

Your Guide To Juvenile Court



“What is going to happen to me?”

Juvenile Defender Unit
Public Defender's Office

Luzerne County
Penn Place Building, Suite 236
20 N. Pennsylvania Ave
Wilkes-Barre, PA 18701

570-830-5116



My Lawyer's Name: _____

My Lawyer's Phone Number: _____

My Next Court Date: _____

For What: _____

Where Court Is: _____

My Probation Officer's Name: _____

Contact:

The Juvenile Defender Unit

Public Defender's Office

570-830-5116

DISCLAIMER: This Guide is no substitute for in-person legal advice, but it does give you the basics about your rights and responsibilities in the Juvenile Court System. Always talk with a Lawyer for advice about your legal problems and options.

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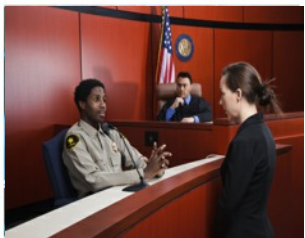
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Acknowledgements

Linda Lori - Graphic Design

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Why?

Juvenile Court Is A Serious Matter

Think It Is No Big Deal? Maybe your friends told you that you have nothing to worry about? Well, think again. **JUVENILE COURT IS A BIG DEAL!**

What happens here may affect you for the rest of your life.

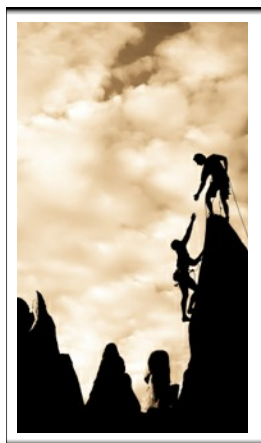
Why You Are Here

You are here because the Police say you broke the law by committing a criminal act. In Juvenile Court this is called a:

“Delinquent Act”.



You probably got a paper in the mail called a **“Written Allegation”** which tells you the delinquent act the police believe you committed and why they believe you committed it. You can enter the Juvenile Court System for any “delinquent act” the police say you committed between the ages of 10 through 18.



Why You Need A Lawyer

If You Trust Anyone, Trust Us, Your Lawyers.

We can help you understand the
Juvenile Court System.

*“Don’t be afraid, for although we are older than you,
we were kids once too.”*

**We Will Not Judge You.
We Are Here To Help You.**



Who's Who In Juvenile Court

Your Lawyer

(“ASSISTANT PUBLIC DEFENDER” OR “DEFENSE ATTORNEY”)

We are your Lawyers. We work for you, not your parents, the police or the probation office. We will help you during court hearings and speak to the Judge for you. Don't worry that you cannot pay for a Lawyer. The Court must give you a lawyer free of charge.

The Judge

The Judge will decide if you broke the law. If the Judge decides you broke the law, he or she will decide what happens to you next.

The Juvenile Probation Officer

This person works for the Court and recommends whether you should stay in a detention facility or go home, recommends a disposition plan to the Judge, recommends services for you and watches you if you are placed on Court Supervision. (Probation)

Assistant District Attorney

(“ **PROSECUTOR**”) This is the State's Attorney that represents the people of Pennsylvania. He or she will try to prove that you broke the law.

The Police

It's the Police Officer's job to protect the public and catch people who break the law.



What Happens Next

Detention Hearing

If you are arrested and put into a Juvenile Detention Facility, you will be held there until your Court hearing, which must take place within 72 hours. **If this happens, either you or your family should contact this office as soon as possible.** If you are not put into a Juvenile Detention Facility, then your first experience with the Court will involve meeting with a Juvenile Probation Officer at a Probation Intake Interview.

Probation Intake Interview

This is the first step in the Juvenile system where you, together with your Lawyer and your parents, will meet with a Juvenile Probation Officer who is hired by the Court to decide how to handle your case. At this meeting, the Juvenile Probation Officer will ask you a lot of questions about your school, family, friends, hobbies and the **"Written Allegation."**

Just remember to answer all of the Probation Officer's questions truthfully. At the end of the meeting, the Juvenile Probation Officer will decide whether to have you go before a Judge or have you instead follow certain rules.





What Happens Next

Informal Adjustment

This is a way of dealing with your case without going before a Judge.

The Juvenile Probation officer can require you to undergo counseling or follow other rules which the Juvenile Probation Officer believes are important for you to follow so that you don't get into trouble again. Some of the rules you may have to follow are: Not Skipping School, Drug Testing, Nightly Curfews, Community Service, Meeting With Your Probation Officer and most importantly, Staying Out Of Trouble.

Follow The Rules And The Charges Will Not Be Formally Filed.

Delinquency Petition

If you are not given an Informal Adjustment by the Juvenile Probation Officer or put into another diversionary program, such as Youth Aid Panel, a Delinquency Petition will be filed in the Luzerne County Clerk of Courts Office and you will be scheduled for Court. If this happens, you will go before the Juvenile Court Judge.

Your Lawyer Will Stand Next To You And Will Protect Your Rights.

Consent Decree

You appear before the Judge and he or she temporarily stops the Court case against you. The Judge can place you under the supervision of your parents and require you to follow certain rules, much like an Informal Adjustment. The Assistant District Attorney must agree to a **Consent Decree**. Follow the rules, behave and any charges filed against you will not be prosecuted.

If You Don't Behave, The Assistant District Attorney Will Bring The Charges Back.



WHAT HAPPENS NEXT

Adjudication Hearing - Trial By Judge

**You Do Not Have The Right To A Jury Trial
In Juvenile Court.**

**ONLY THE JUDGE CAN HEAR YOUR CASE
AND DECIDE IF YOU BROKE THE LAW.**

If you want to fight the charges, you can ask for a Trial by Judge. During a Trial, the Assistant District Attorney must prove that you broke the law beyond a reasonable doubt. He or she will have the Police Officer and other people, who saw or know something about what happened, tell the Judge what they know.

You can ask these people questions, bring your own witnesses and can even tell the Judge your story.

Your Lawyer's job is to show that the Assistant District Attorney did not prove that you broke the law.

The Judge will then decide if you should be **"Adjudicated Delinquent."** which means that you broke the law and need treatment, rehabilitation or supervision. If he or she finds that you did not break the law, then your case is over.

If the Judge decides that you broke the law and need treatment, rehabilitation or supervision, then you will be **"Adjudicated Delinquent"** and come back to Court for a **Disposition Hearing** at which time the Judge will decide what will happen to you.



WHAT HAPPENS NEXT

Admission

You can also decide not to fight the charges and make an admission to some or all of the charges against you. Your Lawyer's job is to work to get you the best deal that the Assistant District Attorney will agree to. If you make an admission and are **Adjudicated Delinquent**, you are given a **Disposition Hearing**, when the Judge will decide what should happen to you.

Disposition Hearing

At this hearing, the Judge will review a brief report from the Juvenile Probation Intake Officer, may look at your school and other records, and can hear from the victim, your teachers, parents, the police and others before making a decision on handling your case.

**THE JUDGE CAN ORDER YOU TO DO A NUMBER OF THINGS,
SUCH AS:**

Pay Restitution

Do Community Service

Get Treatment

Probation

Residential Placement

The Judge makes these decisions about you because he cares about you and wants you to learn that:

Your actions hurt people and you are responsible for that hurt

Everyone wants you to do good in school and grow up to be a leader

Because of what you did, people may be afraid of you, and these decisions are made so that people may feel safe



WHAT HAPPENS NEXT

Pay Restitution

If you hurt someone or damaged their property (house, car, etc.), the Judge can make you and your parents pay the person's medical bills and replace or fix any damage that you caused.

Community Service

You can be required to do volunteer work in the Community such as working in a soup kitchen or picking up garbage on the sidewalks. You can also do community service to help pay "**Restitution.**"

Get Treatment

If the Judge believes that you got into trouble because you are using drugs or alcohol or that you have other problems (such as following rules), he can make you go into a treatment program and even make your parents go to counseling with you.

Probation

You will live at home but will have to follow certain rules, called: "**Conditions of Probation.**" Some of the Conditions of Probation that you can be required to follow are: being tested for drugs and alcohol, attending school, writing a sincere letter of apology and attending counseling. Your Juvenile Probation Officer will help you follow the rules, but he or she may report it to the Judge if you break the rules (called a **Violation of Probation**). You can be supervised on probation up to your 21st birthday.



WHAT HAPPENS NEXT

Placement

You can be forced to stay in a private or State Operated Juvenile Residential Placement Facility for up to 4 years and even up to your 21st birthday if the Judge decides that you cannot behave yourself.

Every six months, the Judge must consider his or her decision of placing you in a Juvenile Residential Placement Facility. Your parents can also be ordered to help pay for the costs of your placement.

Appeal

You have a right to appeal any final decision of the Court. Talk to your Lawyer about your rights.

Expungement

Your Juvenile record doesn't automatically disappear when you turn 18. You must file a "Petition for Expungement" with the Court to get your record destroyed. Ask your Lawyer to file this for you.

**Remember, As Your Lawyers, We
Are Here To Help You.**

Talk To Us.



Advice From Your Lawyers

Be Honest And Open With Us

You have a right to a Lawyer and being honest and open helps us to do our job. We are not judgmental. We will not judge you. We are here to help you.

Use Caution When Talking To People In The System

Whatever you say or do around a Police Officer or a Probation Officer is **NOT CONFIDENTIAL** and can come up in Court. Be careful of what you say.

Think Before You Speak.

Ask Us Questions

It is our job to help you understand the process. This is serious stuff and even if you think it is a dumb question, **remember that there are no dumb questions.**

Stay In Touch With Us

Always return our phone calls. Call us or our secretary and we will always get back to you. Always come to your scheduled office appointments. If we send you a letter to meet with us, this means we have something important to discuss with you and we need to talk.

FOLLOWING YOUR LAWYERS ADVICE IS OF THE UTMOST IMPORTANCE!

The Juvenile Court System Is Not To Be Taken Lightly! If you are adjudicated delinquent, you can be sent away to placement regardless of the nature of the charges.



Juvenile Court System Survival Tips

Bring A Parent Guardian Or Another Responsible Adult With You To Every Proceeding

THIS IS REALLY IMPORTANT! If you have a responsible adult with you at every stage, you're more likely to stay at home (not be detained or sent away to placement), during and after your case.

Start Building A Good Record NOW

STAY OUT OF TROUBLE! Go to school. Go to your Court dates and your other appointments on time. Don't smoke, use drugs or drink alcohol. Listen to and obey your parents and teachers. **People will be checking up on you.** Your behavior during this time can matter as much as anything you have done in the past. Ask friends, teachers, neighbors and family to write letters about your good qualities and give them to your Lawyer to use to help you.

Show that You Take The Process Seriously

TREAT EVERYONE WITH RESPECT. Be polite. Wear nice clothes. The Probation Officer, the Assistant District Attorney and the Judge will notice these things when they are making decisions about your case.

Take Advantage Of The Programs And Services In The Juvenile System

THIS WILL HELP SHOW THE JUDGE THAT YOU ARE TRYING TO STAY OUT OF TROUBLE. If you are doing well in a program or have completed a program, ask them for a letter and give it to your lawyer to help you.



Important Tips For Going To Court

Show Up For Your Court Hearing

EXCUSES DON'T WORK. If you miss your Court Hearing, a **Warrant** can be issued and you can be held in a Juvenile Detention Facility.

Be Alert

DON'T USE ALCOHOL OR DRUGS. Get enough sleep the night before. Don't come to Court on an empty stomach. Court may last longer than you expected.

Show Respect

SHOW RESPECT FOR THE JUDGE, POLICE, PROBATION OFFICERS, LAWYERS AND WITNESSES. Fooling around, laughing and not paying attention in Court will only make things worse for you.

Dress Nice

WEAR YOUR GOOD CLOTHES AND BE NEAT AND CLEAN. Collared shirts for boys and tasteful clothes for girls are appropriate for Court.

Don't Talk To Anyone In Court Except Your Lawyer And The Judge

REMEMBER, YOUR LAWYER REPRESENTS YOU AND WILL WORK TO GET YOU THE BEST POSSIBLE RESULT. Your Lawyer works for you first and foremost, not your parents, friends nor anyone else in the Court System.

Trust Your Lawyers And Listen To Their Advice.



Remember You Do Have Rights

“Hey Dude, I got busted by the police the other night at a party at my girlfriend’s house. The police raided the party and everyone started running. I got caught with a cup in my hand and a police officer asked me what was in it. I was scared and didn’t know what to say. Then they asked me for my I. D.. My friend, who was wasted told me I didn’t have to give it. So, I didn’t and the next thing I knew, the police officer put me in handcuffs and took me to the police station. And I didn’t do anything wrong.”



Sound Familiar?

“We are sure this and things like it happen all of the time.”

Knowing Your Rights may help you if you get arrested and are charged with a “Delinquent Act.”

WARNING: Knowing your rights does not mean that you can break the law or give the police, your teachers or your parents a hard time. Yelling, cursing or just being loud will only make things worse for you.



Dealing With The Police

Important Things To Know

Stay Calm

Any time a Police Officer asks for your I. D. or your name and address, **answer them politely and cooperate in giving it.**

Should I Talk to The Police?

If a Police Officer asks you a lot of questions and you are not free to leave or says that your are under arrest, **you have a right to “not” answer any of his or her questions.** If you don't know whether it's okay for you to leave, ask the Police Officer. If the Officer says “**Yes**” then you may leave. If the Officer says “**No**” or anything other than “**Yes.**” **DO NOT RESIST, ARGUE OR BE SMART.**

Be courteous but you should NOT answer any questions.

Ask For A Lawyer

Anytime the police say that you cannot leave or put you under arrest or anytime you appear in Court when charged with a **Delinquent Act**, politely say, “**I want a Lawyer.**” **Don't worry that you cannot pay for one.**

The Court Must Give You A Lawyer Free Of Charge.

Once you tell the Police that you want a Lawyer or that you will not answer their questions, THEY MUST STOP QUESTIONING YOU.



Dealing With The Police

Important Things To Know

Keep Your Hands Out Of Your Pockets

If the Police stop you, **DON'T EVER PUT YOUR HANDS IN YOUR POCKETS**. They may think you have a gun or drugs.

Do Not Resist Arrest

If the Police put you under arrest, **NEVER RESIST**, even if you think the arrest was wrong.

Cooperate In A Traffic Stop

“SHOULD I LET THE POLICE SEARCH MY CAR?”

If the Police stop you while you are driving your car and ask you for your driver's license, registration and insurance cards, give it politely. Sometimes the Police just make routine stops or may observe some minor motor vehicle violation. **If they ask for consent to search your car, remember you have a right to, “Just Say No”.** Refusing to give consent to a search of your car will not get you in trouble. **However, if they proceed to search your car anyway, DO NOT TRY TO STOP THEM.**

Have A Lawyer By Your Side

It is extremely important for you to have a Lawyer with you if you decide to talk to the Police or a Probation Officer or appear in Court.

Remember, your Lawyer is there to help you and advise you to make sure that your rights are protected and that you get the best possible outcome for your case. Neither the Police nor the Court can find out anything you tell your Lawyer without your permission.



An Adjudication Of Delinquency

20 Things You Should Know

If you are adjudicated Delinquent, there are far reaching consequences that can affect you for the rest of your life.

- 1.** Is Not An Adult Conviction But Is Often Treated Like One.
- 2.** Can Affect Your Ability To Obtain Employment.
- 3.** Can Affect Your Access To Public Housing.
- 4.** Can Affect Your Ability To Enlist In The Military.
- 5.** Can Result In The Suspension Of Your Driver's License For Certain Drug, Alcohol And Driving Offenses.
- 6.** Can Result In Your Expulsion From School For Certain Offenses.
- 7.** Can Result In You Having To Do Community Service And To Pay Fines, Court Costs and Restitution.
- 8.** Can Require You To Submit To A DNA Sample, If Found Delinquent Of Felony And Some Misdemeanor Offenses.
- 9.** Can Affect Your Immigration Status.
- 10.** Can Affect Sentencing For A Criminal Conviction As An Adult.





An Adjudication Of Delinquency

20 Things You Should Know

...continued

- 11.** Can Prevent You From Carry A Firearm, If For Example, You Are A Junior Hunter.
- 12.** Can Affect Your Ability To Acquire Licenses for Certain Professions, Such As Nursing.
- 13.** May Require You To Register As A Sexual Offender If Adjudicated Delinquent Of Certain Offenses.
- 14.** Does Not Automatically Disappear On Your 18th Birthday.
- 15.** May Be Expunged Five Years After Your Discharge From Court Supervision If You Remain Crime Free.
- 16.** May Be Expunged When You Turn 18 If The Commonwealth's Attorney Consents To The Expungement Petition.
- 17.** Does Not Affect Your Ability To Vote Or Serve On A Jury When You Turn 18 Years Old.
- 18.** Does Not Need To Be Reported On Many College Applications.
- 19.** Does Not Bar Access To Federal Financial Aid For Higher Education.
- 20.** Juvenile Hearings And Records Are Open To The Public In Cases Involving Any 14 Year Old Who Is Charged With Or Found Delinquent Of Any Felony And For Any 12 Or 13 Year Old Who Is Charged With Or Found Delinquent Of Serious Offenses.





Moving Forward

The Ten Habits Of Successful Teens

1. Stay out of trouble.

Think for yourself. Don't be a follower and follow your friend's advice without some serious thought.

3. Choose your friends wisely.

A good education can be your key to success in life regardless of your upbringing and financial situation. Make this a priority in your life and reap the rewards.

5. Don't do drugs or drink alcohol.

Stop and think about the consequences before you act. If it seems like a bad thing to do, it probably is.

2. Be a leader.

Pick your friends for who they are on the inside and not because they look or seem "cool" on the outside. If they put you down, they are not your friends.

4. Stay in school

These are against the law. Don't end up with a serious problem for the rest of your life. Smoking cigarettes is dangerous to your health and can be extremely addictive. It is against the law to purchase cigarettes if you are under 18 yrs. Old.



Moving Forward

The Ten Habits Of Successful Teens

This includes your parents and teachers. You can get ahead and accomplish more in life by treating others with dignity and respect.

6. Always be nice and respectful to others.

7. Don't be Afraid to seek Advice.

Ask for advice from an adult that you trust if you have a problem that you can't deal with on your own.

Think about the feelings of the person you are about to hurt before you bully or fight with them. Don't put others down to make yourself feel superior or impress friends that you don't need.

8. Don't put others down.

9. Tell the truth.

Lying about even the smallest of things can get you in trouble. Be someone that others can trust.

Learn from the mistakes of the past. Mistakes don't define who you are. You can have a great life ahead of you. Plan for your future starting today.

10. Be the best you can be.



A row of white 3D question marks on a light gray surface, with one red 3D question mark standing out in the center. To the right of the question marks is a black rectangular box with a white border. Inside the box, the text "Questions For Your Lawyer" is written in a white, bold, sans-serif font, arranged in two lines.

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Where You Can Get Help

Alcohol / Drug Abuse

Luzerne / Wyoming Co. Drug / Alcohol Program:	(570) 826-3035
Wyoming Valley Alcohol and Drug Services:	(570) 820-8888
Catholic Social Services:	(570) 824-5766
Serento Gardens, Hazleton:	(570) 455-9902

Mental Health Crisis Intervention

Children's Service Center:	(570) 825-6425
Community Counseling:	(570) 552-6000
Northeast Counseling:	(570) 735-7590

Emergency Housing / Shelter

Bridge Housing (Women and Children):	(570) 826-9185
McAuley House:	(570) 779-2801
Youth Runway Services - Bridge Youth Services: Hazleton.	(570) 455-1521

Educational Disability Concerns

Education Law Center:	(215) 238-6970
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JUVENILE DEFENDER UNIT

PUBLIC DEFENDER'S OFFICE

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AL FLORA, JR., ESQUIRE - Chief Public Defender

DEMETRIUS W. FANNICK, ESQUIRE - First Assistant Public Defender

CHERYL SOBESKI - REEDY, ESQUIRE - Senior Staff Attorney

ANA MOJTAHEDI, ESQUIRE - Staff Attorney

NICOLE THOMPSON, ESQUIRE - Staff Attorney

Barbara Serino, M.S.W. - Social Worker

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The Luzerne County Juvenile Defender Unit Hopes That This Information Will Be Widely Disseminated. Please Credit Our Office When Copying Or Quoting.

Thank You.

****The photographs of juveniles are models****