

## **A Glossary of Juvenile Justice Terms**

ABUSE --Term for acts or omissions by a legal caretaker. Encompasses a broad range of acts, and usually requires proof of intent.

ADJUDICATION--The phase of a delinquency hearing similar to a "trial" in adult criminal court, except that juveniles have no right to a jury trial, a public trial, or bail. Release on Recognizance is never used in juvenile systems.

ADMINISTRATIVE PROCEDURE--Any of the processes involving enforcement of care, custody, or support orders by an executive agency rather than by courts or judges.

ADOPTION--A legal relationship between two people not biologically related, usually terminating the rights of biological parents, and usually with a trial "live-in" period. Once an adoption is finalized, the records are sealed and only the most compelling interests will enable disclosure of documents.

AFTERCARE — Supervision of a juvenile who has been returned to the community from training school.

CHIEF COURT COUNSELOR— The person responsible for administration and supervision of juvenile intake, probation, and aftercare services in a judicial district.

CHILD PROTECTION ACTION - The filing of legal papers by a child welfare agency when its investigation has turned up evidence of child abuse. A civil rather than criminal charge designed to take preventive action (like appointment of a Guardian ad litem) for at-risk children before abuse occurs.

CIVIL PROTECTION ORDER--A form of protective custody in which a child welfare or police agency orders an adult suspected of abuse to leave the home.

COGNITIVE BEHAVIORAL RESTRUCTURING – A psychological therapy model with the goals of re-structuring one's thoughts, perceptions, and beliefs to facilitate behavioral and emotional change.

COMMUNITY-BASED PROGRAM - A program providing treatment to a juvenile under the jurisdiction of the court in the community where the juvenile and his/her family live, such as specialized foster care, family counseling, shelter care, and other appropriate treatment.

COMPLAINT — An oral or written allegation that a juvenile is undisciplined or delinquent.

COURT COUNSELOR— A person responsible for intake, probation and aftercare services to juveniles.

CUSTODIAL CONFINEMENT--Court order for placement in a secure facility, separate from adults, for the rehabilitation of a juvenile delinquent.

CUSTODY – The term “arrest” is not used in reference to juveniles. Law enforcement can take a youth into custody. Three types of custody are:

- Temporary Custody – Police can take a juvenile into temporary custody for 12 hours without an order from a judge unless it is a Saturday, Sunday or holiday. Then a juvenile may be held for 24 hours without a court order. Law enforcement must notify parents, guardians or custodians that the juvenile

has been taken into custody and tell them they have the right to be present with the juvenile until the court order is in place.

- Non-secure Custody – The court decides whether to place a juvenile in secure custody or non-secure custody. If non-secure custody is requested, the court will consider releasing the juvenile to a parent, guardian, custodian or other adult.
- Secure Custody – The court must believe the juvenile committed the offense in the petition and also one of the following conditions must be met:
  - The juvenile is charged with a felony and is a danger to property or persons;
  - The juvenile is charged with a misdemeanor that includes assault on a person and is a danger to persons;
  - The juvenile failed to come to court on a pending delinquency charge;
  - The court believes the juvenile will not come to court on a pending charge;
  - The juvenile has run away from a training school or detention center;
  - The court believes the juvenile has or will harm himself/herself;
  - The juvenile is undisciplined by being a runaway and may need secure custody.

DELINQUENCY PROCEEDING--Court action to officially declare someone a juvenile delinquent. A "delinquent" is under the age of majority who has been convicted in juvenile court of something that would be classified as a crime in adult court.

DELINQUENT ACT – An act committed by a juvenile that, if committed by an adult, would require prosecution in a criminal court. Delinquent acts include crimes against persons, crimes against property, drug offenses, and crimes against public order.

DELINQUENT JUVENILE — A juvenile at least 6 years of age but less than 16 who has committed a crime or infraction under state law or under a local government ordinance or motor vehicle law.

DETENTION— Confinement of a juvenile in an authorized facility pursuant to a secure custody order, pending a court hearing or placement in training school. A youth may be placed in a detention facility at different points as a case progresses through the juvenile justice system.

DETENTION CENTER: A facility that provides secure confinement and care for juveniles.

DISPOSITION --Phase of delinquency proceeding similar to "sentencing" phase of adult trial. The judge must consider alternative, innovative, and individualized sentences rather than imposing standard sentences. The judge (1) considers evidence about the juvenile's needs, available resources, and other relevant factors and (2) designs a plan to meet the juvenile's needs and the interests of the state. Case dispositions are coded into the following categories:

- Waived to criminal court – Cases that are transferred to criminal court by a waiver hearing in juvenile court.
- Placement – Cases in which youth are placed in a residential facility for delinquents or status offenders, or cases in which youth are otherwise removed from their homes and placed elsewhere.
  - Probation – Cases in which youth are placed on informal/voluntary or formal/court-ordered supervision.
  - Dismissed – Case dismissed (including those warned, counseled, and released) with no further disposition anticipated, sometimes because the matter is being handled in criminal court.
  - Other – Miscellaneous dispositions not included above including fines, restitution, community service, referrals outside the court for services with minimal or no further court involvement anticipated, and dispositions coded as "other" in a jurisdiction's original data.

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DIVERSION--An alternative to trial decided upon at intake to refer the child to counseling or other social services; applicable to about 50% of all cases.

EMANCIPATION--Independence of a minor from his or her parents before reaching age 18.

FREE AND APPROPRIATE PUBLIC EDUCATION (FAPE) - An individualized educational program designed to meet the child's unique needs and from which the child receives educational benefit.

GUARDIAN AD LITEM--Phrase meaning "For the Proceeding" referring to adults who look after the welfare of a child and represent their legal interests; usually volunteers who are also officers of the court. If the GAL is not an attorney, they must hire one for the child, but some states are starting to allow GALs to do the actual legal work. GALs are also responsible for medical care of the child.

GUARDIANSHIP--Court order giving an individual or organization legal authority over a child. A guardian of the person is usually an individual and the child is called a ward. A guardian of the estate is usually an organization, like a bank, which manages the property and assets of a child's inheritance.

IN LOCO PARENTIS--Teachers, administrators, and babysitters who are viewed as having some temporary parental rights and obligations.

INTAKE — Procedure prior to preliminary hearing in which a group of people (intake officer, police, probation, social worker, parent and child) meet to decide to: approve a complaint for filing as a petition, or divert the matter from court; and in diversion matters, to suggest alternative resources when appropriate.

JUVENILE CRIME PREVENTION COUNCIL (JCPC) - A local body that works with the state to develop community-based programs and substance abuse treatment alternatives that will protect the community and keep juveniles out of youth development centers.

JUDGMENT--Any official decision or finding of a judge or administrative agency hearing officer upon the respective rights and claims of parties to an action; also known as a decree or order.

JUVENILE — A person under age 18 who is not married, emancipated, or in the armed services.

JUVENILE CODE — North Carolina laws (G.S. 7A-516) that address delinquent and undisciplined juveniles (as well as abused, neglected, and dependent juveniles, and other matters relating to juveniles).

NONSECURE CUSTODY — The physical placement of a juvenile in a licensed foster home or other home or facility before disposition and pursuant to a written court order.

PETITION — The document filed with the court to initiate a juvenile proceeding alleging that a juvenile is a delinquent or a status offender and asking the court assume jurisdiction over the juvenile, or than an alleged delinquent be transferred to criminal court for prosecution as an adult..

PRELIMINARY HEARING--The bringing of a juvenile before a magistrate or judge for formal presentation of charges. Similar to an arraignment in adult court

PROBATION — The status of a juvenile adjudicated delinquent and subject to specified conditions under the supervision of a court counselor.

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PROTECTIVE CUSTODY--Emergency, temporary custody by a child welfare agency, police agency, or hospital for reasons of immanent danger to the child. A hearing must be held for the benefit of the parents within a few days.

PROTECTIVE SUPERVISION — The status of a juvenile adjudicated delinquent or undisciplined under the supervision of a court counselor but who is not on probation.

RECIDIVISM RATE - Recidivism is most commonly considered the rate at which juveniles re-offend, are re-arrested or are re-admitted to correctional facilities.

REVOCAION – A juvenile who previously has been committed to the Department of Juvenile Justice and Delinquency Prevention, has received a conditional release, and is being returned to a training school for violating the terms of that release.

RISK ASSESSMENT - A method of estimating the chances that a juvenile will commit a future offense. RISK FACTORS include: the juvenile's age, the most serious prior conviction, any prior assaults, runaway history, substance use, school behavior, positive or negative peer relationships, and parental supervision. RISK LEVEL, along with the current offense and delinquency history, are considered by the court counselor in making a recommendation during the intake process, and by judges in determining a sentence.

SECURE CUSTODY — The physical placement of a juvenile in an approved detention facility pursuant to a court order.

STATUS OFFENSE--An activity illegal when engaged in by a minor, but not when done by an adult. Examples include truancy, curfew, running away, or habitually disobeying parents.

TEMPORARY CUSTODY — The physical taking and holding of a juvenile under personal supervision before a petition is filed and without a court order.

TRAINING SCHOOLS — Five residential facilities operated by the Department of Juvenile Justice and Delinquency Prevention for delinquent juveniles who are a danger to persons or property in the community and for whom no less restrictive placement is available or appropriate.

UNDISCIPLINED JUVENILE —a) A juvenile who, while less than 16 years of age but at least 6 years of age, is unlawfully absent from school; or is regularly disobedient to and beyond the disciplinary control of the juvenile's parent, guardian, or custodian; or is regularly found in places where it is unlawful for a juvenile to be; or has run away from home for a period of more than 24 hours; or b) A juvenile who is 16 or 17 years of age and who is regularly disobedient to and beyond the disciplinary control of the juvenile's parent, guardian, or custodian; or is regularly found in places where it is unlawful for a juvenile to be; or has run away from home for a period of more than 24 hours..

YOUTH DEVELOPMENT CENTER (YDC) - Also known as "training schools," Youth Development Centers are secure residential facilities that provide long-term treatment, education, and rehabilitative services for delinquent juveniles found guilty of crimes.