

**Juvenile Justice System Structure and Process
Case Flow Diagram**

http://www.ojjdp.gov/ojstatbb/structure_process/case.html

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Office of Juvenile Justice and Delinquency Prevention
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The case flow diagram describes the stages of delinquency case processing in the juvenile justice system (Diagram 1).

The following is an excerpt from the *Juvenile Offenders and Victims: A National Report* publication, NCJ 153569, pages 76–79. The statistics have been updated to reflect the latest available data.

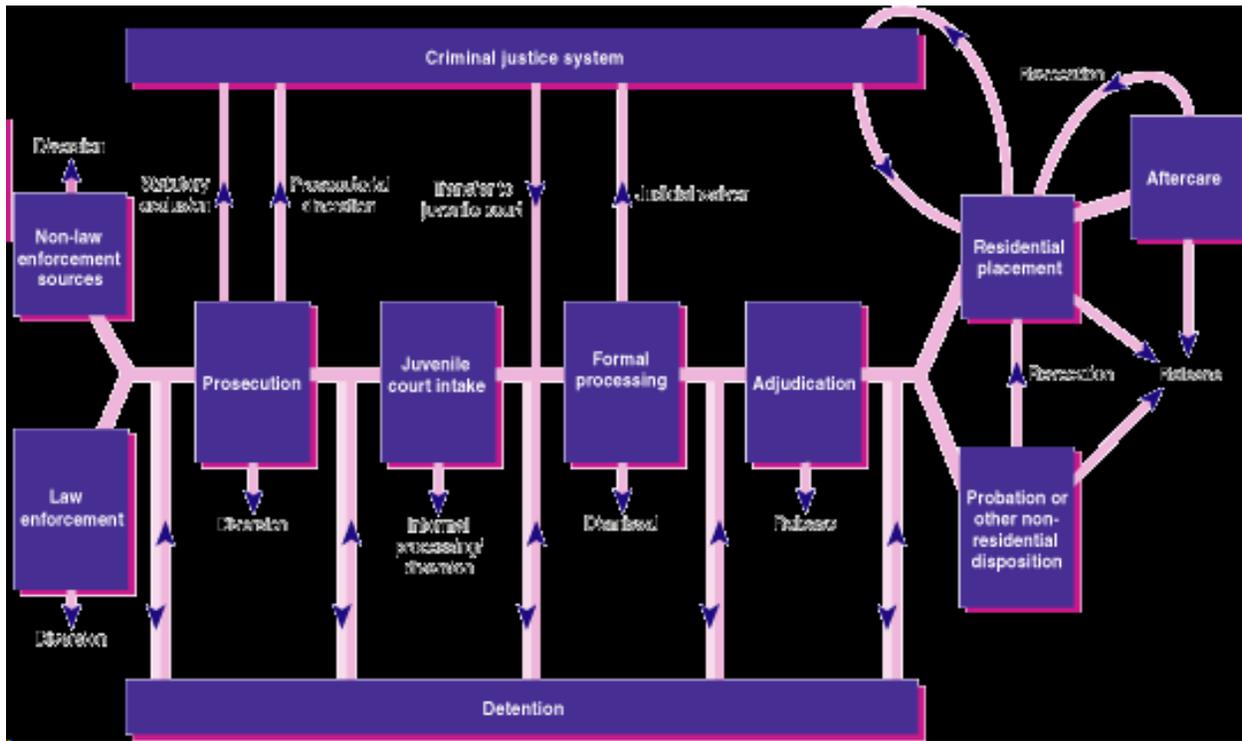


Diagram 1. Stages of Delinquency Case Processing in the Juvenile Justice System

Young law violators generally enter the juvenile justice system through law enforcement...

Each State's processing of law violators is unique: Even within States, case processing often varies from community to community depending on local practice and tradition. Consequently, any description of juvenile justice processing must be general, outlining a common series of decision points.

Law enforcement diverts many juvenile offenders out of the justice system: At arrest, a decision is made either to send the matter further into the justice system or to divert the case out of the system, often into alternative programs. Usually, law enforcement makes this decision, after talking to the victim, the juvenile, and the parents, and after reviewing the juvenile's prior contacts with the juvenile justice system. Twenty-two percent of all juveniles arrested in 2009 were handled within the police department and then released. Seventy percent of arrested juveniles were referred to juvenile court.

Federal regulations discourage holding juveniles in adult jails and lockups. If law enforcement must detain a juvenile in secure custody for a brief period in order to contact a parent or guardian or to arrange transportation to a juvenile detention facility, Federal regulations require that the juvenile be securely detained for no longer than 6 hours and in an area that is not within sight or sound of adult inmates.

Most juvenile court cases are referred by law enforcement: Law enforcement referrals accounted for 83% of all delinquency cases referred to juvenile court in 2009. The remaining referrals were made by others such as parents, victims, schools, and probation officers.

The court intake function is generally the responsibility of the juvenile probation department and/or the prosecutor's office. At this point intake must decide either to dismiss the case, handle the matter informally, or request formal intervention by the juvenile court.

To make this decision, an intake officer first reviews the facts of the case to determine if there is sufficient evidence to prove the allegation. If there is not, the case is dismissed. If there is sufficient evidence, intake will then determine if formal intervention is necessary. About half of all cases referred to juvenile court intake are handled informally. Most informally processed cases are dismissed. In the other informally processed cases, the juvenile voluntarily agrees to specific conditions for a specific time period. These conditions are often outlined in a written agreement, generally called a "consent decree." Conditions may include such items as victim restitution, school attendance, drug counseling, or a curfew. In most jurisdictions, a juvenile may be offered an informal disposition only if he or she admits to committing the act. The juvenile's compliance with the informal agreement is often monitored by a probation officer. Consequently, this process is sometimes labeled "informal probation."

If the juvenile successfully complies with the informal disposition, the case is dismissed. If, however, the juvenile fails to meet the conditions, the intake decision may be to formally prosecute the case, and the case will proceed just as it would have if the initial decision had been to refer the case for an adjudicatory hearing.

During the processing of a case, a juvenile may be held in a secure detention facility:

Juvenile courts may hold delinquents in a secure detention facility if the court believes it is in the best interest of the community or the child. After arrest a youth is often brought to the local juvenile detention facility by law enforcement. Juvenile probation officers or detention workers review the case and decide if the juvenile should be held pending a hearing by a judge.

In all States, a detention hearing must be held within a time period defined by statute, generally within 24 hours. At the detention hearing a judge reviews the case and determines if continued detention is warranted. As a result of the detention hearing the youth may be released or detention continued. In 2009 juveniles were detained in 1 in 5 (21%) delinquency cases processed by the juvenile courts. Detention may extend beyond the adjudicatory and dispositional hearings. In some cases crowded juvenile facilities require that detention continue beyond adjudication until a bed becomes available in a juvenile correctional institution or treatment facility.

Prosecutors may file a case in either juvenile or criminal court: In many States prosecutors are required to file certain (generally serious) cases involving juveniles in the criminal court. These are cases in which the legislature has decided the juvenile should be handled as a criminal offender. In a growing number of States the legislature has given the prosecutor the discretion of filing a defined list of cases in either juvenile or adult court. In these States both the juvenile and adult courts have original jurisdiction over these cases, and the prosecutor selects the court that will handle the matter.

If the case is handled in juvenile court, two types of petitions may be filed: delinquency or waiver. A delinquency petition states the allegations and requests the juvenile court to adjudicate (or judge) the youth a delinquent, making the juvenile a ward of the court. This language differs from that used in the criminal court system (where an offender is convicted and sentenced).

In response to the delinquency petition, an adjudicatory hearing is scheduled. At the adjudicatory hearing (trial), witnesses are called and the facts of the case are presented. In nearly all adjudicatory hearings the determination that the juvenile was responsible for the offense(s) is made by a judge; although, in some States the juvenile is given the right to a jury trial. In 2009, juveniles were adjudicated delinquent in 59% of cases petitioned to juvenile court for criminal law violations.

Intake may ask the juvenile court to transfer the case to criminal court: A waiver petition is filed when the prosecutor or intake officer believes that a case under jurisdiction of the juvenile court would be more appropriately handled in criminal court. The court decision in these matters follows a review of the facts of the case and a determination that there is probable cause to believe that the juvenile committed the act. With this established, the court then considers whether jurisdiction over the matter should be waived and the case is transferred to criminal court.

This decision generally centers around the issue of whether the juvenile is amenable to treatment in the juvenile justice system. The prosecution may argue that the juvenile has been adjudicated several times previously and that interventions ordered by the juvenile court have not kept the juvenile from committing subsequent criminal acts. The prosecutor may argue that the crime is so serious that the juvenile court is unlikely to be able to intervene for the time period necessary to rehabilitate the youth.

If the judge agrees that the case should be transferred to criminal court, juvenile court jurisdiction over the matter is waived and the case is filed in criminal court. If the judge does not approve the waiver request, an adjudicatory hearing is scheduled in juvenile court.

Between the adjudication decision and the disposition hearing, an investigation report is prepared by probation staff: Once the juvenile is adjudicated delinquent, a disposition plan is developed. To prepare this plan, probation staff develop a detailed understanding of the youth and assess available support systems and programs. To assist in preparation of disposition recommendations, the court may order psychological evaluations, diagnostic tests, or a period of confinement in a diagnostic facility.

At the disposition hearing, dispositional recommendations are presented to the judge. The prosecutor and the youth may also present dispositional recommendations. After considering options presented, the judge orders a disposition in the case.

Most cases placed on probation also receive other dispositions: Most juvenile dispositions are multi-faceted. A probation order may include additional requirements such as drug counseling, weekend confinement in the local detention center, and community or victim restitution. The term of probation may be for a specified period of time or open ended. Review hearings are held to monitor the juvenile's progress and to hear reports from probation staff. After conditions of the probation have been successfully met, the judge terminates the case. In 2009, 60% of adjudicated delinquents were placed on formal probation.

The judge may order the juvenile committed to a residential placement: Residential commitment may be for a specific or indeterminate ordered time period. In 2009, 27% of adjudicated delinquents were placed in a residential facility. The facility may be publicly or privately operated and may have a secure prison-like environment or a more open, even home-like setting. In many States, when the judge commits a juvenile to the State department of juvenile corrections, the department determines where the juvenile will be placed and when the juvenile will be released. In other instances the judge controls the type and length of stay. In these situations review hearings are held to assess the progress of the juvenile.

Juvenile aftercare is similar to adult parole: Following release from an institution, the juvenile is often ordered to a period of aftercare or parole. During this period the juvenile is under supervision of the court or the juvenile corrections department. If the juvenile does not

follow the conditions of aftercare, he or she may be recommitted to the same facility or to another facility.

The processing of status offense cases differs from that of delinquency cases: A delinquent offense is an act committed by a juvenile for which an adult could be prosecuted in criminal court. There are, however, behaviors that are law violations only for youth of juvenile status. These "status offenses" may include such behaviors as running away from home, truancy, ungovernability, curfew violations, and underage drinking. In many ways the processing of status offense cases parallels that of delinquency cases.

Not all cases, however, consider all of these behaviors to be law violations. Many States view these behaviors as indicators that the child is in need of supervision and respond to the behavior through the provision of social services. This different characterization of status offenses causes them to be handled more like dependency than delinquency cases.

While many status offenders enter the juvenile justice system through law enforcement, in many States the initial, official contact is a child welfare agency. Nearly half (59%) of all petitioned status offense cases referred to juvenile court in 2009 were from law enforcement.

The Juvenile Justice and Delinquency Prevention Act discourages the holding of status offenders in secure juvenile facilities, either for detention or placement. This policy has been labeled deinstitutionalization of status offenders. An exception to this policy occurs when the status offender violates a valid court order such as a probation order that requires the adjudicated status offender to attend school and observe a court-ordered curfew. In such situations, the status offender may be confined in a secure detention facility.