

*Handbook for Parents & Guardians*

# **FAMILY GUIDE TO THE DISTRICT OF COLUMBIA JUVENILE JUSTICE SYSTEM**



D.C. SUPERIOR COURT FAMILY COURT

## INTRODUCTION



The juvenile justice system can be confusing and overwhelming. Families with children in the District of Columbia's juvenile justice system may need information to guide them and to assure the best outcomes possible for their youth. This guide provides families with basic information about the juvenile justice process. In this guide, all references to parents include any legal guardian.

One of the goals of delinquency cases in the District of Columbia Family Court is: "to place a premium on the rehabilitation of children with the goal of creating productive citizens and to recognize that rehabilitation of children is inextricably connected to the well-being and strength of their families." D.C. Code §16-2301 (5) (2001). This goal recognizes that you know your child better than anyone else does. Therefore, you are in the best position to support your child in the juvenile justice system. Your involvement is a critical part of ensuring your child's successful completion of his or her court involvement.

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*Judge Hiram Puig-Lugo, Presiding Judge  
Family Court*

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*Judge Carol Dalton, Deputy Presiding Judge  
Family Court*

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*Judge Florence Pan, Co-chair  
Family Court Juvenile Subcommittee*

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## **HOW TO USE THIS GUIDE**

This guide is intended to help parents and caregivers better understand and navigate the juvenile justice system in the District of Columbia. This guide answers frequently asked questions and explains the juvenile justice system. You can either read through the whole guide so you have an idea of how the whole system works or just look up whatever information you need. To find information about a certain type of hearing or topic, look at the table of contents. We've made a list of the main topics covered in this guide and the page where you can find that information. For your convenience, the appendix section includes a map of the John Marshall ("JM") level of the courthouse, a glossary of terms used in court, a checklist of things to do to prepare for court hearings or meetings, a flowchart of the juvenile justice process, and a directory of services. We hope you find this guide to be a helpful tool as your family goes through this process which can be unfamiliar, difficult and, at times, overwhelming.

This publication may also be accessed at [www.dccourts.gov](http://www.dccourts.gov).



**THIS GUIDE PROVIDES GENERAL INFORMATION AND IS NOT INTENDED TO COVER EVERYTHING THAT MIGHT HAPPEN IN YOUR CHILD'S CASE. THIS INFORMATION WILL HELP EXPLAIN WHAT HAS HAPPENED, WHAT TO EXPECT NEXT, AND GIVE YOU INFORMATION TO HELP YOU ASSIST YOUR CHILD AND FAMILY IN SUCCESSFULLY NAVIGATING THE JUVENILE COURT PROCESS. IT IS NOT INTENDED TO TAKE THE PLACE OF AN ATTORNEY AND DOES NOT PROVIDE LEGAL ADVICE. IF YOU HAVE SPECIFIC QUESTIONS ABOUT YOUR CHILD'S CASE, YOU SHOULD TALK TO AN ATTORNEY.**



## ACKNOWLEDGEMENTS

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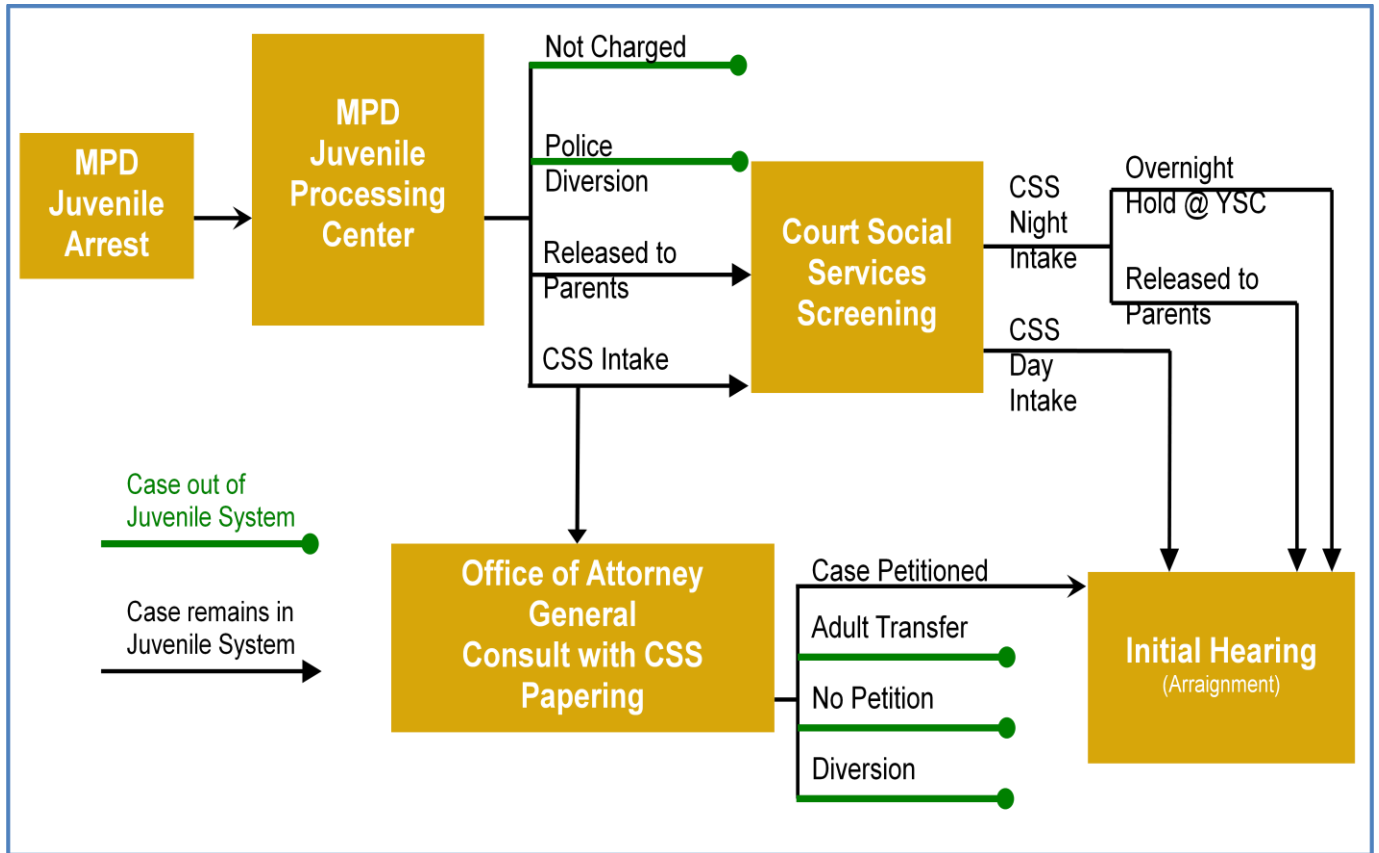
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# SECTION 1: JUVENILE ARREST THROUGH INITIAL HEARING



# **FREQUENTLY ASKED QUESTIONS**

- **My child just got arrested, where do I go?**
- **Can I refuse to take my child home?**
- **What do I need to bring to court?**
- **What happens the first time I go to court?**
- **Will I be ordered to participate during my child's case?**
- **Who might I meet in court?**
- **How does my child get an attorney?**
- **Will I be appointed an attorney?**
- **Will I have to pay for my child's attorney?**
- **Where do I go in the courtroom?**
- **Who is allowed in the courtroom?**
- **May I take my young children with me in the courtroom? What ages?**
- **Will my child be in physical restraints?**
- **How do I get medicine to my child at the Youth Services Center or on the first day in court?**
- **Can I get a note to confirm attendance for my job or my child's school?**
- **How do I get my child's property back?**



## *My child just got arrested, where do I go?*

If your child has been arrested, your child will be “booked” -- which means the alleged details of the incident/offense will be recorded in police records. When your child is arrested, the police officer will transport your child for processing at the Metropolitan Police Department (MPD) **Juvenile Processing Center (JPC), 5002 Hayes Street, N.E., Washington, DC.** After the booking/processing, your child will be taken to the **Court Social Services Division (CSS) Juvenile Intake Office I** or **Juvenile Intake Office II** depending on what time the processing is completed. If the processing is completed *before* 3:00 pm, your child will be taken to the **Juvenile Intake I Office** in **room 4206** on the 4<sup>th</sup> floor of the **D.C. Superior Court, 500 Indiana Avenue, N.W., Washington, D.C.** and that is where you should go. If the processing is completed *after* 3:00 pm, your child will be taken to the **Juvenile Intake II Office** (also referred to as “night-intake”) located at the **Youth Services Center (YSC), 1000 Mount Olivet Road, N.E., Washington, D.C.** - which is where you should go.

If your child is released to you in the evening or on a weekend, you will be given a date to return to court with your child. If you do not have transportation to pick up your child from court or intake, your child may be transported to your home. If your child is held, you must appear at the courthouse at 8:00 am on the next morning after your child’s arrest. The courthouse is open for this purpose on weekdays, Saturdays, and holidays; there are no initial hearings on Sundays. In some cases, a police officer or probation officer will instruct you to first go to the **Office of the Attorney General (OAG) Juvenile Section at 441 4th Street, N.W., Suite 1060-North**, for a meeting with the prosecutor before reporting to the courthouse. When you arrive at the courthouse go to room 4206 to meet with a probation officer. The probation officer will gather more information and prepare recommendations to be presented at the initial hearing before a judge. Once you have completed the screening process, an attorney will be assigned to your child if you cannot afford one. The attorney will represent your child throughout the case. **Note: The defense attorney works for the child – not for the parent or the court.**

## *Can I refuse to take my child home?*

After your child is arrested and processed, your child will be interviewed by a juvenile intake probation officer from CSS. The probation officer will also contact you to conduct an interview to obtain more information about your child, review your child’s prior contacts with the juvenile justice system, and consider your child’s behavior in the home and the community. Based on that information, the probation officer will decide whether your child should be released back into the community (with you or another caretaker) or held in detention overnight until he/she is brought to court in the morning to appear before a judge for an “initial hearing.”

If the probation officer decides to release your child, you (the parent) are expected to pick your child up from one of the previous areas listed above (**Juvenile Intake I or II**). You must bring your photo ID with you to pick up your child.

**If you are unable to pick up your child**, CSS may be able to help transport your child home. You, the parent, must be home if CSS brings your child home. If you are unable to be home, CSS may release your child to another adult in the home over the age of 18, but you must tell the probation officer that you will be unable to be home and give them permission to leave your child with another adult.

**If you refuse to take your child home**, and you are not the victim of domestic violence or have some other legally sufficient reason for your refusal, you may be referred to the Child and Family Services Agency for parental neglect or abandonment. In some cases, your refusal to take your child home may result in your child being held in detention.



**If you need help with your child, there are community-based resources you may contact outside of the juvenile justice system.** You can contact the **Department of Behavioral Health (DBH)** at **(202) 671-3070** and ask to be connected to community-based mental health services. DBH will connect you with a service provider such as First Home Care, PSI, or Youth Villages. You can also contact organizations directly throughout the area to determine what services, such as mentoring or afterschool programming you can access. Some organizations include:

Latin American Youth Center  
1419 Columbia Road, NW 20009, (202) 319-2225 [www.layc-dc.org](http://www.layc-dc.org)

Big Brothers Big Sisters of the National Capitol Area  
10210 Greenbelt Road, Suite 900, Lanham, MD 20716, (301) 794-9170 [www.bbbsnca.org](http://www.bbbsnca.org)

Boys & Girls Clubs of Greater Washington  
4103 Benning Road, NE, Washington, DC 20019, (202) 540-2300 [www.bgcgw.org/dc](http://www.bgcgw.org/dc)

There is a Directory of Services at the end of this handbook.

### *What do I need to bring to court?*

Bring a government-issued photo I.D. This may include a driver's license or non-driver's identification or passport. In addition, if possible, bring your child's birth certificate or legal guardianship documentation (if applicable). It will also be helpful if you can bring copies of report cards and attendance information. Also bring medication (if any) and proof of medical insurance. If you have **Medicaid**, it will be important that you make sure that your card is active or current in order to avoid delay in implementing services. If you would like information about Medicaid in particular, including how to apply for Medicaid or to check on your current Medicaid status, please see the additional resources for parents in the Directory of Services at the end of this handbook.

### *What happens the first time I go to court?*

The initial hearing is your child's first appearance before a judge. Initial hearings are held in **courtroom JM-15**, located on the **John Marshall (JM) level** of the courthouse. (See map of JM-level.) The following may occur:

Before the scheduled hearing you will be told if your child is being charged with an offense or if the charges are being dropped or "no papered," meaning that the prosecutor has decided not to pursue the case.

The prosecutor may also request additional time, up to five business days, to make a decision as to whether your child will be charged. This request is referred to as a request for a "five-day hold," and may be granted if the prosecutor demonstrates good cause as to why additional time is needed to make a charging decision. (For example, there may be a need to interview a victim or necessary witness.) If the judge grants the prosecutor's request for a five-day hold, a further initial hearing will be scheduled. A five-day hold does not necessarily mean that your child will be detained for five days. It just means the government has five days to decide whether to charge your child. The detention decision is a separate decision.



Another possibility is that the prosecutor may decide to offer a consent decree or “divert” your child into an alternative community-based program. (See glossary of terms for definitions.)

If your child is charged, during the initial hearing the judge will inform you and your child about the charges against him or her and then the judge will decide whether your child will be released or detained pending the next hearing. If your child is not charged (or “no-papered”), your child will be released with no conditions, no future court dates, and you may inquire about getting your child’s arrest record sealed.

If your child is released, the judge may issue a court order with conditions that your child must follow. These conditions may include a curfew, electronic monitor, mandatory school attendance, compliance with directives given by CSS probation officers, and drug screening. If your child is not released, and is detained in a shelter house or the detention center, you will be given a court date and will be advised of any conditions the court may impose.

### *Will the court order me to do anything?*

The judge will issue a “**Parent Participation Order**” requiring a parent to do certain things while his/her child’s case is pending. These requirements may include appearing at all future court dates, monitoring your child’s school attendance and curfew, and participating in services.

### *Whom might I meet in court?*

**Judges and Judicial Staff:** Associate Judges and Magistrate Judges (“judges”) conduct hearings. Associate Judges decide issues of adjudication (involvement) as well as the terms of disposition (sentence). The judge’s staff may also be in the courtroom.

**Courtroom Clerk:** The courtroom clerk is seated next to the judge and is responsible for maintaining the court record, assisting the judge with scheduling matters, and with giving out copies of “notices to appear,” and other court orders. The courtroom clerk also checks in parties and attorneys, administers oaths and distributes copies of court orders after court. (There may be two courtroom clerks.)

**Department of Youth Rehabilitation Services (“DYRS”) Staff:** DYRS is responsible for the supervision, custody, and care of youth charged with a delinquent act in the District and who are detained in a DYRS facility while awaiting a plea, a factfinding hearing, or a disposition hearing, or who are committed to DYRS by a judge following adjudication. DYRS operates the Youth Services Center (YSC), shelter homes, New Beginnings Youth Development Center, and group homes.

**Court Social Services Division Probation Officer:** (also referred to as “CSS,” “CSSD,” or “juvenile probation” but for purposes of this guide, referred to as “CSS”) CSS is the District’s juvenile probation agency. The probation officer is responsible for serving and supervising youth charged with an offense and for supervising youth placed on probation after adjudication. Those youth include all youth entering the court system in juvenile delinquency cases and Persons in Need of Supervision (PINS) cases (for example, “status offenses” such as truancy, curfew, and runaway cases). Note that your child will have a probation officer assigned to supervise him or her while the delinquency case is pending, even if the child is not on probation yet.

**Law School Clinical Attorneys:** Attorneys from area law schools may be appointed by the court to represent youth whose families are unable to afford an attorney. These attorneys specialize in representing youth and work with law students to defend youth in delinquency cases.

**Office of the Attorney General for the District of Columbia (“OAG”) Prosecutor:** Prosecutors in the Juvenile Section of OAG (“the Juvenile Section”) are responsible for charging and prosecuting youth for acts of delinquency.

**CJA Attorneys:** Private attorneys may be appointed by the court to represent youth whose families are unable to afford an attorney. These attorneys are appointed under the “Criminal Justice Act” and are referred to as “CJA attorneys.”

**Retained Attorneys:** If you can afford to pay a lawyer to represent your child, you may “retain” a lawyer of your own choosing.

**The Public Defender Service for the District of Columbia (“PDS”) Attorneys:** PDS is a government agency that employs attorneys whom the court appoints to represent and defend youth whose families are unable to afford an attorney. A special unit within PDS is dedicated to representing youth.

**Witness:** A witness is a person who is called to testify about what he/she has seen, heard, or knows about the facts in a case or about his/her specific expert knowledge. At the initial hearing, if the judge is considering detaining your child pending adjudication, the OAG will call a witness (who may be a police officer) to tell the court about what he/she knows or has seen. Your child’s attorney may question the witness in an effort to challenge the witness’s ability to identify your child, recollect the facts, or challenge the witness’ truthfulness.

### *How does my child get an attorney?*

If you cannot afford to hire or “retain” an attorney to represent your child, the court will appoint one to represent your child. The attorney will be assigned on the day of your child’s first court appearance before the case is called in the courtroom. The attorney will then interview your child and interview you. If you sit in the hallway outside courtroom JM-15, the attorney will find you.

### *Will I be appointed an attorney?*

The attorney appointed for your child represents your child, not you. Most parents do not have attorneys in their children’s delinquency cases but there may be some things about which you wish to have the advice of an attorney. If that happens, you may consult with an attorney but the court will not appoint one for you.

### *Will I have to pay for my child’s attorney? (CJA and PDS Eligibility)*

Whether you have to pay for your child’s lawyer depends on your income. You will be interviewed by someone called an “eligibility examiner” who will ask you questions about your wages, savings, and property. If your income is above a certain level, you will have to hire or “retain” a lawyer for your child and pay that person. If your income is below a certain level, the court will appoint a lawyer at no cost to you. If your income is right on the border, you might be required to make some payments – or a “contribution” – at a reduced rate for a court-appointed lawyer.

## Where do I go in the courtroom?

Normally, your child's attorney will get your child (if he/she is with you) and you from the hallway outside the courtroom, bring you into the courtroom, and show you where to sit. Your child will usually stand at the table closest to the courtroom clerk(s). Your child's attorney will stand next to your child, and you will stand on the other side of your child's attorney. If the OAG calls a witness to testify, then you will all sit down. Your child and his/her attorney will sit at the table, and you will be asked to sit in the gallery of the courtroom. You should be sitting in or near the front row so that your child's attorney knows where you are and in case the attorneys and/or the judge have questions for you. If you might one day be a witness in your child's delinquency case, you may be asked to leave the courtroom while any other witness testifies.



## Who is allowed in the courtroom?

Juvenile proceedings are confidential and closed to the general public. In addition to you, your child and other family members, the following people will be in the courtroom: the judge and his/her staff, courtroom clerk(s), prosecuting attorney, defense attorney, and authorized personnel from CSS (probation officer) and the DYRS. If you (the parent) have your own attorney, your attorney will also be in the courtroom. Other attorneys may also be in the courtroom. Sometimes social workers, therapists, community support workers or other personnel who work with the youth will be present at court hearings. In some rare cases, the judge may allow members of the press/media to attend juvenile proceedings as long as they agree not to identify the child or members of the child's family involved in the court proceedings.



### *May I take my young children with me into the courtroom? (What ages?)*

The court strongly prefers that parents do not bring other children – especially young children – into the courtroom. The court encourages parents to use the **D.C. Superior Court Child Care Center** which provides a friendly, safe and clean environment for children if the children are toilet-trained and between the ages of 2 and 12. Parents are required to fill out registration forms.

The Child Care Center is open Monday through Friday from 8:30 am to 5:00 pm and is located in **Room C-185** on the lower level of the courthouse. Children must be picked up by 4:45 pm. (Meals are not provided; therefore, parents are required to pick up their child for lunch from 1:00 pm to 2:00 pm). If the child is old enough to be left alone, the child can also wait outside the courtroom or in the waiting room. Parents, however, may bring babies into the courtroom if there is no one else available to watch the baby/babies. Bringing a baby into the courtroom should be a last resort because the court wants the parent(s) to be totally focused on the court proceeding and not to be distracted.



### *Will my child be in physical restraints?*

If your child is detained, he or she may be physically restrained in handcuffs, leg cuffs, and/or a waist-chain during court proceedings. The judge will make a determination whether restraints are necessary.

### *How long will the hearing take?*

The length of the hearing varies depending on the type of court proceeding. Generally, once it starts, the average initial hearing will take 30 minutes or less. However, there may be a wait time for the initial hearing or other court proceeding to start depending on the processing of the necessary paperwork and the presence of all necessary parties and witnesses. Status hearings and disposition hearings vary in length. You can consult with your child's attorney about how long a hearing is expected to take. Some hearings are quite short, especially if the child is compliant with his or her court-ordered conditions or if the parties just want to set a new date. A factfinding hearing or trial generally will take several hours and may even take several days. You should try to arrive early for your child's hearing and allow time for getting through court security. To be on the safe side, parents should arrange to take leave from work for the entire day if s/he can. Once you arrive, please do not leave the waiting area until your child's case is called.



## How do I get medicine to my child at YSC or on the first day in court?

Make sure you bring with you:

- The medication in the original packaging that has your child's name, pharmacy information, and dosage on it;
- The prescription (if you have it);
- Your own ID; and
- Proof that you are your child's parent, such as a birth certificate, social security card, or other legal documentation.

If you need to get medicine to your child on the night of your child's arrest and you know that your child has been taken to the Youth Services Center (YSC), you should take the medication to YSC at 1000 Mt. Olivet Road, N.E. and ask at the front desk to speak with a representative from the medical unit. The YSC medical unit is open 24 hours a day and can be reached at (202) 576-8460.

If the medication runs out and your child is still detained, the YSC medical unit will refill the medication from their own pharmacy supplier so that the parent does not have to drop off the medication during the entire time of detention. The child will receive their morning medications prior to going to court but medications are not routinely sent to court with the child. Once the child is released at court, any medication supplied by the parent should be released with the child. If this does not happen and the medication gets returned to YSC, YSC will call the parent and ask the parent to come pick up the leftover medication. Any leftover medication supplied by YSC will be returned to its medical supplier.



To get your child's medication to him or her at the first court hearing after their arrest, bring the medication with you to court in the *original packaging* that has your child's name, pharmacy information, and dosage; if you have the prescription, please bring that as well.

Who you should tell about your child's medication:

- Tell your child's attorney about your child's medication and/or medical condition(s). If your child is detained, the attorney can make sure that the medication is given to DYRS staff so that it can be taken back to YSC. Your child's attorney will also complete a medical alert for your child with your assistance.
- During your child's initial hearing, tell the judge that your child is on medication and what he or she takes.
- Also tell the probation officer from CSS.

## Can I get a note to confirm attendance for my job or my child's school?

Yes, you can get a note for your job or your child's school. The courtroom clerk, who sits in the courtroom next to the judge, will give you a note indicating that your presence was required in court or explaining your child's absence from school – but you need to ask for the note. You should give the note to your job or your child's school but you should not give your child's court order to your job because information on that order is confidential and should not be shared.

## How do I get my child's property back?

When your child is arrested, your child's property may end up in three different places:



Your child's shirt, pants and shoes will be taken at the detention center, YSC. Anything *other than* basic clothes, e.g., shoelaces, watches, belts, backpacks, wallets and cell phones, will be taken to **the local district MPD station** where the arresting officer works. Anything the government might use as evidence will be taken to **MPD's Evidence Control** division.

Tell your child to keep the blue wristband he or she received when arrested. This wristband will help connect your child to his/her property. If, however, your child throws the wristband away or loses it, you can still retrieve the property with a proper ID.

## How do I pick up property from YSC?

Often your child's clothes will be returned to him/her when he/she goes to court. If not, YSC releases property Tuesdays and Thursdays from 9:00 am to 5:00 pm. YSC is located at 1000 Mt. Olivet Road, N.E., Washington, DC 20002. Ask for permission to go to the property room. Bring your ID, your child's birth certificate and your child's ID. Call YSC in advance at (202) 576-9222 to confirm this is still the procedure and to schedule a time.

*You have to go with your child to pick up his or her property. The police will not give your child the property without you there.*

## How do I pick up property from an MPD district station?

Call the district station where the *officer who arrested your child* works and ask to speak with the property desk to find out when they are open. **Each MPD district has a different schedule.**

Your child needs to bring his or her ID (driver's license, school ID or blue wristband), and you should bring ID and proof that you are your child's parent (birth certificate, social security card or legal guardianship papers). You should bring as *much* documentation as possible so you do not have to go back twice.

**If you want to pick up your child's property from MPD while he or she is still detained at YSC,** you must bring with you a notarized letter from your child giving you permission to pick up his or her property. You can get a notarized letter from your child by visiting him or her at YSC, as a notary works there. The notary works in the property room, so you should call in advance at (202) 576-9222 to ask the property manager when he or she will be on duty and to confirm that he or she is a notary. The notary is currently Mr. Lewis and works Mondays and Thursdays 8:30 am to 7:00 pm. This may change so call to get the latest information. (YSC is located at 1000 Mt. Olivet Road, N.E., Washington DC 20002).

**To pick up property from MPD Evidence Control:** If your child's property was held by the police as potential evidence in a case, you must usually wait until the case is over.

To pick up property held as evidence, the arresting officer must process a **PD 81-C form** for your child. The arresting officer will ask the prosecutor from OAG to sign the form to release the property. You will have to request that the officer process this form.

*If you have trouble getting your child's property back and your child has an attorney, your child can ask his/her attorney for help contacting the officer and the OAG to get the appropriate paperwork processed. If your child does not have an attorney, you can contact PDS at (202) 628-1200.*

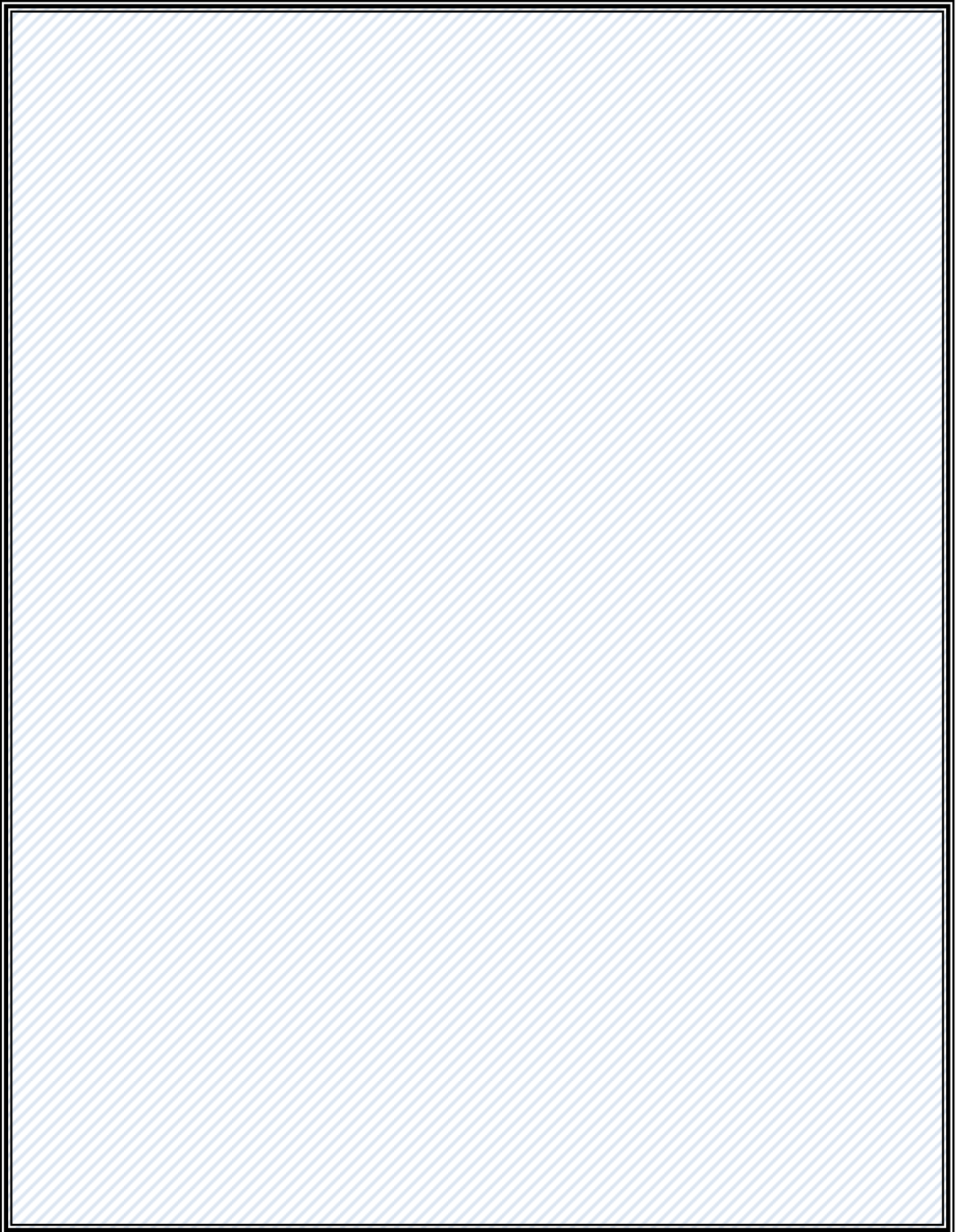
If your child's case is closed and your child does not have an attorney, call the district where the arresting officer works and ask to be connected to the property desk. Tell the officer at the property desk that your child's property was held as evidence but that the case is now over. Ask him or her to contact the arresting officer to request them to process a PD 81-C form. If the property desk is not able to help you, you should ask to speak to the arresting officer directly.

After the arresting officer gets the PD 81-C signed by the OAG, s/he will upload the form to MPD's system. You should call the property desk or the arresting officer to see if the form has been processed. Also ask them for the **property control number**. You can also contact the Evidence Control Office at (202) 727-2138 to ask them whether the PD 81-C has been processed and if the property is ready for pick-up.

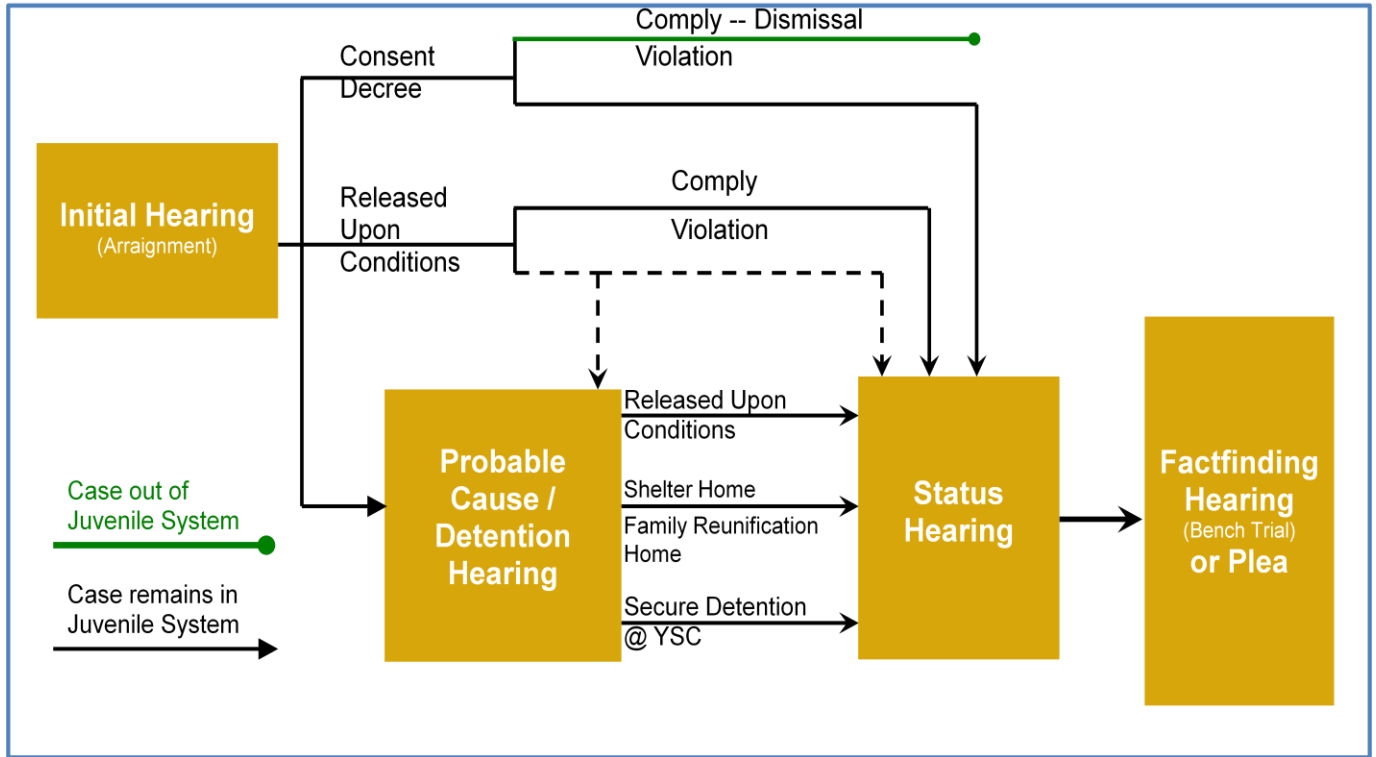
Once the form has been processed, you can go pick up the property from Evidence Control at **17 Village Drive, S.W., Washington, DC 20037**. You or the child's attorney must go *with your child* to pick up the property, 8:00 am to 4:00 pm, Monday-Friday. Bring your child's ID, your ID, your child's Social Security card or birth certificate and the property control number. Call Evidence Control at (202) 727-2138 in advance to confirm that this is still the procedure.







# SECTION 2: INITIAL HEARING THROUGH FACTFINDING (TRIAL) OR PLEA



# **FREQUENTLY ASKED QUESTIONS**

- **The next hearing after the initial hearing in courtroom JM-15 is a status hearing. What is the purpose of the status hearing?**
- **What will happen between a status hearing and a factfinding hearing?**
- **What is the difference between a status hearing and a factfinding hearing?**
- **What is the role of my child's probation officer in my child's case from the initial hearing to the factfinding hearing?**
- **What is my role in my child's case?**
- **If my child is detained pending the factfinding hearing (trial), how will he/she attend school? What if my child is a special education student?**
- **Can a child waive his/her right to the factfinding hearing and plead guilty?**
- **Is diversion available to my child? What types of diversion programs are there?**
- **How long does my child have to wait before the factfinding hearing begins?**
- **What will happen at the factfinding hearing (trial)?**



*The next hearing after the initial hearing in Courtroom JM-15 is a status hearing.  
What is the purpose of the status hearing?*

The purpose of the status hearing is for the judge to review your child's case and determine the next steps. The judge will review a written report provided by the assigned probation officer documenting your child's overall adjustment since his/her arrest. The judge may make changes to your child's placement order or the parent participation order or maintain the orders as they are. At the status hearing, the judge also receives updates on the status of the case from the exchange of information between the prosecutor and your child's lawyer that the lawyer may need to prepare for trial. This process of exchanging information is referred to as "discovery." Depending on many factors, the judge will decide whether to schedule a further status hearing or schedule the case for a factfinding hearing (trial) if a factfinding hearing date has not already been set. Topics which may be discussed may include whether the case will be resolved by a plea agreement, consent decree, or acceptance into the Juvenile Behavioral Diversion Program (JBDP) (discussed later in a separate question). If the case is to be resolved by a plea agreement the judge may accept the plea at the status hearing and then will schedule a "disposition" (sentencing) date.

*What will happen between the JM-15 initial status hearing and the first status hearing?*

Court Social Services ("CSS") will assign a probation officer to your child. The assigned probation officer will contact your child and family soon after being assigned to the case.

If your child is released, an initial office visit will be scheduled by the probation officer.

Between the JM-15 initial hearing and the first status hearing, the probation officer will do the following:

- conduct a home visit;
- conduct curfew calls and visits;
- make all court-ordered referrals (e.g., drug treatment, core services agencies for services such as therapy, assignment of a community support worker, etc.);
- meet with your child and family (office visit) to review the court order; or
- if your child is detained, visit your child at the Youth Services Center (YSC) or the assigned shelter care placement (also referred to as a Youth Shelter House (YSH) or Family Reunification Home (FRH)).

*What is the difference between a status hearing and a factfinding hearing?*

**Status Hearing:** A status hearing is a chance for the parties and the judge to have a conversation about how the case is going and to set a schedule for resolving the case. One thing that might be discussed at the status hearing is how your child is doing and whether the judge should change your child's placement or release conditions; another is whether the government has given the defense attorney information about the case (called "discovery"); and another is whether a plea offer has been made. At the status hearing, the judge may set a factfinding (trial) date if one has not already been set. A status hearing is usually fairly short, and usually does not involve the testimony of any witnesses.

**Factfinding Hearing:** A factfinding hearing, which is what a trial is called in juvenile court, is the time when the judge will hear witnesses and other evidence and make a decision about whether your child was involved (guilty) or not involved (not guilty) in the charged offense. A factfinding hearing can last anywhere from a few hours to a few days depending on how complicated the case is and how much evidence there is.

## *What is the role of my child's probation officer in my child's case from the initial hearing to the factfinding hearing?*

Generally, the probation officers are the eyes and ears of the court. They inform the court about your child's behavior while the case is pending in court. They make recommendations to the court concerning your child's needs. Probation officers also monitor your child's compliance with the court-ordered conditions.

More specifically, the role of the probation officer during the trial or adjudication phase is to provide case management (coordination of court-ordered and non-court ordered services) for your child. In many instances, these services are not limited to your child, but may include your participation as well. As referenced earlier, parent participation orders are issued by the judge presiding over your child's case and may require you to engage in specific services and otherwise participate in your child's rehabilitation. The probation officer sets up and may also participate in the **Family Group Conference (FGC)**, which is a meeting of members of the family and other people or organizations involved with your child to identify the strengths and needs of your family and detail an action plan for meeting your child's needs and the needs of your family. The probation officer is also responsible for coordinating assessments ordered by the judge such as mental health evaluations, drug treatment evaluations, and educational evaluations. The probation officer also conducts home visits to make sure the home is suitable to meet your child's needs and conducts school visits to make sure your child is attending school and abiding by school rules. Finally, the probation officer conducts curfew checks to make sure your child is returning home at the time designated by the judge.

Probation officers may also have duties such as staffing the **Balanced and Restorative Justice Drop-In Centers (BARJ)** which serve pre-trial youth as an alternative to detention. If your child is ordered into BARJ, s/he may interact with his assigned probation officer or other probation officers there. The probation officer also works with teams of probation officers within CSS to provide enriching activities and programs designed to engage your child, to prevent him or her from re-offending and to increase public safety. These programs include, but are not limited to: college tours, touring historic places, community safety rallies, community service, and other constructive activities.

## *What is my role in my child's case?*

The law requires that your child, with the advice of his/her attorney, make the major case decisions. **Your role is to help your child to get on, and stay on, a path to successful completion of their court involvement.** This may include attending court hearings and court-ordered programs with your child. You can also make recommendations to the court and to the probation officer concerning your child's needs. You are required to comply with the parent participation order. In addition, you inform the probation officer about your child's behavior while the case is pending in court according to the participation order. You monitor your child's compliance with the court ordered conditions and inform the probation officer of any concerns you may have concerning your child. If your child violates any of the court's orders, you must inform the probation officer of your child's violation(s). You assist in ensuring that your child knows of and is present at assessments, appointments or services that are court-ordered and all hearings. In some instances, you may be ordered to participate in services as well, such as **Functional Family Therapy**.



## *If my child is detained pending the factfinding hearing (trial), how will he/she attend school? What if my child is a special education student?*

There are two ways that your child might be detained pending trial. If your child is placed in shelter care (also referred to as a Family Reunification Home (FRH)) s/he will continue to attend her/his regular school. If your child is 15 or younger, the FRH will transport him or her to and from school. If your child is older than 15, your child may be allowed to take public transportation to and from school, if appropriate. If your child is placed at the Youth Services Center (YSC), then your child will attend the school at YSC. The school at YSC is a D.C. Public School (DCPS) school and is obligated to meet the requirements of your child's Individualized Education Plan ("IEP") if your child is a special education student.

## *Can a child waive his/her right to the factfinding hearing and plead guilty?*

Your child is charged with a delinquency offense and therefore is entitled to have his/her guilt (involvement) determined at a factfinding hearing (trial) conducted by a judge. Like an adult who is charged with committing a crime, a child may waive his/her right to a factfinding hearing (trial) and enter a plea of guilty (involved) instead. Your child's defense attorney will talk to your child to see if s/he is interested in having the case resolved by a plea agreement instead of a factfinding hearing (trial). The defense attorney will have discussions with the prosecutor concerning a possible plea agreement. Plea agreements may include agreements as to what charges a child will admit and which, if any, the prosecutor will dismiss, whether the prosecutor will argue to detain or release the child pending the disposition (sentencing), and what the prosecutor will argue should happen to the child at the disposition. The judge will be bound by the government's decision to dismiss counts but not the prosecutor's recommendation regarding detention or disposition (sentencing). While the judge will certainly consider the prosecutor's opinion, the judge will also take into consideration the recommendation made by your child's attorney and Court Social Services (CSS) regarding placement before disposition and at disposition. **The decision whether to have a factfinding hearing (trial) or accept a plea offer is your child's decision.**

If the case is resolved by a plea, the judge will hold a hearing to make sure that your child understands his/her rights, the plea agreement, and the possible disposition (sentence) that your child will face. If your child pleads guilty the judge will schedule a "disposition" hearing (sentencing).

It is important to understand that, while the defense attorney may be helpful in explaining to you what is happening in your child's case, the defense attorney is ethically required to represent your child. This means that they must advocate for what your child wants, not necessarily what you or the defense attorney personally believes is best for your child. **He or she is NOT your attorney.** Nevertheless, your child's attorney should consult with you at all stages of the process. Successful communication between you, your child, and your child's attorney is crucial to the attorney being able to successfully represent your child. However, there are communications between your child and his/her attorney that the attorney MAY NOT be allowed to communicate to you.

## *Is diversion available to my child? What types of diversion programs are there?*

For purposes of this guide the word "diversion" will be used broadly to mean opportunities that may be offered to your child to enter a program to resolve a case without your child pleading guilty or having a factfinding hearing (trial). For delinquency offenses, there are currently three different diversion opportunities available. They are: pre-arrest diversion, post-arrest diversion, and consent decrees. These programs are available at different stages of the proceedings and each has its own eligibility criteria.

**Pre-arrest Diversion:** After seizing a child for committing a delinquency offense, the police may divert a child into a program rather than “arrest” him or her. The youth must have committed a non-violent misdemeanor offense and a parent must be immediately available to pick up the child and sign the necessary paperwork. If diverted at this stage, the police do not obtain arrest numbers, take a complete set of fingerprints, or photograph the child. A child who is diverted at this point can truthfully say that s/he has never been arrested.

**Post-arrest Diversion:** After arrest, CSS will review the seriousness of the alleged acts, the child’s record of prior police and court contacts, home environment, school participation, and check if the child meets the eligibility criteria. They will also meet with the child and his/her parent. If CSS and the OAG agree, the child may be offered the opportunity to participate in a diversion program. If that happens, the child will not have to appear before a judge. The case will be dropped if the child participates in and successfully completes the diversion program. If the child fails to successfully complete the diversion program, the government will file the original charges against the child in court.

**Consent Decree:** As with post-arrest diversion, CSS will review the alleged acts, review the child’s social history, check the eligibility criteria and speak with OAG about whether the child will be offered this diversion opportunity. However, prior to a consent decree being accepted the child will not only be arrested but a petition (charging document) will be filed with the court. The child will be arraigned on the petition and, if a consent decree is offered, the child will be asked if they want to participate in the consent decree program. If the child agrees, then the judge will enter the terms of the consent decree in an order. The case will then be put off for a number of months. If the child successfully completes the program then the charges will be dropped and the child will not have to appear back in court. If, however, the child does not successfully complete the program, the petition will be reinstated and the case will proceed in court.

**Juvenile Behavioral Diversion Program (“JBDP”):** This treatment court for children with mental health diagnoses contains one track that is diversion. Children with a low-level offense who meet certain criteria may be eligible for diversion through this program. If your child completes the JBPD on this track, his or her case is dismissed. You can talk to your child’s lawyer to see if your child qualifies.

### *How long does my child have to wait before the factfinding hearing begins?*

If your child was released pending the factfinding hearing (trial), there is no statutory or rule-based deadline or period in which the factfinding hearing must be set. However, under the court’s internal guidelines, the factfinding hearing typically is scheduled within about 60 days.

If your child was placed in a shelter house or Family Reunification Home pending the factfinding hearing, D.C. law requires the factfinding hearing to be held within forty-five (45) days of the date your child was placed in shelter care. In certain situations, as approved by the judge, the factfinding hearing may be continued for one additional forty-five day period.

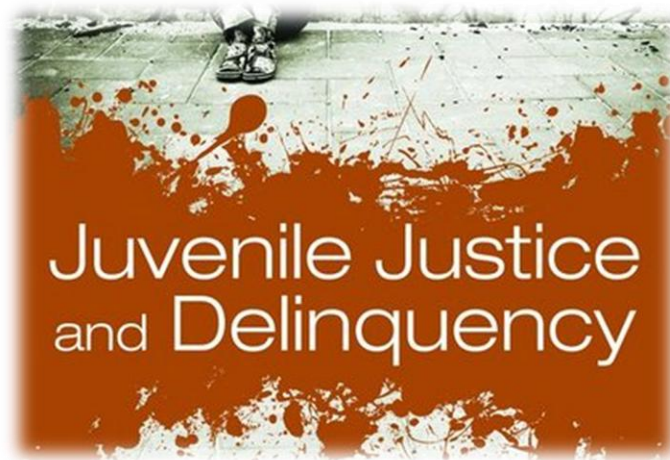
If your child was placed in secure detention at YSC pending the factfinding hearing, D.C. law requires the factfinding hearing to be held within thirty (30) days of the date on which your child was placed in secure detention. If your child was placed in secure detention and is charged with murder, assault with intent to kill, first-degree sexual abuse, burglary in the first degree or robbery while armed, the factfinding hearing must be scheduled within forty-five days (45) of the date of your child’s detention. In certain situations, as approved by the judge, the factfinding hearing may be continued (or postponed) for one additional thirty or forty-five day period depending on the applicable time period.



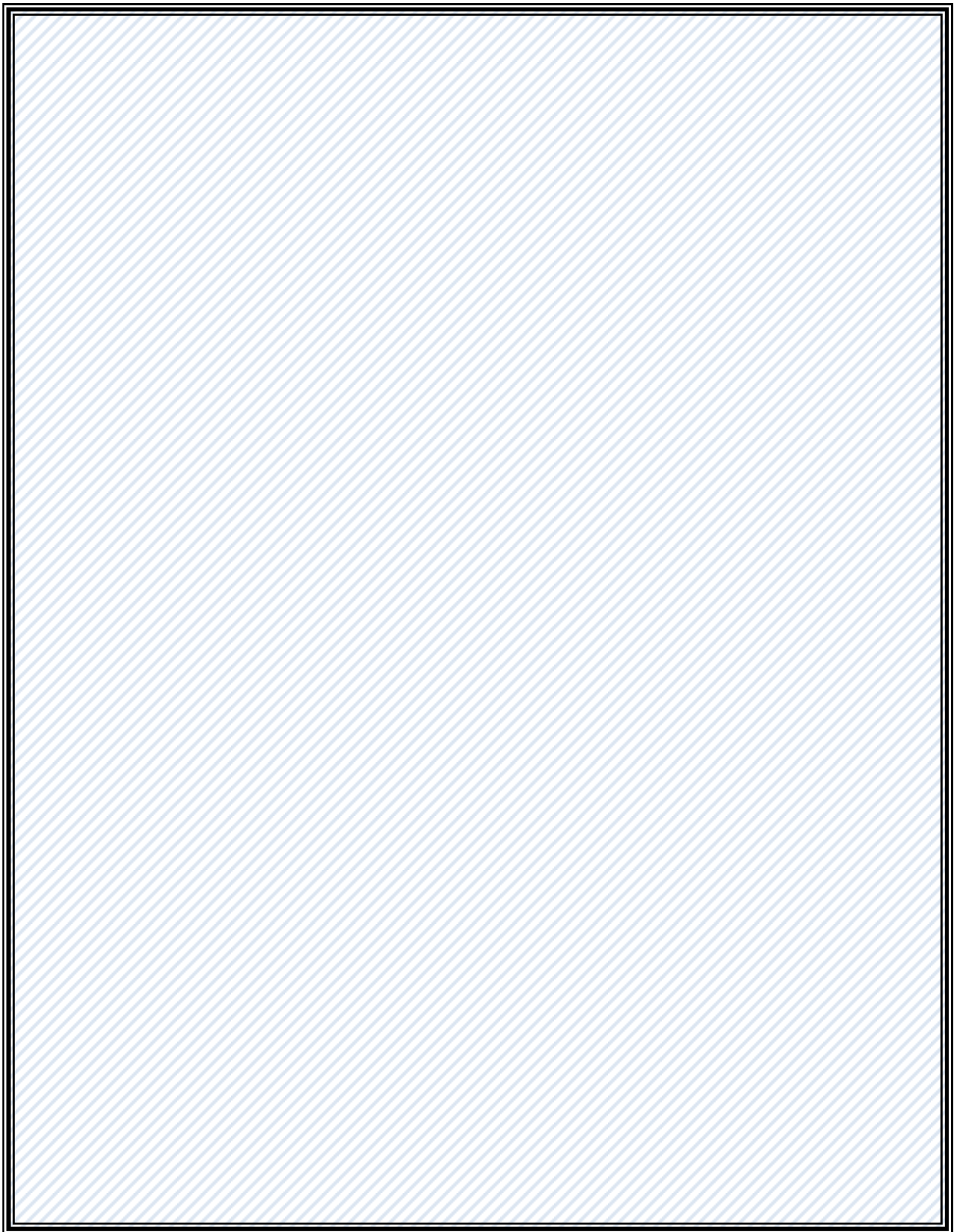
## *What will happen at the factfinding hearing (trial)?*

The factfinding hearing is where the judge decides whether your child is involved (guilty) or not involved (not guilty). To do that, the judge will listen to arguments from the lawyers; hear testimony from witnesses and review other evidence. How long a trial lasts depends on how much argument, evidence, and testimony there is, as well as on the court's schedule. Most trials last a day or two, but a complicated trial can last for a few days or over a week. Since the government (prosecutor) files the charges, they are the side that must prove that the charges are true. This means that they are the first side to call witnesses and present evidence. After the prosecutor has questioned each witness, the defense attorney will also have a chance to question that witness. At the end of the government's case, the defense can choose whether to present its own witnesses or not. The defense does not have to call any witnesses, but if they do then both sides get the chance to ask questions. Your child will decide if s/he wants to testify in her/his own defense, but s/he is not required to. At the end of the factfinding hearing, the judge will decide whether the government has proved its case beyond a reasonable doubt. If the judge finds your child involved (guilty) as to all or some of the charges, the judge will set a date for disposition (sentencing). If the judge finds your child not involved (not guilty), the case is over and your child can move to seal his record at the appropriate time. (The process for sealing a record is explained in Section 3.)

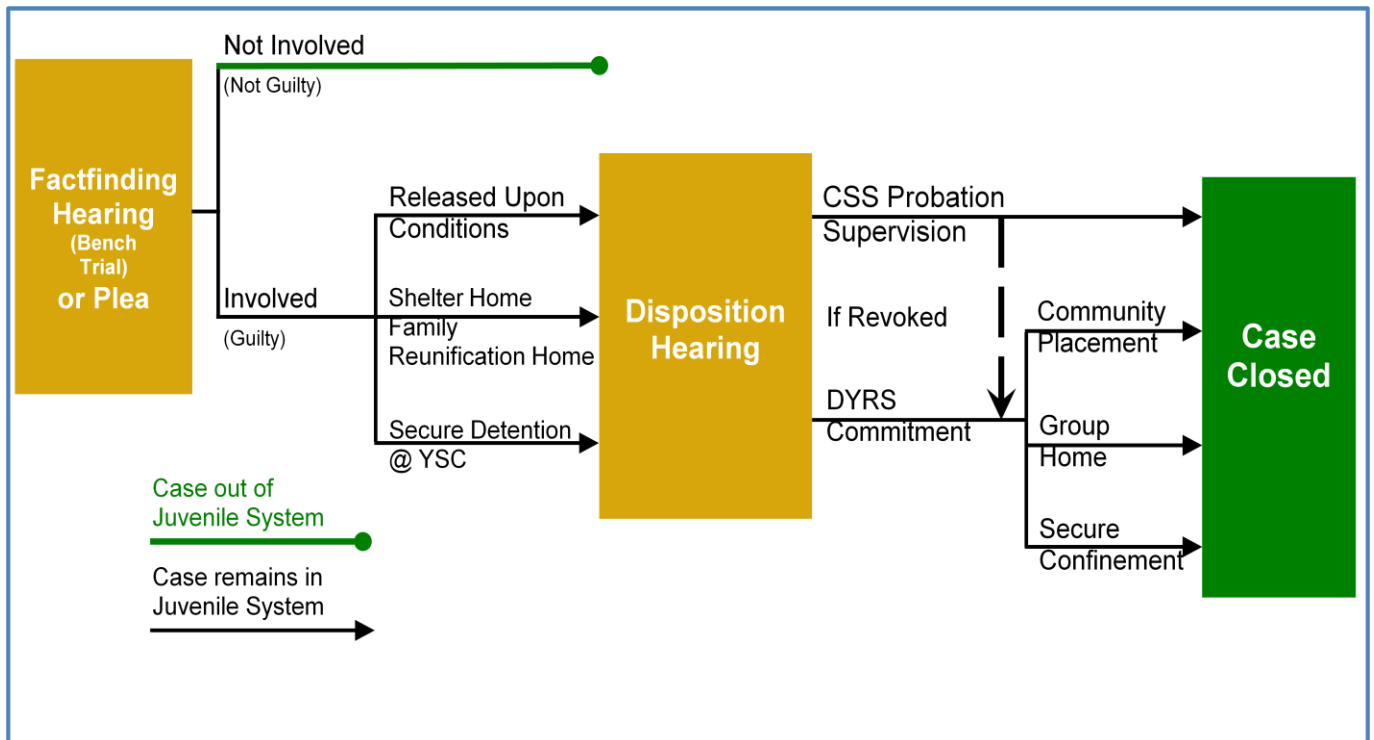
During a factfinding hearing, anyone who might be a witness in the case usually has to stay outside the courtroom. If you (the parent) are not a witness in the case, you may sit in the courtroom and watch the factfinding hearing.







# SECTION 3: POST-FACTFINDING (TRIAL) OR PLEA



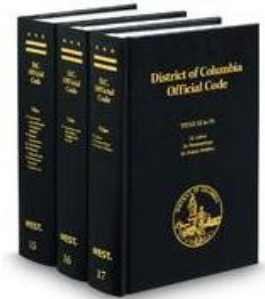
# **FREQUENTLY ASKED QUESTIONS**

- **What will happen at the disposition hearing and what are the disposition alternatives available to the judge?**
- **What is a social study report? What other types of evaluations might the judge order for my child?**
- **Am I financially responsible for my child's act?**
- **What does having an adjudication mean for my child?**
- **What happens if my child violates a condition of probation?**
- **Does my child have a right to appeal after a trial (or after disposition)?**
- **Can a juvenile record be sealed and how do you seal a juvenile record?**



## *What will happen at the disposition hearing and what are the disposition alternatives available to the Judge?*

A disposition hearing is held after a factfinding hearing (trial) or guilty plea to determine whether a child in a delinquency or Persons In Need of Supervision (PINS) case is in need of care and rehabilitation and, if so, what order of disposition (sentence) the court should make. The court must decide whether it will: (1) dismiss the case if the child is not in need of care and rehabilitation; (2) place the child on probation, and return the child home; or (3) commit the child to the care of the Department of Youth Rehabilitation Services (DYRS). Present at the disposition hearing will be the judge, courtroom staff, prosecutor, probation officer, the child, the child's attorney, and the child's family. If the case has a victim, he/she may also attend the hearing, present a victim impact statement, and address the court. An eyewitness may also attend the hearing. To aid the court in deciding the proper disposition, the court will review the social study report prepared by a probation officer. It will also listen to the recommendations made by the probation officer, the prosecutor, the child's attorney, the child, and the child's family.



An initial probation order can be for a period of up to one year, but can be extended year-by-year until the child's 21<sup>st</sup> birthday. Probation orders may include requirements such as school attendance, a curfew, participation in counseling and services, performing a designated number of hours of community service, and regularly reporting to a probation officer. Youth who fail to comply with a probation order or are rearrested may, after a hearing, have their probation revoked and may be committed to DYRS.

Should the court commit a child to DYRS, that agency will determine whether, or when, the child will be securely detained, returned to the community in a group home, or returned home. It will also determine what programs the child must complete to aid in his or her rehabilitation. The court may commit a child to DYRS's care for any amount of time up until the child's 21<sup>st</sup> birthday. All disposition orders, except restitution orders, end when the child reaches his or her 21<sup>st</sup> birthday. The restitution hearing may be held as part of the factfinding or disposition hearings or as a separate hearing within thirty days of the disposition hearing. See separate question below regarding restitution.

## *What is a Social Study Report? What other types of evaluations might the Judge order for my child?*

A Social Study is a report prepared by the assigned probation officer of CSS for use at the disposition hearing (sentencing). The social study provides the court with a wide variety of information about your child ranging from basic personal information such as date of birth, health, health insurance, school history, employment history and substance use/abuse to specific case information such as the government's version of the crime, whether your child's version of the crime differs from the government's, court history including current and past adjudication/supervision adjustment, and Family Group Conference outcomes. The social study report will also include your family history relating to your child based on interviews conducted with you and your child. Finally the social study will include an evaluative summary and recommendations by the probation officer for disposition of the case.

In addition to a social study report, the court may order other types of evaluations in order to be able to decide the disposition of your child's case. Some of the other evaluations that may be ordered are: violence risk assessment, psychological evaluation, psychiatric evaluation, psycho-educational evaluation, competency assessment (which assesses your child's ability to stand trial if mental health is an issue), a Global Appraisal of Individual Needs or "GAIN" assessment which evaluates your child's needs in relation to

drug use, and a medication assessment to determine what medication may benefit your child. The court may order other evaluations, but these are the most common.

### *Am I financially responsible for my child's act? (Restitution)*

Yes, you (the parent) may be financially responsible for your child's delinquent act. If the case has a victim, that victim may be entitled to reimbursement or restitution. The judge may issue what is called an order or judgment of restitution. The purpose of this restitution order is to reimburse or restore the victim for his/her loss of or damage to property or expenses related to an injury. Specifically, the judge may order your child, you (parent), or both to pay expenses related to damaged or stolen property, injuries, lost wages, burial expenses, and counseling (or other mental health expenses). The judge may order the restitution payments to be made to the victim, a governmental entity, or a third-party (such as an insurance company).

The restitution hearing may be held as part of the factfinding hearing or during the disposition hearing; or it may be held within 30 days after the disposition hearing, unless the time is extended by the court. The judge will consider your child's age, circumstances, and financial ability. If the judge is considering whether you (parent) should be ordered to pay restitution, the judge will consider your financial ability to pay.

If restitution is ordered, the court will make the payment requirements part of the disposition order and will issue a second order of restitution which may extend beyond the expiration of your child's probation or commitment to DYRS and may also extend beyond your child's 21<sup>st</sup> birthday until the restitution amount is paid in full. If monetary payment is ordered, the judge may order payment in full or installment payments depending on the financial circumstances of you and your child. It is important to know that an order requiring a child, a parent, or both to pay restitution is a judgment and lien against all property of the person being required to pay. If the judge finds that either or both of you are unable to pay restitution, the judge may order the child or the parent to perform community service instead of a monetary payment.

### *What does having an adjudication mean for my child?*

An adjudication means the judge has found that your child was involved in the charged offense and finds at the disposition hearing that s/he is in need of care and rehabilitation. Some consequences of an adjudication are that the judge will have the power to decide whether your child will get probation and what the conditions of that probation are, or whether to commit your child to the Department of Youth Rehabilitation Services (DYRS) which will make decisions about his/her placement and care. There are also other consequences to juvenile adjudications. Some adjudications, for felony offenses, will give your child criminal history points that can be considered (for release or sentencing) if s/he is ever charged with a crime as an adult. Some adjudications, for weapons or for dangerous or violent offenses, can mean that your child's juvenile record (which is usually confidential) can become public. Juvenile adjudications can also affect a family's ability to get or keep public housing, or the child's ability to get or keep a driver's license. Immigration status may also be affected by an adjudication. Please ask your child's defense attorney about the consequences of any factfinding hearing or plea-related adjudication.

### *What happens if my child violates a condition of probation?*

If your child violates a condition of probation, the probation officer or the prosecutor may file a petition to revoke probation. After a petition to revoke is filed, the court may securely detain your child at YSC or in a youth shelter house, or may release your child prior to holding the hearing on the violation." At the hearing before the court, the judge will determine if there was a violation, and whether probation should be revoked.

If probation is revoked, the court may place your child back on probation or may commit your child to the custody of DYRS.

### *Does my child have a right to appeal after disposition?*

Your child has the right to appeal if the judge finds that your child was involved in the delinquency offense. Most plea agreements are not appealable, unless the judge imposes an illegal disposition or sentence. The time limit for filing an appeal to the D.C. Court of Appeals is very strict – a notice that your child wants to appeal must be filed within 30 days of the disposition – and if your child cannot afford a lawyer to file the appeal the court will appoint one for him/her.

### *Can a juvenile record be sealed and how do you seal a juvenile record?*

Many juvenile records can be sealed, but some conditions must be met first. If your child was arrested but the case was “no-papered,” meaning the prosecutor did not file charges, or if your child’s case was dismissed, or if your child was found “not guilty” (not involved) at the factfinding hearing, your child can ask to have his/her record sealed at any time, if he/she can show that he/she was actually innocent of the charges. If your child was found guilty (involved) or plead guilty, he/she can still get his/her record sealed if he/she waits two years after the case is closed and he/she doesn’t have any later convictions or adjudications and no new case is pending. If all of these conditions are met, the record will be sealed, despite the finding of guilt (involvement). It is important to note, however, that any adjudication of delinquency or need of supervision or conviction of a felony subsequent to sealing will have the effect of unsealing the case. To ask to get your child’s record sealed, you can either ask the lawyer who represented your child on his/her case to file the motion or contact the Georgetown Juvenile Justice Clinic at (202) 662-9593 for a guide on how to file the motion yourself.





## APPENDICES

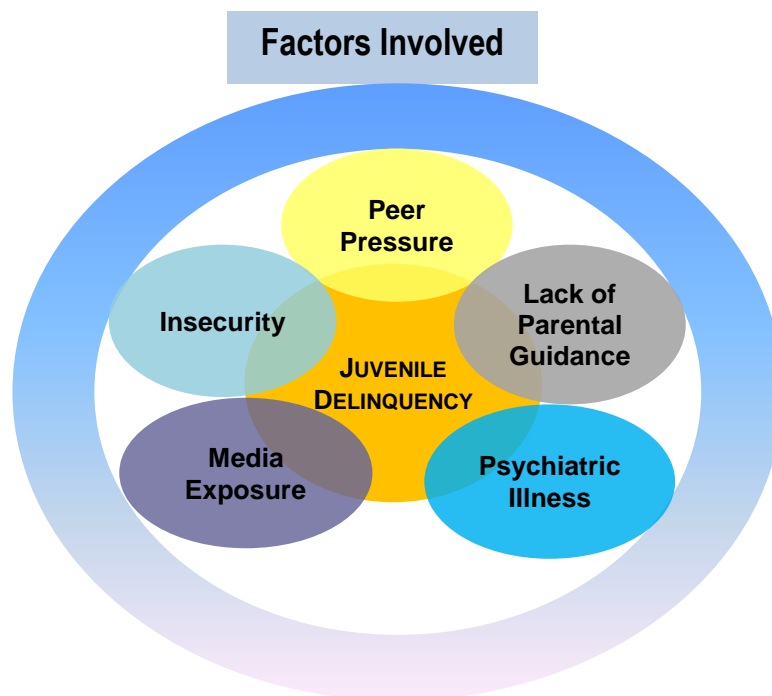
**APPENDIX 1: Map – John Marshall (“JM”) Level**

**APPENDIX 2: Glossary**

**APPENDIX 3: Checklist For Parents**

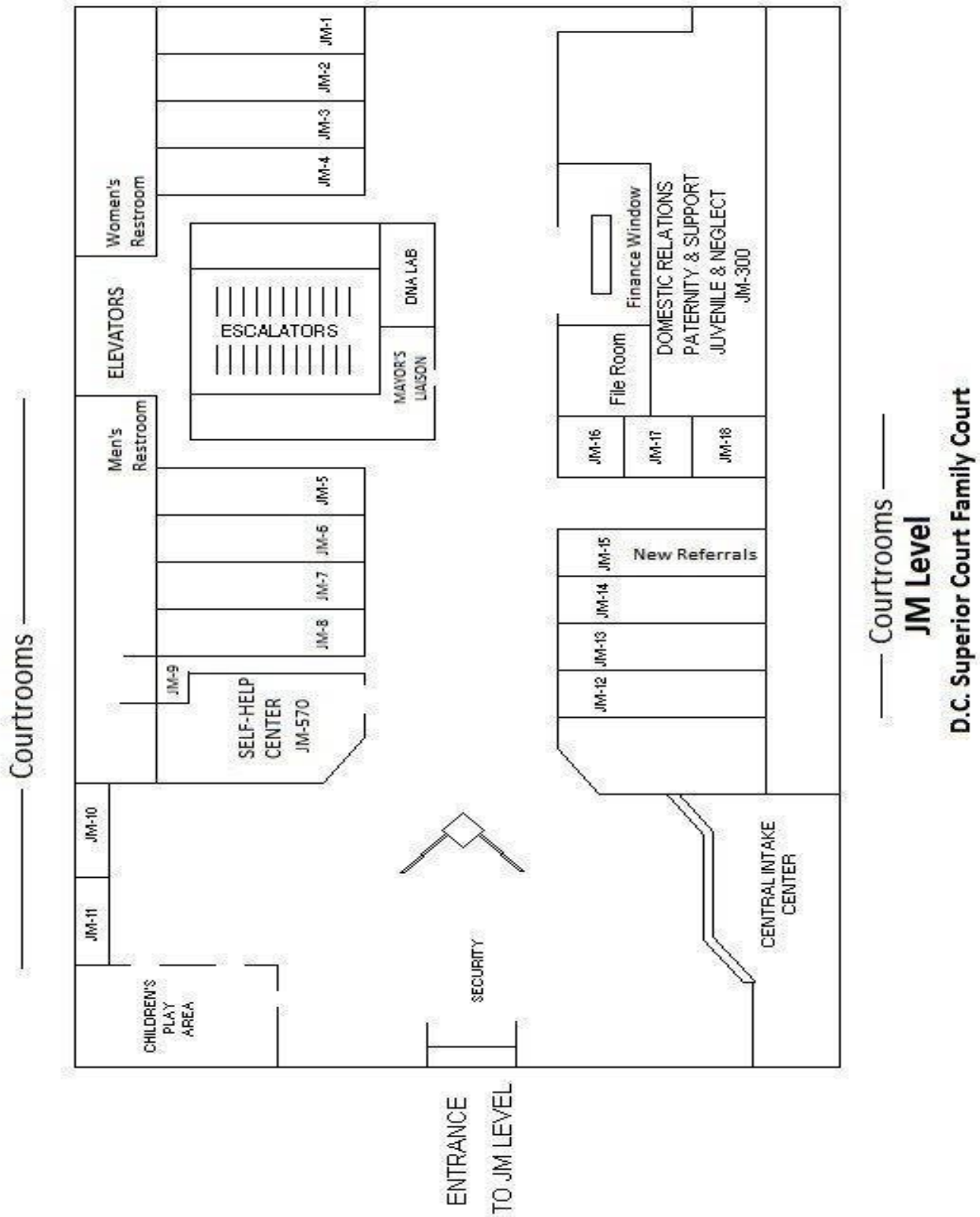
**APPENDIX 4: Juvenile Justice Flowchart**

**APPENDIX 5: Directory of Juvenile Delinquency Services**





**APPENDIX 1: MAP – JOHN MARSHALL (“JM”) LEVEL**



## APPENDIX 2: GLOSSARY

**Arrest**—while a child may be under the care and custody of the Metropolitan Police Department (MPD) during an MPD contact/stop, a child is arrested only when he/she is formally processed at the Juvenile Processing Center and given an arrest number as a result of the MPD contact.

**Balanced and Restorative Justice Drop-In Center**— are also known as “BARJ” centers. These are multi-faceted facilities in D.C. that are run by Court Social Services for court-supervised youth. There are three BARJ centers in D.C.: the Southeast BARJ Center, the Northwest BARJ Center, and the Southwest BARJ Center. (See the Directory for the addresses and contact information of the BARJ Centers.) The BARJ Centers offer a variety of programs, usually led by probation officers, and include many facilities such as probation offices, computer labs, and a vocation training center. They offer many strength-based services and educational, constructive, and even fun activities for the youth who are ordered to attend by the court. These centers provide an alternative to detention for youth in a pre-trial status and who need a higher level of supervision and for youth who are on probation and at risk of having their probation revoked. Youth attend workshops that are targeted to help them understand how their behavior impacts victims and the community. Some of the other services offered include: tutoring, mentoring and various types of therapy.

**Charge**—the formal allegation(s) set forth in the petition filed by the prosecutor.

**Child and Family Services Agency or CFSA**—this is the city agency responsible for the care and placement of children in the neglect and abuse system. See the Directory in the Family Guide appendix for contact information.

**Commitment**—after a judge determines that a child is delinquent or in need of supervision, one of the options that the judge has is to commit or transfer legal responsibility of the child to the care of the Department of Youth Rehabilitation Services (DYRS). After the commitment to DYRS, the agency will decide whether and where the child will be securely detained, placed in group home, or returned home – and will also decide which services the child needs.

**Consent Decree**—an agreement between the child and the prosecutor, made available at the prosecutor’s discretion if certain eligibility criteria are met, that results in the suspension of the juvenile proceedings and the child’s placement under the supervision of Court Social Services (CSS). The term of the consent decree is usually six months, unless the child is discharged sooner by CSS or the consent decree is extended for an additional six months. Upon the expiration of the consent decree term, or when the child is discharged by CSS, the charge(s) will be dismissed if the child has complied with all the terms and conditions. If the child fails to comply with any of the terms and/or conditions of the consent decree, the prosecutor may reinstate the petition. See Consent Decree under Diversion below, for additional information.

**Court Social Services or CSS**—this is the juvenile probation department run by D.C. Superior Court Family Court. See the Directory in the Family Guide appendix for contact information.

**Criminal Justice Act or CJA Attorney**—a private attorney who accepts a court appointment to represent children in delinquency cases under the Criminal Justice Act.

**Custody Order**—similar to a warrant, a custody order is an order issued by a judge directing law enforcement to take a child into custody. A custody order might be issued like an arrest warrant, if the court finds probable cause to believe the child has committed a delinquent act. This is referred to as a pre-petition custody order (PPCO). A custody order may also be issued like a bench warrant for a child’s failure to appear for a court date or for running away from a court-ordered placement.

**Department of Youth Rehabilitation Services or DYRS**—this is the city agency responsible for the care and placement of children committed in delinquency cases. See the Directory in the Family Guide appendix for contact information.

**Detention**—refers to the placement of a child in a secure detention facility or non-secure detention facility (i.e., youth shelter house) during the pendency of a delinquency case.

**Disposition Hearing**—if a child has pleaded involved/guilty, or the court finds that a child committed a delinquent act(s), a hearing is held to determine whether the child should be placed on probation under the supervision of Court Social Services (CSS) or committed to the care and custody of the Department of the Youth Rehabilitative Services (DYRS) for a period not to exceed the child's 21<sup>st</sup> birthday. A disposition hearing is similar to an adult sentencing hearing.

**Diversion**—for delinquency offenses, there are currently three different diversion opportunities available. They are pre-arrest diversion, post-arrest diversion, and consent decrees. These programs are available at different stages of the proceedings and each has its own eligibility criteria. There is also the Juvenile Behavioral Diversion Program (“JBDP”). These programs (also discussed in section 2) are described below.

- **Pre-arrest Diversion:** After seizing a child for committing a delinquency offense, the police may divert a child into a program rather than “arrest” him or her. The youth must have committed a non-violent misdemeanor offense and a parent must be immediately available to pick up the child and sign the necessary paperwork. If diverted at this stage, the police do not obtain arrest numbers, take a complete set of fingerprints, or photograph the child. A child who is diverted at this point can truthfully say that they have never been arrested.
- **Post-arrest Diversion:** After having been arrested, CSS will review the seriousness of the alleged acts, the child’s record of prior police and court contacts, home environment, school participation, and check if the child meets the eligibility criteria. They will also meet with the child and his or her parent. If CSS and the OAG agree, the child may be offered the opportunity to participate in a diversion program. If that happens, the child will not have to appear before a judge. The case will be dropped if that the child participates in and successfully completes the diversion program. If the child fails to successfully complete the diversion program, the government will file the original charges against the child in court.
- **Consent Decree:** Like with post-arrest diversion, CSS will review the alleged acts, review the child’s social history, check the eligibility criteria and speak with OAG about whether the child will be offered this diversion opportunity. However, prior to a consent decree being accepted, the child will not only be arrested but a petition (charging document) will be filed with the court. The child will be arraigned on the petition and, if a consent decree is offered, the child will be asked if they want to participate in the consent decree program. If the child agrees, then the judge will enter the terms of the consent decree in an order. The case will then be put off for a number of months. If the child successfully completes the program than the charges will be dropped and the child will not have to appear back in court. If, however, the child does not successfully complete the program, the petition will be reinstated and the case will proceed in court. See Consent Decree, above.
- **Juvenile Behavioral Diversion Program (“JBDP”):** This treatment court for children with mental health diagnoses contains one track that is diversion. Children with a low-level offense who meet certain criteria may be eligible for diversion through this program. If the child completes the JBDP on this track, the case is dismissed.

**Evaluations**—examinations to help the court learn about a child’s physical or mental condition. These examinations may be things like drug addiction screenings, psychological or psychiatric evaluations, or medical evaluations. They can occur in community settings, in detention, or inpatient hospitalization under certain circumstances.

**Factfinding Hearing/Trial**—a hearing where evidence is presented and the judge makes a legal finding whether the child is involved (guilty) or not of the offense(s) charged. The standard of proof in a factfinding hearing is the same as that to which an adult is entitled at a criminal trial, which is proof beyond a reasonable doubt. A finding of involvement or that the child committed a delinquent act is a formal legal finding of responsibility, and results in the matter proceeding to a disposition hearing.

**Family Reunification Homes or FRH**—also called Shelter Houses. These are community-based short-term placements for pre-disposition children. See the Directory in the Family Guide appendix for contact information.

**Five(5)-day hold**—when a detention or shelter care hearing is continued for a period of up to five days. Any part of the hearing may be continued except for the detention decision itself. The most common reason to continue the hearing is to allow OAG to decide which charges, if any, should be filed. Your child is not necessarily detained during the five-day period.

**Fugitive**—a “fugitive,” or a “fugitive from justice” is a person who has been charged with committing an offense in another state, who is wanted in that state, and taken into custody in the District of Columbia. A judge can release a fugitive to appear in the state in which s/he is wanted or detain him/her for the other state to come pick him/her up.

**Individualized Education Plan (IEP)**—or “IEP” is required by a federal law, the Individuals with Disabilities Education Act (IDEA), that mandates that public schools create an IEP for every child who receives special education services. The IEP is developed to meet a child’s unique learning needs and to help the child succeed in school. The IEP proposes educational goals and describes special support for the child which is established by the child’s IEP team. Parents are or can be part of the child’s IEP team. The plan also describes the specific services for the child that must be provided by the school.

**Juvenile New Referral/Initial Hearing**—the initial hearing is the first hearing held following the child’s arrest and processing, and after the prosecutor makes a referral to (files a petition with) the Family Court. Prior to a child’s initial hearing, the child is processed at the Juvenile Processing Center, the child and his/her parent(s) are scheduled for an intake interview by Court Social Services (CSS), and a determination is made by the prosecutor (in consultation with CSS) as to whether a petition will be filed. The Office of the Attorney General has the sole discretion to refer a case or to file a petition with the Family Court.

**Legal Custody**—a court order may give a custodian physical custody of a child, and may determine where and with whom the child shall live. The adult who has legal custody has the right and duty to protect, train, and discipline the child, and the responsibility to provide the child with food, shelter, education, and ordinary medical care. Legal custody is not the same as parental rights.

**Medical Alert**—a form that is signed by a judge and used to communicate medical information about the child to others such as the U.S. Marshal Service and DYRS regarding if the youth is in custody. For example, the medical alert may contain information about a child’s medical condition, medical emergency or medications. The form is intended to assist in the provision of medical care by all of the people who are responsible for the child while the child is in custody.

**New Beginnings**—the secure detention facility in Laurel, Maryland run by the Department of Youth Rehabilitation Services (DYRS) and used as a placement for committed children. See the Directory in the Family Guide appendix for contact information.

**Not Petitioned/No Papered Case**—a determination made by the prosecutor, following a child’s arrest and processing at the Juvenile Processing Center, that no formal charges will be filed (petitioned) against the child.

**Office of the Attorney General for the District of Columbia or OAG**—this is the city agency responsible for, among other things, the prosecution of delinquency offenses. Individual prosecutors are called Assistant Attorneys General, or AAGs. See the Directory in the Family Guide appendix for contact information.

**Parent Participation Order**—an order issued to the child's parent requiring the parent to participate in the child's care and rehabilitation by, among other responsibilities, attending the child's hearings, monitoring the child's compliance with court-ordered conditions, and participating in court-ordered services.

**Person in Need of Supervision or "PINS"**—in a PINS case, a child is charged with a status offense, which is a charge that would not be criminal if done by an adult, such as truancy, curfew violation, or running away from home.

**Petitioned Case**—the formal filing of the charging document (i.e., petition) that sets forth the offense(s) charged by the prosecutor.

**Plea**—the child's response to the charges against him/her. A guilty plea means that the child is admitting the charges and waiving the right to have a factfinding hearing (trial). A plea of "not guilty" means that the child wants the judge to decide if the government has enough evidence to prove that the child was involved in the charged offense.

**Probable Cause**—the standard of proof necessary for a judge to determine that there is a reasonable basis to believe that a juvenile offense/crime was committed and that the child charged was involved in the charged offense. The judge cannot detain your child without first finding probable cause.

**Probation – (add definition)**—after a judge determines that a child is delinquent or in need of supervision, one of the options that the judge has is to allow the child to remain at home, in most cases, under supervision of a Court Social Services probation officer. The order of probation remains in force for the time period specified by the judge, which may not initially be more than one year from when it is issued. The Director of CSS may terminate probation supervision at any time if the purposes of the probation order has been achieved (when the child has successfully satisfied the conditions of probation). As also discussed in this guide, if a child violates a condition of his/her probation, the court, after holding a hearing, may extend or revoke (cancel or withdraw) the child's probation or release in the community.

**Public Defender Service for the District of Columbia or PDS**—this agency provides attorneys to represent some children charged with delinquency offenses. See the Directory in the Family Guide appendix for contact information.

**Rehabilitation**—one of the primary goals of the juvenile justice system is to rehabilitate rather than punish the child. Another primary goal is focused on creating productive citizens by promoting youth development and strengthening families, while protecting needs of the communities and victims.

**Respondent**—the child who is charged in a juvenile delinquency matter (just as the adult charged in a criminal matter is referred to as a defendant). During juvenile court proceedings, your child will be referred to as a respondent.

**Social Study**—a report prepared by Court Social Services, and provided to the judge and counsel prior to the disposition hearing, that includes information about the youth and his or her family including any prior juvenile record and the results of any court-ordered physical or mental examinations. It also contains the recommendation of CSS about whether the youth should be placed on probation or committed.

**Status Hearing**—any court date set for general purposes; a status hearing commonly happens between the initial hearing and the factfinding (trial) date.

**Status Offender**—see person in need of supervision (PINS).





## APPENDIX 3: CHECKLIST FOR PARENTS

Use this checklist to prepare for meetings with the probation officer, your child's attorney and for others who work in the juvenile justice system relating to your child's case, and for questions asked in court proceedings.



### YOU SHOULD BRING THE FOLLOWING ITEMS:

- I.D.: Driver's License, government-issued identification or passport
- Your child's identification (school I.D. or driver's license or passport)
- Your child's birth certificate
- Legal guardianship documentation

### THESE ITEMS WILL ALSO BE HELPFUL IN THE PREPARATION OF YOUR CHILD'S CASE:

#### **Educational History (Provide Copies)**

- Last school attended & last grade completed (is your child ahead or behind as to grade level)
- Report Cards
- Special education—IEP (Individualized Education Plan)
- Information about any learning disabilities
- Assessments done by school
- Information about prior or current/ongoing school disciplinary actions
- GED courses or certificates

#### **Proof of Health Insurance**

- Private insurance
- Medicaid

#### **Medical History**

- Doctors, clinics where treated
- Medications and dosages
- Any hospital records (surgeries, etc.)
- Chronic problems (asthma, allergies, heart problems, diabetes, hepatitis, etc.)
- Speech/language/hearing disorders
- Attention Deficit Disorder/Mild Intellectual Disability (Mental Retardation)

- Sexually Transmitted Diseases (STDs)
- HIV/AIDS

#### **Mental Health History**

- Diagnosis (e.g., bipolar disorder, depression, etc.)
- Medications and dosages
- Treatment received by a psychiatrist, therapist, counselor, clinic
- Hospitalizations (Dates and locations)
- Family history of mental health problems

#### **Substance Abuse**

- Drugs used
- Frequency and last date used (if known)
- Alcohol abuse
- Treatment received, place and type of treatment (outpatient or inpatient)
- Family history of substance abuse

#### **Child's Strengths (Be prepared to discuss with your child's Probation Officer and/or attorney)**

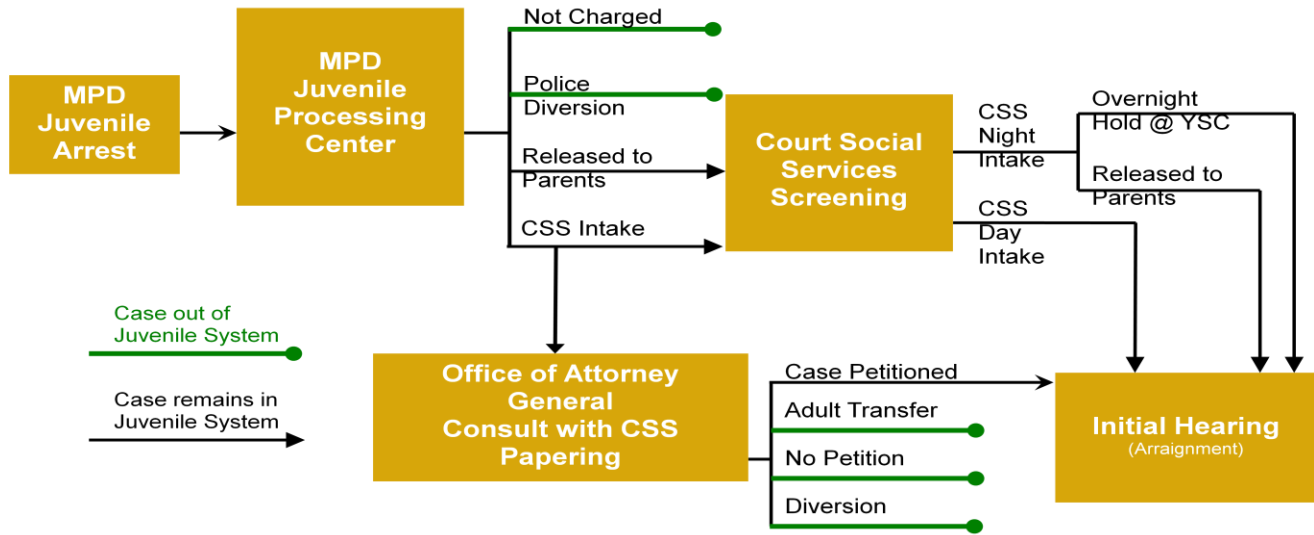
- Favorite extra-curricular activities or Interests (sports, computers, art, music, cooking, etc.)
- Personality (is your child outgoing, quiet, humorous, caring, etc.)
- Favorite subjects in school
- Important people in their life (adults, peers)
- Employment history (if any)

#### **Child's Special Needs**

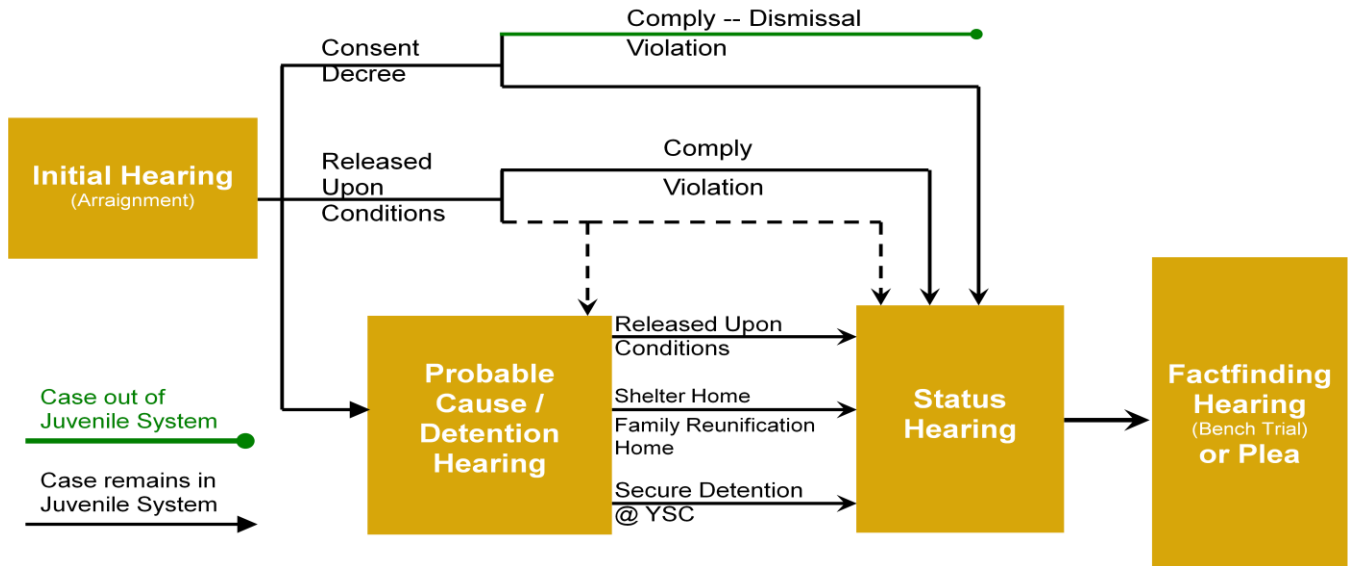
- Special needs/disabilities (and how disabilities might result in inappropriate responses in certain situations)
- Your child's ability to process information
- Your child's ability to appropriately answer questions

# APPENDIX 4: JUVENILE JUSTICE FLOWCHART<sup>1</sup>

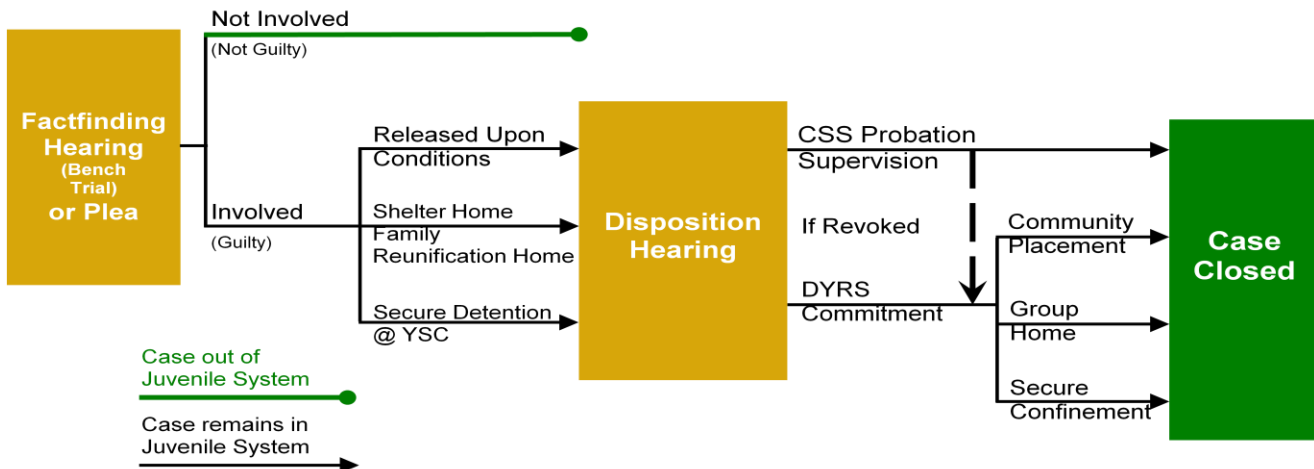
## I. JUVENILE ARREST THROUGH INITIAL HEARING



## II. INITIAL HEARING THROUGH FACTFINDING (TRIAL) OR PLEA



## III. POST-FACTFINDING (TRIAL) OR PLEA



<sup>1</sup> This flowchart illustrates a very basic process and does not depict every case scenario.



## APPENDIX 5: DIRECTORY OF JUVENILE DELINQUENCY SERVICES

### **D.C. SUPERIOR COURT FAMILY COURT**

Moultrie Courthouse, 500 Indiana Ave, NW,  
Washington, DC 20001  
(202) 879-1212

#### **Also in Courthouse...**

- Family Court Juvenile & Neglect Branch:  
JM-300 (202) 879-1465
- Mayor's Services Liaison Office: JM-185  
(202) 879-1910 or 1904
- Child Care Center, Room C-185  
(202) 879-1759

### **COURT SOCIAL SERVICES (CSS)/PROBATION OFFICE CONTACTS**

Court Building B, 510 4<sup>th</sup> St., NW, 3<sup>rd</sup> Floor  
Washington, DC 20001  
Reception Desk: (202) 508-1900  
Intake Office I: (202) 879-1298  
Night & Intake Office II (located at Youth  
Services Center): (202) 576-5171

#### ➤ **Satellite Offices**

- **Northwest Satellite Office**  
Court Building B, 510 4<sup>th</sup> St., NW,  
3<sup>rd</sup> Floor, Washington, DC 20001  
(202) 508-1682
  - **Northeast Satellite Office & Balanced and  
Restorative Justice (B.A.R.J.)**  
2575 Reed St., NE,  
Washington, DC 20018  
(202) 508-8294
  - **Southeast Satellite Office & Balanced and  
Restorative Justice (B.A.R.J.)**  
1110 V St., SE, Washington, DC 20020  
(202) 508-8270 or (202) 508-8261
  - **Southwest Satellite Office & Balanced and  
Restorative Justice (B.A.R.J.)**  
1215 South Capitol St., SW,  
Washington, DC 20003  
(202) 508-7910 or (202) 508-7944 or  
(202) 508-7901
  - **Ultimate Transitions Unit (UTURN)**  
Court Building B, 510 4<sup>th</sup> St., NW,  
3<sup>rd</sup> Floor, Washington, DC 20001  
(202) 508-1691
- **Leaders of Today in Solidarity (LOTS –  
Unit for Females):** (202) 508-1942
  - **Delinquency Prevention Branch (DPU):**  
(202) 879-4786
  - **Electronic Monitoring: (202) 508-1702**
  - **Interstate Probation Supervision:**  
(202) 508-1774

### **(INITIAL PROCESSING/BOOKING CONTACTS)**

- **Metropolitan Police Department Youth  
Division (Felony Arrests)**  
1700 Rhode Island Ave, NE,  
Washington, DC 20018  
(202) 576-6768
- **Court Social Services Juvenile Intake I  
(Misdemeanor Arrests, before 3:00 pm)**  
500 Indiana Ave, NW, Room 4206,  
Washington, DC 20001  
(202) 879-1298
- **Metropolitan Police Department Processing at  
Juvenile Processing Center  
(Misdemeanor Arrests, after 3:00 pm)**  
5002 Hayes St., NE,  
Washington, DC 20019  
(202) 576-9222
- **Metropolitan Police Department Evidence  
Control**  
17 Village Lane, SW, Washington, DC 20037  
(202) 727-2138

### **OFFICE OF THE ATTORNEY GENERAL (OAG) JUVENILE SECTION**

- 441 4th St., NW, Suite 1060N,  
Washington, DC 20001  
(202) 727-3500

### **PRE-TRIAL PLACEMENTS**

- **Youth Services Center (YSC)**  
1000 Mt. Olivet Road, NE,  
Washington, DC 20002  
(202) 576-5178  
Initial Intake at YSC: (202) 576-8437  
Medical Unit: (202) 576-8460
- **Shelters/Family Reunification Homes**  
Main Contact: Ronald Staton, Residency  
Placement Specialist: (202) 576-8413

### **DEPARTMENT OF YOUTH REHABILITATION SERVICES (DYRS)**

- 450 H St., NW, Washington, DC 20001  
(202) 299-5362
  - **New Beginnings Youth Development Center**  
8400 River Road, Laurel, MD 20724  
(202) 299-3227
- Also, at New Beginnings...**
- **Maya Angelou School:** (202) 299-3226

- **JSP (PDS):** (202) 299-3132
- **Medical:** (202) 299-3190
- **Resident Units**
  - Unity – (202) 299-3248
  - Evolution – (202) 299-3253
  - Reflection – (202) 299-3249
  - New Horizons – (202) 299-3261
  - Imani – (202) 299-3224
  - Genesis – (202) 299-3247

### **MENTAL HEALTH RESOURCES**

- **Child Guidance Clinic**  
Court Building B, 510 4<sup>th</sup> St., NW,  
Washington, DC 20001  
(202) 508-1781; (202) 508-1787
- **Psychiatric Institute of Washington (PIW)**  
4228 Wisconsin Ave, NW,  
Washington, DC 20016  
(202) 885-5600 or 1-800-369-2273
- **Department of Behavioral Health Access Help Line**  
64 New York Ave, NE 3<sup>rd</sup> Floor,  
Washington, DC 20002  
(202) 671-3070  
**1(888)7WE-HELP or 1-888-793-4357**  
This 24-hour, seven-day-a-week telephone line is staffed by behavioral health professionals who can refer a caller to immediate help or ongoing care.
- **Core Services Agency (CSA)**—providers that contract with the Department of Mental Health to provide mental health rehabilitation services for juveniles.
  - *Affordable Behavioral Consultants:* (202) 636-4520
  - *Community Connections:* (202) 546-1512
  - *Family Matters of Greater Washington:* (202) 289-1510
  - *Family Preservation:* (202) 543-0387
  - *Fihnankra Place:* (202) 547-8450
  - *First Home Care:* (202) 737-2554
  - *Kids Mobile Medical Clinic:* (202) 444-2215
  - *Hillcrest Children's Center:* (202) 232-6100
  - *Kidd International Home Care, Inc.:* (202) 291-0951
  - *Latin America Youth Center:* (202) 319-2225
  - *Launch, Inc.:* (202) 723-6600
  - *Life Stride, Inc.:* (202) 635-2320
  - *Mary's Center:* (202) 483-8319
  - *Maryland Family Resources:* (301) 567-8311
  - *Progressive Life:* (202) 842-2016
  - *PSI:* (202) 547-3870

- *Psychotherapeutic Outreach Services:* (202) 832-5997
- *Scruples Corporation:* (202) 581-2457
- *RCI-DC Counseling Center:* (202) 581-6328
- *Washington Hospital Center:* (202) 877-6333

### **SUBSTANCE ABUSE & TREATMENT**

- **Federal City Recovery**  
316 F St., NE, Washington, DC 20002  
(202) 548-8460
- **Hillcrest Children's and Family Center**  
915 Rhode Island Ave, NW,  
Washington, DC 20001  
(202) 232-6100
- **Latin American Youth Center**  
1419 Columbia Road, NW,  
Washington, DC 20009  
(202) 319-2225
- **Riverside Treatment Services**  
2041 Martin Luther King, Jr. Ave, SE, Suite 311,  
Washington, DC 20020  
(202) 889-3182

### **EDUCATIONAL RESOURCES**

- **DC Public Schools**  
825 North Capitol St., NE,  
Washington, DC 20002  
(202) 442-5885
- **Parent Resource Centers:**  
(202) 442-5036
- **Student Intervention and School Support:**  
(202) 442-5099
- **Office of the State Superintendent of Education**  
810 1<sup>st</sup> St., NE, 9<sup>th</sup> Floor,  
Washington, DC 20002  
(202) 727-6436

**New Heights:** (provides support to student-parents in the District of Columbia). The following schools have the New Heights program in their buildings, and can be reached at the following phone numbers:

- *Anacostia* (202) 645-4040
- *Ballou* (202) 645-3400
- *Ballou STAY* (202) 727-5344
- *Cardozo* (202) 671-1995
- *CHEC* (202) 939-7700 ext. 5063
- *Coolidge* (202) 282-0081
- *Dunbar* (202) 698-3762
- *Luke C. Moore* (202) 678-7890
- *Roosevelt* (202) 576-8899
- *Roosevelt STAY* (202) 576-8399
- *Washington MET* (202) 727-4985
- *Wilson* (202) 282-0120
- *Woodson* (202) 939-2030

### **ADDITIONAL RESOURCES FOR PARENTS**

#### **D.C. Public Defender Service Directory of Youth and Family Services:**

<http://www.pdsdc.org/docs/default-source/default-document-library/juvenile-community-and-confinement-access-guide.pdf?sfvrsn=0>

#### **Medicaid Information:**

##### **What is Medicaid?**

<http://dhcf.dc.gov/node/892092>

<http://dhcf.dc.gov/service/medicaid>

##### **Medical Assistance Programs (including Medicaid): Information and Eligibility**

<http://dhcf.dc.gov/page/medical-assistance-programs-information-and-eligibility>

##### **How to apply for medical benefits or renew coverage:**

<http://dhcf.dc.gov/service/how-apply-medical-benefits-or-renew-coverage>

##### **Individual and Family Health Insurance (Application for Medicaid for families with children including TANF applicants):**

<https://dchealthlink.com/individuals/medicaid>

##### **Combined Application for D.C. Benefits:**

[http://dhs.dc.gov/sites/default/files/dc/sites/dhs/publication/attachments/combinedform\\_eng1.pdf](http://dhs.dc.gov/sites/default/files/dc/sites/dhs/publication/attachments/combinedform_eng1.pdf)

#### **Parent Watch, Inc.**

*Heal-A-Parent Heal-A-Child  
Build-A-Family*

Parent Watch, Inc. (PWI) is a community-based organization that works collaboratively and supportively with parents, other caregivers, children and youth to empower them as they go through the juvenile justice, educational, mental health and/or child welfare systems in the District of Columbia. PWI's "Rapid Response" Program provides support services, interventions, and information to families and youth in crisis; its services include conflict resolution as well as advocacy assistance and family restoration. PWI has two locations. One location is in the Mayor's Services Liaison Office in room JM-185 of the courthouse. PWI also operates a **Parent Resource Center** in conjunction with DYRS located at YSC located at 1000 Mt. Olivet Road, N.E., Washington, D.C. The Parent Resource Center provides parents and youth with life training skills, seminars, mentoring, counseling as well as assisting with job searches, development of interviewing skills, and referrals.

#### **2 Locations:**

DYRS Youth Services Center  
1000 Mt. Olivet Road, NE  
Washington, DC 20002  
First Floor  
(202) 576-8386

Parent Watch, Inc.  
D.C. Superior Court  
Family Court  
Mayor's Services Liaison Office  
500 Indiana Ave, NW  
JM-185  
Washington, DC 20001  
(202) 879-0059





*Open to All   ▲   Trusted By All   ▲   Justice for All*

DISTRICT OF COLUMBIA SUPERIOR COURT  
FAMILY COURT  
500 INDIANA AVENUE, N.W.  
WASHINGTON, D.C. 20001  
202-879-1000  
[www.dccourts.gov](http://www.dccourts.gov)

