

JUVENILE COURT DELINQUENCY HANDBOOK 2007



NEBRASKA COMMISSION ON LAW
ENFORCEMENT AND CRIMINAL JUSTICE
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NEBRASKA COALITION FOR JUVENILE JUSTICE
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Jurisdiction	The authority given by law to a court to try cases and rule on legal matters over certain types of cases
Juvenile Court	A special court which hears cases of underage defendants (under 19 years of age). They may be charged with a crime, out of control, or suffer neglect by their parents, Juvenile court does not have jurisdiction in cases where the minor has been charged as an adult. Not all counties in Nebraska have a separate juvenile court
Juvenile Delinquent	A person who is under the age of 19, who is found to have committed a crime
Misdemeanor	A lesser crime punishable by a fine and/or county jail time for up to one year
Petition	A legal paper, filed by the county attorney's office explaining why the juvenile is being brought to court
Service Providers	Agencies, individuals and organizations who provide treatment or supervision services for children in the juvenile system
Status Offender	A juvenile charged with a violation that would not be a crime if committed by an adult: i.e. not going to school, curfew violation, running away from home and/or for being uncontrollable by parents
YRTC	Youth Rehabilitation and Treatment Center

SECTION 13: GLOSSARY

Word	Definition
Adjudication	A court proceeding similar to a trial, where the Judge decides if the charges are true
Court Order	Legal document reporting the Judge’s findings
Defendant	The party charged with a crime
Dispositional Hearing	A Court proceeding where the Court determines what services or rehabilitation efforts a child will receive
Docket	The cases on a court calendar
Felony	A crime sufficiently serious to be punishable by a term in state or federal prison
Hearing	A proceeding before a Judge; refers to brief sessions involving a specific question at some time during the judicial process
Judge	An official with the authority and responsibility to preside in a court and make legal rulings

The Nebraska Crime Commission and the Nebraska Coalition for Juvenile Justice would like to thank Douglas County officials for allowing the adaptation of the Douglas County Juvenile Court Delinquency Handbook into a publication for statewide use.

As a result of positive feedback from the Douglas County Juvenile Court Delinquency Handbook, it was noted that a statewide edition would be of great value. This handbook is as a result of this need across the state.

A special thank you to Judge Lawrence Gendler, Sarpy County Juvenile Court, for further guidance in the writing of the statewide manual.

Name: _____

Title: _____

Phone Number: _____

IMPORTANT NUMBERS

Defense Attorney: _____

Firm Name: _____

Phone Number: _____

County Attorney: _____

Phone Number: _____

Probation Officer: _____

Phone Number: _____

JAC Specialist: _____

Phone Number: _____

Service Provider: _____

Contact Name: _____

Phone Number: _____

Service Provider: _____

Contact Name: _____

Phone Number: _____

School Resource Officer: _____

Phone Number: _____

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***This handbook can be obtained for
reprint and use at ncc.ne.gov***

Read the question regarding criminal convictions carefully. Answer only what is asked. Applications may ask only about felony convictions or may ask about convictions of all felonies and misdemeanors.

If a youth successfully completed a diversion program, the youth will not have a conviction on his/her record and will not have to disclose the juvenile case on the application.

Remember to be honest when completing the application. Honesty is an important and valued characteristic of an employee.

HOW WILL YOUR JUVENILE COURT CASE AFFECT JOINING THE MILITARY?

A juvenile case can impact a youth's ability to join the military. Each branch of the military creates its own military enlistment criteria. That criteria requires behavior consistent with good moral character. Actions that do not adhere to that standard, may disqualify a person from joining that branch of the military.

Depending on the type of crime committed, a youth may be limited to or excluded from certain military jobs because of the juvenile court case. If a youth wishes to join the military and has a juvenile court record, he/she should discuss possible enlistment options with a military recruiter.

SECTION 11: IMPLICATIONS OF A JUVENILE COURT CASE

Juvenile Court cases do not result in convictions. They result in adjudications when the charges are determined to be true by the judge. When this occurs, the youth is considered to have been adjudicated, not convicted.

HOW WILL YOUR JUVENILE COURT CASE AFFECT COLLEGE AID?

The Free Application for Federal Student Aid (FAFSA) is an application all persons must fill out before they are eligible for federal student financial aid. Drug Convictions for possessing or selling illegal drugs (not including alcohol and tobacco) can affect a student's eligibility for federal financial aid.



Adjudications that occurred before a student turned 18 do not affect a student's eligibility. A youth charged in adult court can be convicted, and his/her financial aid eligibility may be affected by the conviction.

HOW WILL YOUR JUVENILE COURT CASE AFFECT FUTURE JOB APPLICATIONS?

Employment applications are legal documents must be completed as accurately as possible. An employee can be fired for falsifying a document if the job application is inaccurate.

SECTION 1: OVERVIEW OF THE JUSTICE SYSTEM

Many different professionals and agencies are involved in the juvenile justice process. Each individual in the process plays an important role in protecting the interest of both the juvenile and the state.

This section introduces you to the different professionals involved with the juvenile justice process. Included is a brief outline of the process, beginning once a juvenile has been cited for a delinquent act. Not all aspects of juvenile justice covered by this handbook will apply to your case.

If at any time during the process you have questions, please contact your lawyer. It is important that you understand the process, and your lawyer is there to help you. It will be useful if you take the time to write down your questions.

We suggest you keep a written log that contains:

1. Name of the person with whom you spoke
2. The date and time you spoke to that person
3. A summary of your conversation
4. Important dates to remember

There are many different people involved with the Juvenile Court process. When giving information to professionals, they will generally ask you from whom you received the information. Keeping track of the information above, as well as appointments, will help the process proceed smoothly.

WHO IS WHO?

Bailiff

The court official that schedules hearings, distributes court orders and assures that the participants are in the courtroom.



Court Reporter/ Stenographer

Transcribes the judicial proceedings to create a record for the Court.

County Attorney

Receives delinquency referrals and reviews them for legal sufficiency, makes handling decisions, and makes the decision whether to file on a juvenile.



Defense Attorney

Represents the juvenile against whom the petition was filed.



Judge

Determines whether the allegations in the petition are true based upon the evidence presented in the Court proceedings.

SECTION 10: TERMINATING A JUVENILE COURT CASE

There are several ways a court case may be terminated. The termination depends on the facts of the specific juvenile case. Possible ways to terminate a juvenile court case include:

1. The County Attorney can dismiss a charge prior to the case going to trial.
2. The case will terminate automatically from the Court System upon the child turning 19 years of age.
3. After the case has gone to adjudication and the Court has found that the charges are true, the Court can terminate the case after the child has successfully completed the conditions of probation.
4. Even if the child unsuccessfully completes the conditions of probation, the Court can terminate the case with a notation that it was terminated unsuccessfully due to non-compliance by the child.
5. After the charges are found to be true, the Court can, with a requested motion, terminate the case at any time.
6. Upon a YRTC commitment, jurisdiction may be terminated.

Guardian ad Litem

A lawyer appointed to protect the best interests of the juvenile during court proceedings.



**Law Enforcement Officer
(Police or Sheriff)**

Prepares a police report in response to a crime committed. The report is then forwarded to the county attorney's office where it is reviewed. It is then determined whether or not to file a charge (petition) on the juvenile.

OJS workers

The Nebraska Department of Health and Human Services (DHHS) administers the states institutions for delinquent offenders, as well as other services, through the Office of Juvenile Services (OJS). They are case managers.

**Court Appointed
Special Advocate
(CASA)**

Appointed by a Judge, this volunteer advocates for a youth's best interest in placement determination.

Probation Officers

Supervise juveniles who are placed on probation. They make reports to the court concerning the juvenile process.



Difference Between Adult and Juvenile Court

Juvenile delinquency cases are similar to adult criminal proceedings. However, there are some notable differences.

The terminology used in the juvenile justice system is different from the adult criminal justice system.

Juvenile System	Adult System
◆ Goal is to rehabilitate the Juvenile and prevent future delinquent acts	◆ Goal is to deter crime and punish the offender
◆ No right to a jury trial	◆ Constitutional Right to a jury trial
◆ Judge makes the final decision regarding the outcome of the case	◆ Depending on the case, a Judge or jury can decide the case

The following is a listing of commonly used terms in juvenile court and how they correlate to the adult criminal justice system:

Juvenile System	Adult System
1. Delinquent Act	1. Crime
2. Custody	2. Arrest
3. Petition	3. Information
4. Adjudication	4. Trial
5. Disposition	5. Sentencing
6. Detention	6. Incarceration

To find specific program information about the various service Providers please **dial 2-1-1** (just these 3 numbers).

A trained and certified staff assistant will assist each caller based on his or her individual situation. **2-1-1** is a nationwide system, therefore, it has the ability to locate services within your community and demographic area. You can also search for service locations on their website www.ne211.org or www.uwmidlands.org.

Callers in thirty-six Nebraska counties have 2-1-1 access: Adams, Boone, Buffalo, Burt, Butler, Cass, Cedar, Clay, Colfax, Cuming, Dakota, Dawson, Dixon, Dodge, Douglas, Franklin, Gosper, Hall, Hamilton, Harlan, Howard, Jefferson, Kearney, Lancaster, Merrick, Nance, Nuckolls, Phelps, Platte, Polk, Sarpy, Scotts Bluff, Thayer, Thurston, Wayne, and Webster Counties.

FUNDING FOR SERVICES

While not a direct extension of the court, community based service organizations not only provide opportunities for treatment, family support, and other services, but they also work cooperatively to assist with satisfactory completion and compliance with orders of the Court. Their hours of operation, program lengths and fee structure vary. Some have sliding scale fees, private insurance, and Medicaid available as methods of payment. Your involvement in the Court system may prompt financial assistance from county or state funds for services rendered to you and your family.

SECTION 9: COMMUNITY SERVICE PROVIDERS

Community Based Service Providers are agencies and individuals that can provide many services for you and your family. The following list contains examples of the types of services that may be helpful to you and your family:

- ◆ Parent Education
- ◆ Mentoring
- ◆ Recreational Activities/Acts
- ◆ Education/Support Groups
- ◆ Hotlines
- ◆ Chemical Dependency/Drug and Alcohol services and Treatment
- ◆ Mental Health Services
- ◆ Sex offender Treatment
- ◆ Out of Home Placement Programs
- ◆ Emergency Shelters
- ◆ Employment/Financial Assistance
- ◆ Health and Wellness Needs
- ◆ Domestic Violence
- ◆ School Support
- ◆ Vocational Training
- ◆ Restorative Justice (community Service/ Restitution/Mediation)

TIPS FOR COURT

1. Dress neat and clean, as you would for an important meeting
2. Be sure you have reliable transportation to the courthouse
3. Ask your lawyer for a specific place to meet him or her
4. Arrive 15-20 minutes early
5. Check in with the Juvenile Court Receptionist
6. Bring all important papers
7. Be patient — the Court might be running behind schedule
8. Be courteous — especially to the officers of the court
9. Wait until your lawyer says it is time to enter the courtroom
10. Stand when the Judge enters the courtroom
11. During the hearing, speak loudly and clearly
12. Make eye contact when talking
13. Be honest and respond to the Judge's questions by saying, "Yes, Your Honor" or "No, Your Honor"
14. Do not curse, swear or lie
15. Do not get angry or roll your eyes
16. Do not walk out of the courtroom, or you will be held in contempt
17. Do not speak or act rudely
18. Do not slouch or chew gum

JUVENILE LEGAL PROCESS

Law enforcement officers (**Police or Sheriff**) may take a juvenile into temporary custody if reasonable grounds exist to believe that the juvenile has committed a **crime** and further detention is necessary to protect the public or the property of another.



A **detention hearing** is held before a **Judge**. At this time, a decision is made as to whether the juvenile will continue to be detained or if another placement will be ordered.

When a juvenile is detained in a detention center, a petition and an evidentiary hearing must be filed within 48 hours of being detained.

Whether the juvenile is detained or released to his or her parents, the case is referred to the **County Attorney**. It is the job of the County Attorney to decide whether or not to file a formal petition on the juvenile. The petition is a legal document filed with the Court that states the crime committed by the juvenile.



EXPULSION, EXCLUSION, MANDATORY REASSIGNMENT

A principal may determine that it is necessary to exclude a student from classes. The decision to exclude is made after the principal has investigated the facts, given the student oral or written notice of the charges and provided an opportunity to hear the student's version. The range of possible exclusions includes short-term suspension (short number of days), emergency exclusion (when the student is a danger to himself/herself or others), long-term suspension (number of weeks), expulsion (for a semester or a year) or mandatory reassignment to another school. It is the principal's responsibility to determine the type of exclusion and/or recommended action.

During a suspension, exclusion, or expulsion a student cannot attend school, take part in any school function including graduation ceremonies, or be on school property. The student may request a hearing on the specific charges in cases of recommendations for long-term suspension, mandatory reassignment, exclusion or expulsion. The student and parent/guardian are advised of this right when a principal decides to recommend one of the above actions. If a hearing is not requested within the time period specified by the school, the recommendation will go into effect.

return to a traditional school.

STUDENT CODE OF CONDUCT

The Board of Education believes school is an appropriate setting for all children and youth. The Student Code of Conduct is designed to support this concept by developing, through reasonable and consistent practices, appropriate student behavior patterns. Those behaviors and disciplinary actions set forth in the Code are designed to serve as learning experiences for all students. The Code addresses behaviors and disciplinary actions that indicate to the student and parent/guardian the seriousness of the behavior and at the same time provides the school personnel with an additional opportunity to aid the student to develop improved self-discipline. In all situations, parental/guardian contact is made to provide for communication and cooperation in developing positive student behavior.

This Code applies to conduct on school grounds, in a school vehicle or at a school-sponsored activity or athletic event. Compliance is expected of all students. When the student actions are in violation of Nebraska state law, law enforcement is notified.

TRUANCY: ABSENCE FROM SCHOOL

Student attendance in school is the key to learning. Absence from school has a negative effect on school success. The goal is for each student to be in class daily and on time. The responsibility for attendance is shared by the student, the parent/guardian, the teacher and other school staff. Problem solving to address truancy includes the school, the parent/guardian, parole officer (if applicable) and the student. The law states that the student is attend school until the age of 18 unless there is a signed waiver by his/her parent giving permission for them to drop out. Regular school attendance is required by law in Nebraska. Students who have excessive absences are reported to the county attorney for legal action.

If the County Attorney decides to file charges, the case is scheduled for:

1. Arraignment (First Hearing),
2. Pretrial (Continued First Hearing),
3. Adjudication (Trial), and
4. Disposition (Sentencing), if the Judge finds the charges to be true.

Warrant

When a juvenile fails to appear before the Court for a scheduled hearing, a Capias (bench warrant) may be issued by the judge. If a youth is picked up by the police while the Capias is active, the juvenile will be arrested and placed in a staff secure or secure detention center unless the Capias directs that the youth is to be placed elsewhere. Within 24 judicial hours the juvenile must appear in front of a Judge to determine if further detention is warranted (i.e. whether the child will be allowed to return home).



Arraignment Hearing

The arraignment hearing is the initial hearing (first hearing) . At this time the juvenile is advised of his or her rights and asked to admit or deny the charges that were filed against him or her.

Pretrial Hearing

The pretrial hearing (continued first hearing) is after arraignment but before adjudication (trial). At this time the attorneys involved in the case meet to outline the issues, discuss evidence and determine if a trial is necessary or if the matter can be resolved without a court proceeding. At this point, a case may be dropped, a plea agreement may be reached, or the case may go to adjudication (trial).

Adjudication

At the **adjudication (trial)**, the County Attorney presents evidence and the Court determines if the allegations in the petition are true based on the evidence. If the Court finds the allegations in the petition to be true, the case then proceeds to the disposition hearing.

Disposition Hearing

During the **disposition hearing** (sentencing) the Court determines what services or rehabilitation efforts a child will receive. A Probation Officer monitors the juvenile's compliance with the Court Order.



SCHOOL COUNSELORS

The guidance program is provided to all students and includes:

- ◆ delivering a guidance curriculum to all students
- ◆ Small group and individual counseling, parent programs and home visits

Other guidance related activities include:

- ◆ addressing individual students and families with unique needs and barriers to learning
- ◆ crisis intervention
- ◆ evening advanced education planning workshops
- ◆ conflict management programs

Elementary counselors are assigned to one building.

Secondary counselors are designated in each middle and high school to work in the areas of: personal, career academic and advanced education.

ALTERNATIVE SCHOOLS

The purpose of alternative education is to assist students in achieving their highest potential through individual, flexible and structured educational experiences designed to enhance their academic growth and foster lifelong learning. An assignment to an alternative high school or middle school results when traditional approaches for students to learn have not been effective. Students have the opportunity to earn academic credits to apply toward graduation. Staff assists students in learning how behavioral choices shape and impact their learning experiences and provides students with opportunities for social and emotional growth. Additionally, staff and students work to develop the skills necessary to

WHO BENEFITS FROM SRO'S AND HOW: EVERYONE!

Students benefit because:

- ◆ Schools are safer
- ◆ They learn about their legal rights and responsibilities
- ◆ They have an additional resource available to them

Parents benefit because:

- ◆ Their children are in safe learning environments
- ◆ They have greater access to information about their legal rights and responsibilities.

Teachers and school administrators benefit because:

- ◆ They work in safe environments
- ◆ They have another resource available to them

Law-enforcement officers benefit because:

- ◆ They are better able to serve and protect their communities in an efficient, effective, and community-based way

The juvenile justice system benefits because:

- ◆ A strength-based approach to youth who violate the law is more effective

Taxpayers benefit because:

- ◆ More efficient, effective strategies are used to address youth crime and violence

The community benefits because:

- ◆ The program strengthens interagency collaboration to tailor solutions to effectively address school-related crime and disorder

**SECTION 2:
ADJUDICATION/DISPOSITOIN**

TREATMENT/INTERVENTION SERVICES

There are many types of treatment and intervention services across the state of Nebraska. The placements range from probation while placed at home, to various forms of out-of-home placement, which may include relative placement. Many youth who are adjudicated delinquent, i.e., the charges are found true after a trial, are placed on probation under the supervision of a probation officer for either an open-ended period of time or a specific period of time. A youth will have many requirements while on probation, which may include attending school, residing with parents, obeying the rules as set forth by parents, submitting to drug and alcohol testing, and/or evaluations, submitting to drug and alcohol treatment, participating in mental health services, completing community service, paying court costs, writing letters of apology, and obtaining and maintaining employment, depending on the specific facts of the case.

Many youth are committed to the care and custody of Health and Human Service/Office of Juvenile Services (DHHS/OJS) for appropriate care, treatment and placement. OJS is a sub-agency of DHHS. This agency is responsible for meeting the needs of all youth placed in its custody by court order, for the length of time the youth is placed in its custody.

If a juvenile is placed in the custody of DHHS/OJS he or she may be placed at home or at various levels of out-of-home placement, such as relative placement, foster home, treatment foster home, group home, treatment group home, and residential treatment centers, depending upon the juvenile's needs.

Youth Rehabilitation and Treatment Centers (YRTC) are staff secure institutional facilities operated by DHHS/OJS for male and female juvenile offenders committed by the court. The YRTC located at Kearney serves males. The YRTC at Geneva serves females. The YRTCs have many services available to address individual needs of youth.

Upon commitment, youth are involved in a classification process. A risk assessment is completed to determine appropriate security, treatment and programming. The primary method for youth to earn release is based upon their completion of their individual treatment plan and overall progress.

Upon approval of the facility administrator, youth can be released to the community under parole supervision or receive an institutional discharge from their commitment to YRTC. Youth can remain at the facility until 19 years of age.

Delinquent youth, as well as status offenders are supervised by Probation and DHHS/OJS. Status offenses are described as acts committed by juveniles that would not create the filing of charges if committed by an adult, such as failure to obey parents and not going to school.

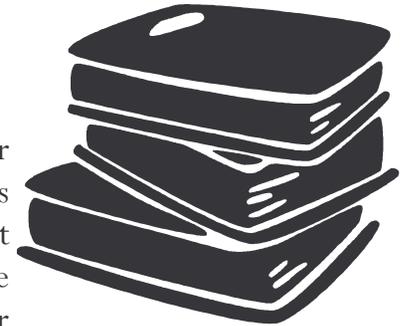
Probation is responsible for providing frequent monitoring and supervision of all youth placed on probation, as well as writing progress reports to the Court regarding youth who are placed on probation.

For youth placed outside the home (whether adjudicated delinquent or status offenders), the Court is required to review the case at least once every six months. The Court may review these cases more often if desired or may do so upon request.

SECTION 8: ROLE OF THE SCHOOLS

THE SCHOOL RESOURCE OFFICER PROGRAM

The School Resource Officer (SRO) Program places officers in schools in an effort to create and maintain a safe learning environment for students, staff and visitors.



SROs are law-related educators who instruct students, school staff and community members about the law and their rights and responsibilities under the law. Serving as liaisons and mentors, the SROs work collaboratively with parents, students, staff and community agencies to provide links to law enforcement and other community resources and services.



Schools are part of your community and the SROs serve as a resource for this section of the community.

SECTION 7: ADULT COURT CRIMINAL CASES

County Court has jurisdiction over misdemeanor cases, i.e., those cases where the fine cannot exceed \$1,000.00 and the sentence cannot exceed one year.

The County Court can impose a fine as well as a jail sentence in some misdemeanor cases. The overwhelming majority of misdemeanor jail sentences are served in the county jail.

District Court is the Court of general jurisdiction in Nebraska. It has jurisdiction over felony criminal cases, i.e. those cases where the death penalty can be imposed, as well as those cases where the length of imprisonment can exceed one year.

The District Court can impose a fine in some felony cases. All felony sentences of one year or more are served in an institution under the authority of the Department of Correctional Services.

In both County and District Court, sentences can involve probation with no jail, as well as fines, depending on the type of charge involved.



PROBATION OFFICERS

Probation Officers are responsible for a number of functions that are necessary to the mission of the Juvenile Justice System.

After youth have been arrested, and beginning with Intake, Probation Officers are responsible for making detention decisions. Interviews and detention screening instruments are used to access past history and assess current status and risk level of the youth to aid in making an appropriate detention decision.

PRE-DISPOSITIONAL INVESTIGATIONS

Probation Officers are ordered by the Court to conduct Pre-Dispositional Investigations. A Pre-Dispositional Investigation is a report prepared by a Juvenile Probation Officer to help the Judge make decisions concerning rehabilitation plans which are in the youth's best interest.

The investigation involves:

- ◆ Interviews with the parent(s) or guardians
- ◆ Interviews with the juvenile offender
- ◆ Gathering of information including school, mental health agency, treatment program, and criminal history records.

Various assessment tools are used to help assess the juvenile's current needs and potential risk to the community and him or herself. This report is made available to the Judge and the attorneys involved in the case prior to the Dispositional Hearing.

TRADITIONAL PROBATION

Probation Officers provide supervision of a juvenile placed on Traditional Probation.

Traditional Probation means that the Court has decided the juvenile can remain at home under a probation contract. The probation contract is ordered by the Court.

The Probation Officer supervises a juvenile's compliance with the Court's Order. The Court Order can require a juvenile to follow various conditions such as:

- ◆ Attend school,
- ◆ Reside at home,
- ◆ Complete treatment
- ◆ Undergo drug testing; and/or
- ◆ Complete community service hours.

Probation Officers inform the Court as to the progress of a juvenile on probation at Review Hearings, Revocation Hearings and Detention Hearings as needed.

INTENSIVE SUPERVISION PROBATION (ISP)

Probation Officers are involved with supervising juveniles placed on Intensive Supervision Probation (ISP). Intensive Supervision Probation is the highest level of supervision and may include the use of an electronic monitoring device.

An electronic monitoring device is helpful in tracking the activities of a juvenile. Using the electronic monitoring device, the ISP Officer supervises youth who are considered to be at high risk to re-offend or may have violated the Court's

FREQUENTLY ASKED QUESTIONS**HOW WILL I KNOW WHEN TO GO TO COURT?**

You may receive a summons/letter or it will be on your citation ticket telling you the date, time and where to appear in court. The number of times you come to court depends on individual circumstances. *It is important to Inform the court and probation office of any address or phone changes.*

WHAT IF I MISS A HEARING?

If you do not come to court, the Judge could order you to be picked up by law enforcement and brought before the Court to explain why you ignored the Court's notice.

WHAT IF COURT RULES ARE NOT FOLLOWED?

The County Attorney's Office may file a motion to review/ revoke your probation by asking the Court to place more severe requirements on your probation or to place you at an institution or state correctional facility for juveniles.

CAN MY RECORD BE SEALED (KEPT CONFIDENTIAL)?

You may ask the court to consider sealing your records. This sets aside the adjudication and the record cannot be opened without court approval and good cause. However, this is a privilege and the judge will seal your record only if you have successfully completed your court-ordered program of rehabilitation. NOTE: The above action will not seal or expunge law enforcement records.

WHAT IF I WAIVE THE RIGHT TO AN ATTORNEY?

You would be representing yourself without an understanding or knowledge of legal options. Remember, you can request an attorney to represent you at any point in the process.

SECTION 6: RIGHTS OF THE JUVENILE

YOU HAVE A RIGHT TO:

- ◆ Know what has been filed against you
- ◆ Be represented by an attorney; if you cannot afford one, one will be appointed by the judge for you
- ◆ Face and cross-examine witnesses
- ◆ Present evidence in your own defense
- ◆ Testify if you wish; however, you do not have to testify
- ◆ Be advised by the Judge as to what the court can do with you
- ◆ Appeal the court’s decision to the Nebraska Court of Appeals or Nebraska Supreme Court

PERSONS IN THE COURTROOM

- ◆ The Judge
- ◆ You
- ◆ Parent or Guardian
- ◆ County Attorney
- ◆ Probation Officer
- ◆ Your Attorney
- ◆ Witnesses and Visitors

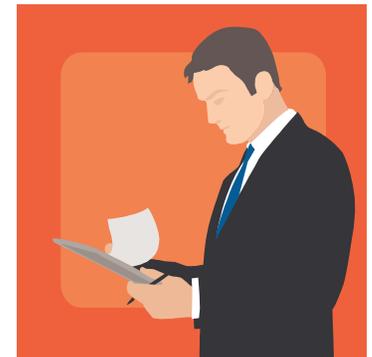
Order while on Traditional Probation.

DRUG COURT

Probation Officers supervise juveniles that are involved with Drug Court. The Court can order a juvenile to complete a substance abuse treatment program. Like Traditional Probation, the juveniles’ compliance with the Court Order is monitored. Juveniles in Drug Court are to comply with court ordered drug testing. Probation Officers work with service providers to help youth complete their programs.

DETENTION: INTAKE PROCESS

By following a standard process which includes interviews, criminal history record checks and the use of a detention screening instrument, Probation Officers make a decision whether to detain a youth or release him or her to a parent or relative. Not all juveniles arrested by Law Enforcement require secure detention. If the juvenile is detained by the Probation Officer, the juvenile must appear before a judge within forty-eight (48) business hours for a Detention Hearing.



SECTION 3: SECURE DETENTION CENTERS

A secure detention is a locked facility which is used for juveniles who are under the age of 19. In the State of Nebraska, there are four secure detention centers which are located in Douglas, Lancaster, Madison, and Scottsbluff counties.

Intake decisions are handled by Juvenile Intake (probation), OJS or as ordered by the Judge. Release is ordered by the Court or responsible agency and must be in writing before a youth is allowed to leave.

VISITS: PERSONAL

Each detention center has its own policies about personal visit times for parents/guardians, siblings, or other relatives. You will have to check with the respective center for this information.

VISITS: PROFESSIONAL

Professional visits are by appointment only and can include (but are not limited to) Attorney, Probation Officer, Case Manager and other court appointed workers, clergy, etc.

When children are placed with DHHS/OJS or some other appropriate agency, one option is that they may be placed in foster care to address their needs and to allow the parents the opportunity to address their needs and/or receive parenting information.

3A CASES UNDER 43-247(3A)

3A cases under 43-247(3a) of the Juvenile Code gives the Court authority over youth and parents when the youth are without proper parental care by reasons of the faults or habits of their parents, guardians or custodians. This section also gives the Court authority to act on behalf of youth who are homeless or destitute or without proper parental support through no fault of their parents, guardians or custodians, including youth who have been abandoned.

Those youth may be placed in the temporary care and custody of the Nebraska Department of Health and Human Services until they reach the age of majority (19 years), or until the Court terminates jurisdiction, whichever occurs first. Jurisdiction will automatically terminate when the child turns 19 years old.



SECTION 5: RIGHTS OF PARENTS

The vast majority of parents have day-to-day responsibility for their children. They provide for their children's needs without outside agency help. The parents names generally appear on the birth certificates of their children. There are no court orders awarding custody.



In some cases, there are court orders that award legal custody to one parent over the other parent, e.g., divorces, paternity cases, and protection orders.

In other instances, the Court may award temporary custody to the Nebraska Department of Health and Human Services/ Office of Juvenile Services. This may occur when a child has committed a law violation or is adjudicated as a status offender. DHHS/OJS is directly responsible for meeting the needs of any youth placed in their temporary care and custody.

When children are removed for committing crimes or status behavior, custody is usually returned to the parents after the child has completed a rehabilitative program.

SCHOOL

All detention centers have an educational opportunity available to them; usually with an on-site school program. Youth are able to attain school credits while in detention. They can continue with school work from their home school as long as the school work is brought to the detention center. When appropriate, youth are able to begin the pre-testing/testing for the GED.

MEDICAL SERVICES

Medical services are available at the detention centers. Depending on the center, physicals will be conducted on intake by medical staff. Additional medical services are available to youth depending on local resources. Mental health professionals are available in the four local centers.

RELIGIOUS PROGRAMMING

Religious programming is available at all four detention centers. Religious services do not discriminate against any religious affiliation. Clergy are able to conduct visits with youth upon request.



SECTION 4: DIVERSION

Juvenile diversion programs are based on the belief that not all cases are best handled through formal charges, i.e., the filing of a petition.

In some instances, pretrial diversion is an excellent alternative to court involvement. The needs of the juvenile can often be met through this process.

In juvenile pretrial diversion programs, juveniles arrested for an offense are diverted from court involvement and referred to community service providers to best meet the juvenile's needs.

Juveniles must successfully complete the diversion program requirements in order to earn a dismissal, or its equivalent, of the diverted case. By law, all diversion programs must be established by the County Attorney with the concurrence of the County Board. (See Neb. Rev. Stat. § 43-260.02)

An interview will be conducted by Diversion staff to develop a case plan individualized for each juvenile.

The Case Plan may include such things as:

- ◆ Anger Management Classes
- ◆ Letter of Apology
- ◆ Chemical Dependency Evaluation
- ◆ Community Service
- ◆ Counseling
- ◆ Decision Making Classes
- ◆ Defensive Driving Classes
- ◆ Drug Testing
- ◆ Fire Starter Program
- ◆ Gender Specific Programming
- ◆ Mentoring
- ◆ Psychological Evaluation
- ◆ Recreational Activities
- ◆ School Activities
- ◆ Teen Court
- ◆ Tutoring

Most juveniles are placed in Diversion for 1-6 months. The cost of a diversion program varies from county to county. Not every county in Nebraska has a diversion program, so depending on where you live diversion may not be an option.