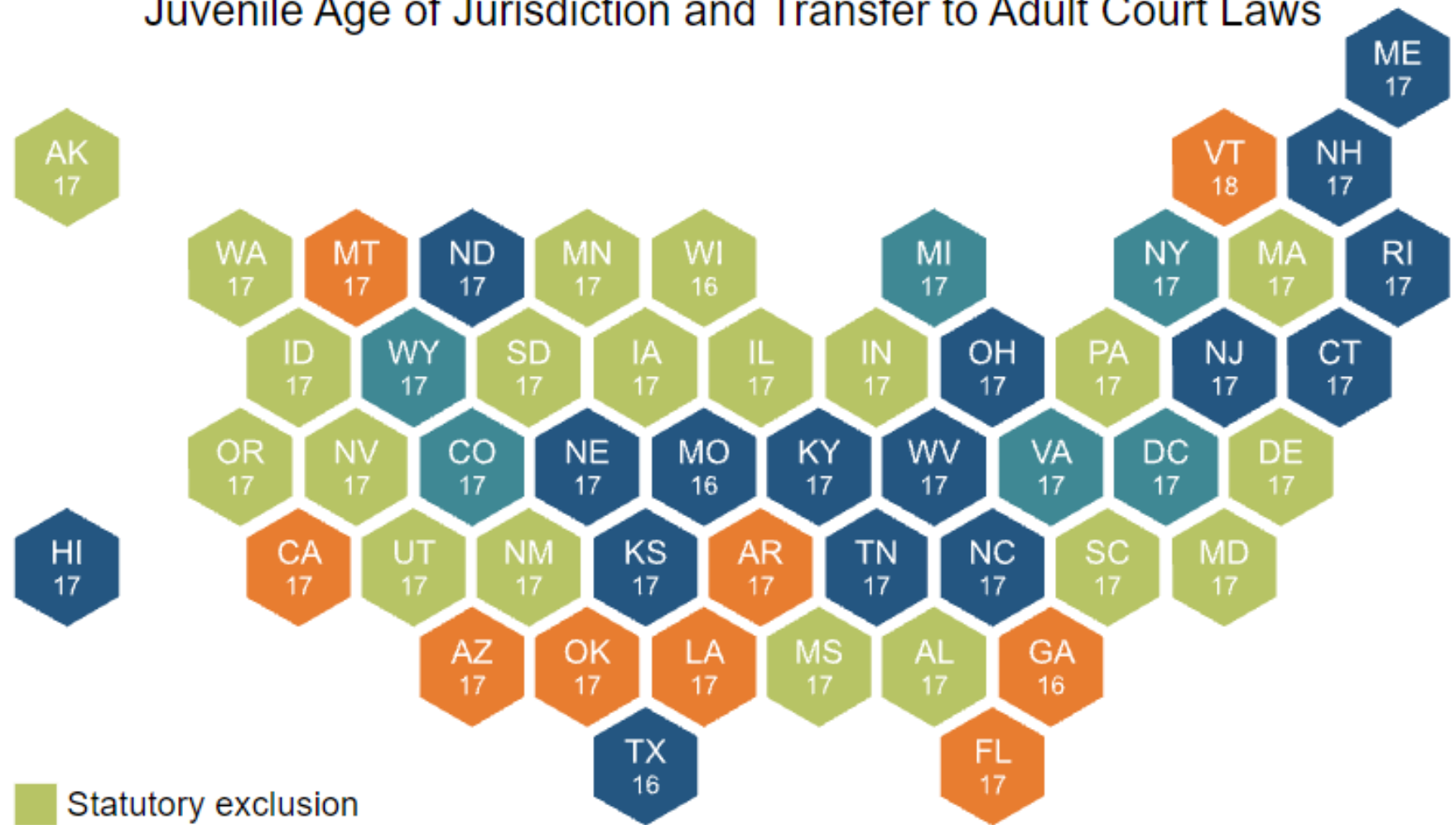


- Juvenile court system has been established to treat youth offenders differently
- A juvenile is someone considered underage (minor)
- Usually, 18 but all states have the option of trying juveniles as adults depending on the crime
- NC legislature approved the “Raise the Age” law in 2017, which increased that minimum age from 16 to 18



C.A. Dillon Juvenile Detention Center in Butner (Granville Co.)

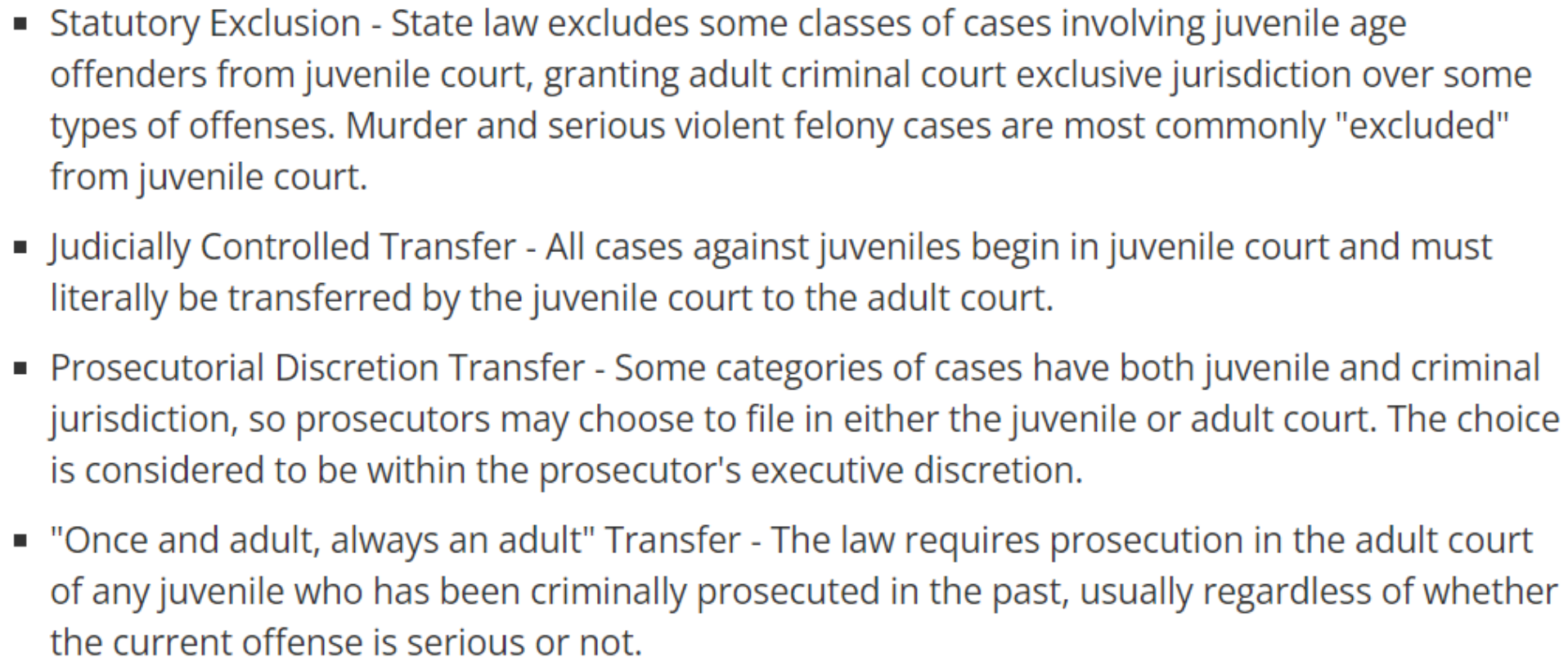
# Juvenile Age of Jurisdiction and Transfer to Adult Court Laws



- Statutory exclusion
- Judicially controlled transfer
- Prosecutorial discretion
- Statutory exclusion and Prosecutorial discretion

\*Number indicates upper age of jurisdiction in each state

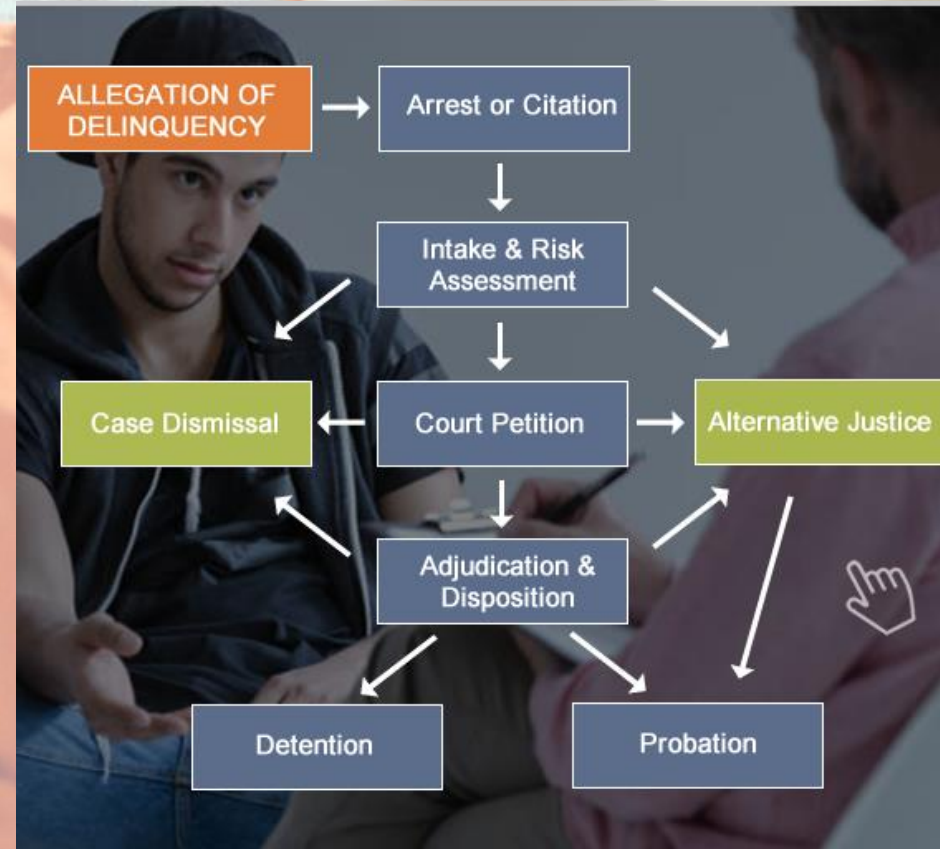


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- Statutory Exclusion - State law excludes some classes of cases involving juvenile age offenders from juvenile court, granting adult criminal court exclusive jurisdiction over some types of offenses. Murder and serious violent felony cases are most commonly "excluded" from juvenile court.
  - Judicially Controlled Transfer - All cases against juveniles begin in juvenile court and must literally be transferred by the juvenile court to the adult court.
  - Prosecutorial Discretion Transfer - Some categories of cases have both juvenile and criminal jurisdiction, so prosecutors may choose to file in either the juvenile or adult court. The choice is considered to be within the prosecutor's executive discretion.
  - "Once and adult, always an adult" Transfer - The law requires prosecution in the adult court of any juvenile who has been criminally prosecuted in the past, usually regardless of whether the current offense is serious or not.

1. Allegation or arrest – most cases begin when police make an arrest, however some cases can result from the following:

- A juvenile complaint must be filed with a juvenile court counselor in the county where the act occurred
- Any person can submit a complaint to a juvenile court counselor (typically by law enforcement officers or school officials)
- “Undisciplined Complaints” are typically filed by the juvenile’s parent or guardian

-A citation (warning) can be offered as a “diversion” →



2. Intake evaluation: conducted to determine whether to file a petition or divert the juvenile away from court; counselor will review available evidence, consider the juvenile's background, interview with the complainant, victims, the juvenile, juvenile's parent or guardian
- The evaluation must be completed within 30 days, and the counselor has three options: (1) file a petition to initiate court action, (2) offer the juvenile a diversion, or (3) close the complaint without further action





## Juvenile Court

#1 goal of juvenile justice system: rehabilitation: correct behavior rather than punish

- There are some acts that are illegal for juveniles but not adults, such as curfew laws or running away from home
- There are also juvenile cases that handle neglect by parents, abuse, or delinquency handled here because they involve minors and require their participation



# Juvenile Arrest

-Handled differently when arrested

-Parents notified

-Usually released to parents after processed

-Court date is set





# Juvenile Court Proceedings

- Private court room setting; parents are encouraged to attend in most cases
- Attorneys may be hired to represent minor
- No jury trial
- The setting is more of a hearing than a trial



## Juvenile Protections

- Identity is secret and private (*New Jersey v. T.L.O, In re Gault*)
- Same rights as adults: right to counsel, right to confront witnesses, protection against self-incrimination
- Typically, lighter punishments are given
- Records are sealed at age 18





# Juvenile Punishments

-Reformatory schools

-Probation

Charges may even be dropped, and charge removed from record if they successfully complete probation

-Community service

\*Often the police officer who handles the juvenile's case has the ability to divert juveniles away from court and into special programs

-Correctional facility placement





## Diversions Away from Punishment

- Foster care (if the case was a neglect or abuse case – this is not a diversion)
- Counseling
- Institutionalized care (mental health facility)

