

What's Going to Happen to Me?

A Guide to Delinquency Court for Teens



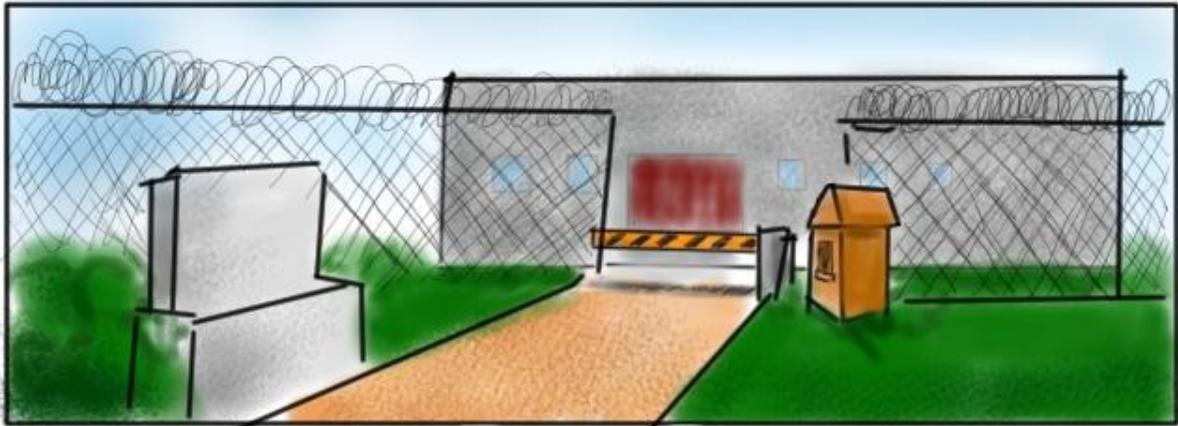
Honorable Judge

While we cannot tell you the specific reason you are here today, we can tell you that the judge needs to speak with you about something the police say you have done that is against the law.

This is called a “charge” or “your case.”

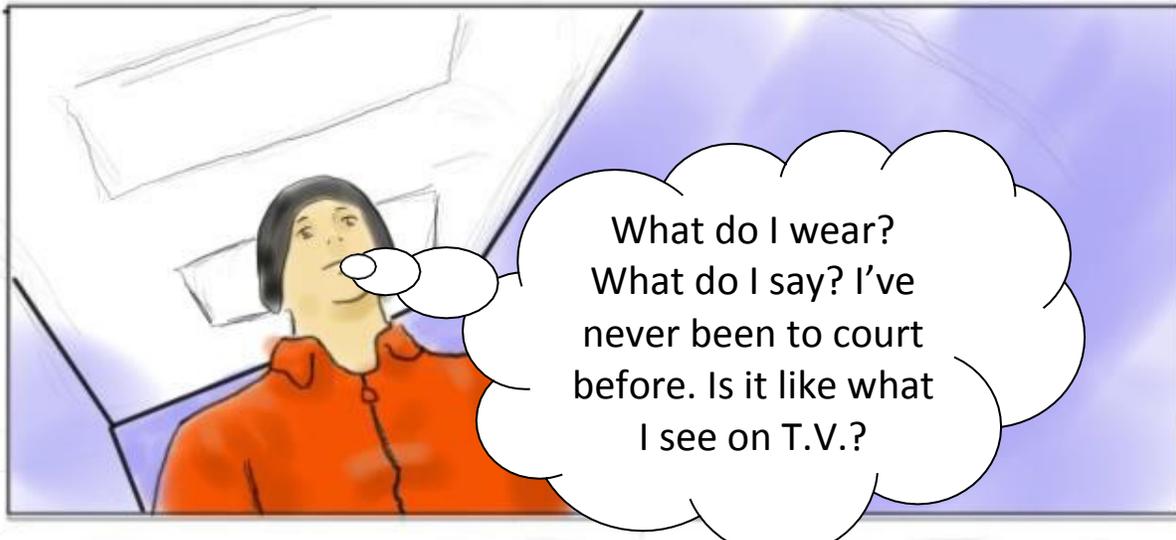
This is the story of Gabriel Tyler, a teenager who was recently arrested for misdemeanor theft, dealing in stolen property, and felony drug charges.

He had to learn what delinquency court is all about.



Okay, everyone.
It's time to go.
We're going to take
you over to the
courthouse now
for your
detention hearing.





What do I wear?
What do I say? I've
never been to court
before. Is it like what
I see on T.V.?



While in court, you should:

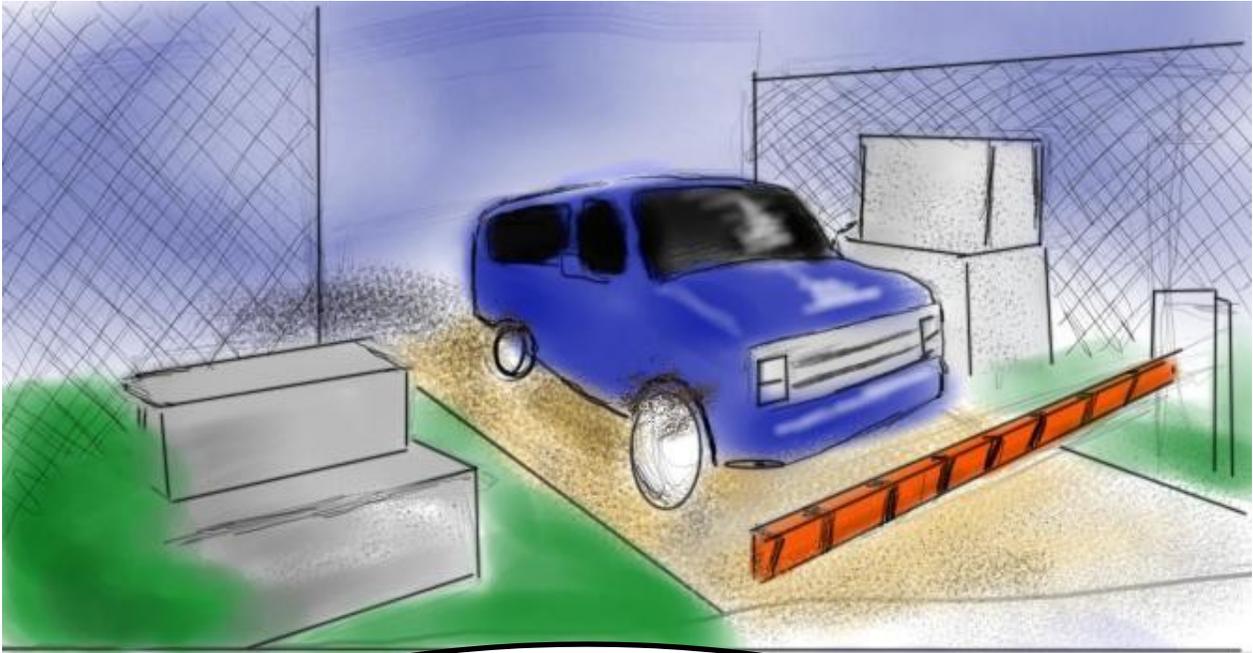
1. Wear nice clothes if you can (If in custody, you might not have a choice.) No shorts or tank tops, or flip flops if you have other clothes.

2. Show the judge respect. Speak up, answer the judge's questions, and try to remember to say "your honor" after each answer.

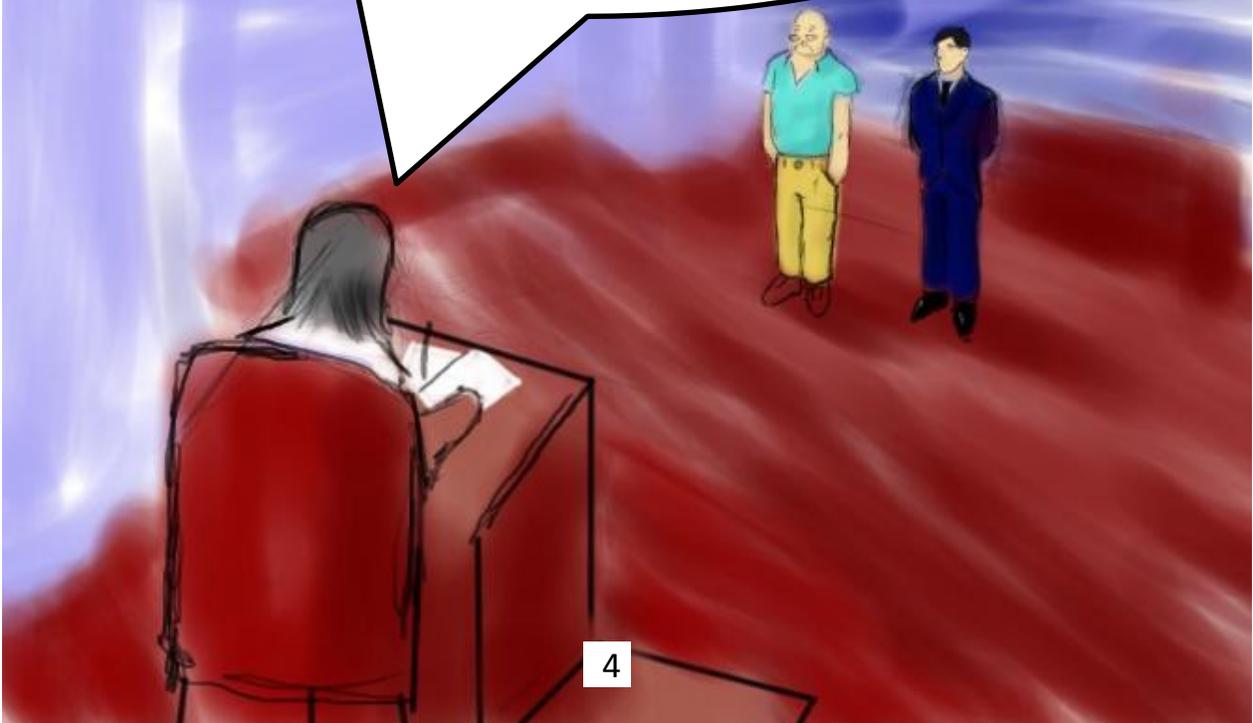
3. Do not play around, talk to or signal anyone except your lawyer and the judge.



4. Tell your lawyer or the judge if you or your family are involved in any other court cases, like if your parents are getting divorced or have other cases going between them or against them.



Okay Gabriel. We're here today for your detention hearing. I will decide today if there is a legal basis to keep you (we call that probable cause) in the detention center for up to 21 days, if you can go home under court restrictions which is called home detention, or if you can go home without court restrictions while you are waiting for your next hearing in court.





Judge - The judge is in charge of the courtroom and will decide if you broke the law at your trial. If the judge finds that you did break the law, the judge will decide what happens to you next. But today's hearing is only about whether you will stay locked up or not.

Your lawyer (Public Defender or Defense Attorney) - Your lawyer works for you. What you and your lawyer talk about is confidential, which means secret. He or she will give you advice on what to say or do and what might happen to you. Your lawyer will also help you during court hearings and speak to the judge or do your talking for you.

DJJ Juvenile Probation Officer (JPO) – This person works for the Department of Juvenile Justice (DJJ). The JPO recommends whether you should stay in the detention center or go home, recommends services for you, and also recommends punishment to the judge if you are found to have broken the law.

State Attorney (Prosecutor) – The state attorney is the lawyer who represents the “People of Florida” in all criminal and juvenile delinquency cases. He or she will try to prove that you broke the law.

Police Officer – The police officer's job is to protect the public and catch people who break the law and testify truthfully about what they saw and heard.

Bailiff – A law enforcement officer in the courtroom who makes sure the courtroom is safe for everyone. The bailiff may also be handing you papers.

Clerk – This person keeps a record of what happens in court and handles all the files and paperwork.

The purpose of a detention hearing is to determine if there is probable cause that you committed a delinquent act or violation of the law. Several things happen at the detention hearing:

1. Witnesses may testify under oath.

2. Parents and/or legal guardians can be present. If they aren't, DJJ should describe the steps they took to find your parents and let them know about the hearing. You have a right to speak with your parents privately.

3. The judge will ask if you have other court cases going on now.

4. The judge will tell you about your right to an attorney. If you and your parents are unable to pay for an attorney based upon certain guidelines, the judge may appoint an attorney to handle your case.

5. The judge will tell you what law you are accused of breaking.

6. The judge will tell you the reasons why keeping you in detention is necessary, if requested. If there is probable cause and further detention is necessary, the judge will explain what level of detention is required and why. The judge will look at current charges, prior delinquency history, your legal status (Are you on probation? On runaway status?), and other factors when deciding whether keeping you in detention is mandatory.

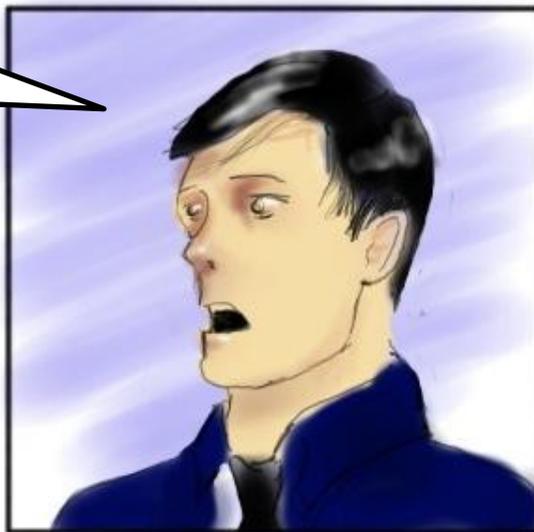


Okay, I have talked to your father, the police, and the staff from the Department of Juvenile Justice. DJJ completed a Risk Assessment Instrument (RAI) which outlines their recommendation for your case. I have also appointed an attorney to represent you. You have been accused of misdemeanor theft, dealing in stolen property and felony drug charges. All of these are very serious.

If you are guilty of these I could send you away until your 19th birthday. If you were an adult you could go to prison for 21 years. However, today I don't find any probable cause to support the felony drug charges. This doesn't mean they can't charge you with that crime, it just means I won't use it to try to hold you in detention.

I do find probable cause for the other charges, therefore, I am ordering you to remain in home detention until your next hearing. This means that whenever you are not in school, you must be at home or with your parents. If they go to the store, you go with them; if they go to church, you go with them. You must obey your parents, go to school every day and not commit any law violations. Do you understand? If you do not follow this order, you can be brought back to the detention center.

Yes, your honor.



Your next hearing will be on Thursday, the fifth of the month.

Honorable Judge

After a detention hearing, the next hearing is called an arraignment hearing.

Does everyone have a detention hearing like me?

If you were not locked up at a detention center, then your first visit to court will be for your arraignment hearing. If you don't have an attorney at your arraignment hearing and you and your parents can't afford one, the court will appoint one for you at the arraignment.



Do I have to show up
at these hearings?
Can't my parents just
go for me?

It is mandatory that you show up for your hearing.

It's also really important that your parents show up, too.

You must show up even if your parents cannot make it. If you don't, the judge can order the police to pick you up and detain you (lock you up).

Make sure you write down your next court date and time.

If your parents cannot take you to court for some reason, ask a relative to take you or find some other way to get there.



There are three different kinds of pleas you can enter:

(1) Not guilty.

(2) No contest or “nolo contendere” also known as “nolo.”

(3) Guilty. Your lawyer should explain to you what each of these mean and give you advice on what to do, but the decision is yours. If you enter a not guilty plea, then the next step is either a trial or plea negotiations.



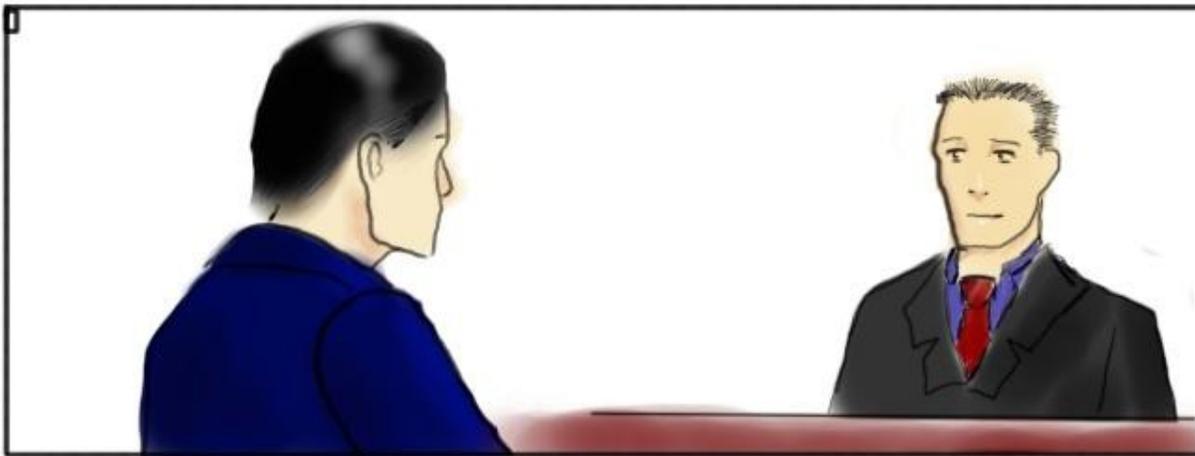
Ok Gabriel, I see that your attorney is with you. You have been charged with misdemeanor theft. How do you plead?



Not guilty, your honor.



I sure am glad I talked to my attorney. I wouldn't have known what to do if he hadn't helped me.



The trial might also be called an adjudicatory hearing.

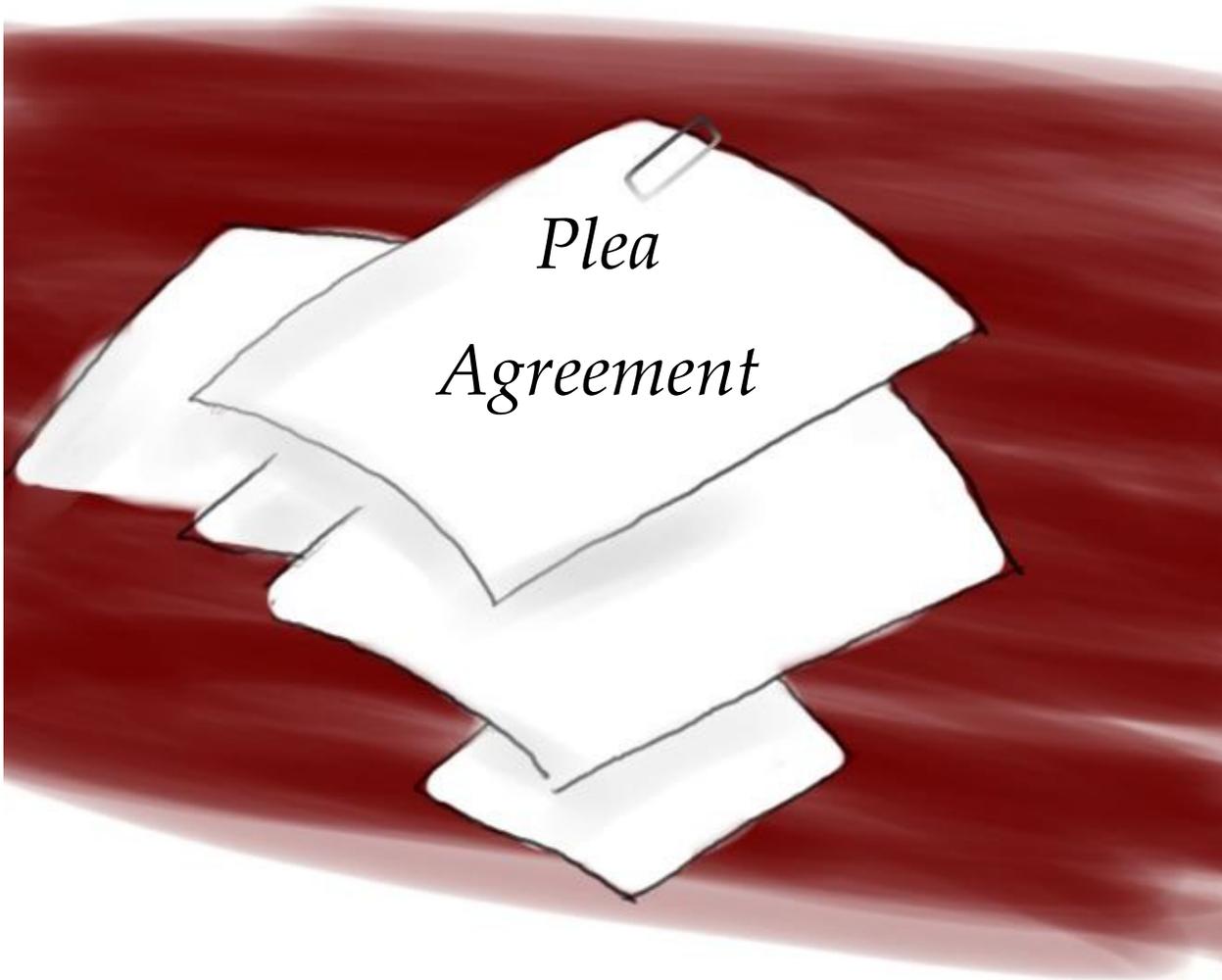
At the trial, it is the state attorney's job to prove that you broke the law. Your lawyer's job is to show that the state attorney has not proven that.

Under our constitution, you have certain rights before and during the trial. It is best that you talk to your lawyer before you do anything because it can affect some of those rights and what happens to you in the future.



Many times, people decide to give up their right to trial and want to enter a plea instead.

That means you, your lawyer, and the state attorney have all agreed what is going to happen to you.



If the judge accepts the plea or deal you have worked out, or if the judge decides that you broke the law after a trial, then you must have your disposition hearing.

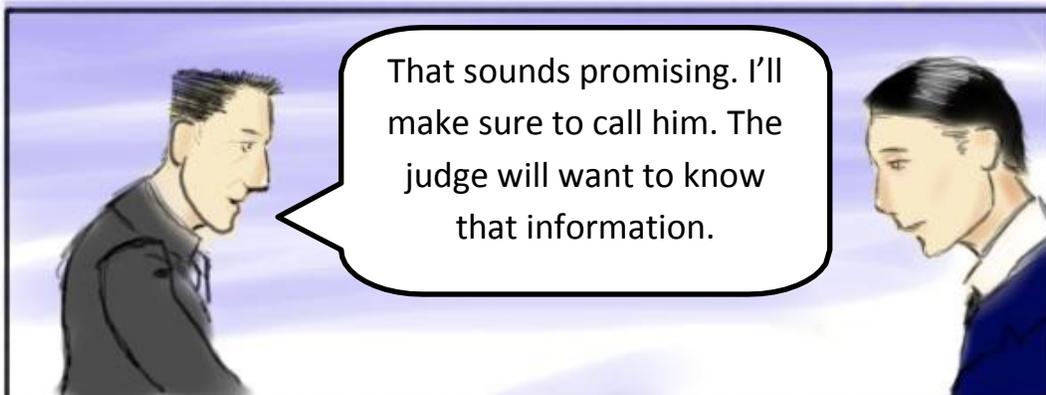
At the disposition hearing, the judge will go over any information he or she gets from DJJ, the victim, your lawyer, the state attorney, police officers, your teachers, relatives, and others.



Please tell me about any adults that can help you, how you are doing in school, any jobs you have had and your hobbies.



I really like working on cars. My uncle said that if I can get these charges cleared up, he'll give me a job fixing cars at his auto repair shop. I'll give you his phone number and you can talk to him.



That sounds promising. I'll make sure to call him. The judge will want to know that information.

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Sometimes, the arraignment, trial and disposition can all happen during one visit to court and sometimes they are all separate visits to the courthouse.

It is also possible that you might come to court and your hearing will not occur. When that happens, you will be asked to come back on another day.

This is a called a “continuance.”

If you do not understand what is happening, make sure you ask your lawyer to explain it to you.

Remember that it may take several days before your case goes before the judge for final disposition.



Gabriel Tyler, I have listened to all of the witnesses and I find you are guilty of misdemeanor theft and dealing in stolen property. Therefore I am adjudicating you as delinquent.

Oh no! What happens next?



If the judge finds you broke the law, the judge needs to order a background report or pre-dispositional study (PDR).
Your disposition [like a sentencing] may be delayed a couple weeks while that is done.
At the disposition, you could be sent to a program or placed on probation.

There are several different kinds or levels of programs. Most of them require you to live somewhere else for a while.

Some programs are less strict and others are a lot like a prison.

You should talk to your lawyer about the different levels of programs, what kind of help you can get there, and where they are located.

Your parents may have to pay DJJ to help care for you while you are in the program.

Probation: If you are put on probation, you live at home or with whichever parent or guardian the judge decides, but the judge will order you to do a lot of things called conditions of probation.

For example, the judge might order you to write an apology letter, stay away from certain people, attend school, be home by a certain time, get counseling, or be tested for drugs. The juvenile probation officer will help you get these things done, but is required to tell the court if you do not follow any of the probation conditions.

You parents may have to pay the Department of Juvenile Justice for each day you spend on probation. It is very important that you do all the terms of your probation, or there could be severe consequences, such as commitment to a DJJ program, which means that you could end up being sent away to a residential program for months.

Here are some other examples of what a judge might order you to do:

Pay restitution - If you did something that hurt someone or destroyed a person's property, (car, house, bicycle, etc.), the judge may order you and even your parents to pay the person's medical bills, sometimes even pay their lost wages or to replace or fix the damage.

Get treatment – If the judge thinks that one of the reasons you got into trouble was because of using drugs or something else going on in your life, the judge may order you to go into a treatment program or go to counseling. The judge may even order your parents to go to counseling. The goal is to try to fix whatever problem there may be in your home so you can stay out of trouble.

Do community service – The judge may order you, and even your parents, to do volunteer work for the community like helping with a soup kitchen or working with a community group, such as Habitat for Humanity or a local Animal Shelter.

My Judge's name is:

My next court date is:

What time:

Kind of hearing:

My juvenile probation officer's name is:

My JPO's number is:

My lawyer's name is:

My lawyer's phone number is:

About The Artist



“Hi, I’m Michael. I’m going for a certificate in Radiology Tech, because I like to help people, and I’ve always been interested in the medical field, as well as new technologies. I’ve been drawing for a couple years, and it’s one of my favorite things to do. Doodling is a good way to just chill and put thoughts on paper, and if I get to help kids through tough times with a comic, then more power to you guys.

Good luck!”



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