



# A FAMILY GUIDE TO JUVENILE JUSTICE IN ARKANSAS

My Child's Juvenile Officer is \_\_\_\_\_

Her/ His Phone Number is \_\_\_\_\_

The Juvenile Officer's Address is \_\_\_\_\_,  
\_\_\_\_\_, Arkansas

The Court's Address (if different than Juvenile Officer) is:

For more information:

<https://www.arcourts.gov/juvenile>

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## INTRODUCTION

A family's first introduction to the juvenile justice system could be a phone call from law enforcement, a juvenile intake officer, or a juvenile detention center.

You may have a mixture of questions and emotions when your child is arrested, cited, or released on conditions (perhaps with an electronic monitor) to you. You are understandably concerned about your child's safety.

You may be concerned with the circumstances of her/his arrest or origin of involvement with law enforcement. A natural reaction is fear, fear that your child is not going to be OK or that s/he may not have the future you dreamed of; fear that your child has changed; fear that you have now changed too.

Another natural reaction is anger. Anger with the police, the person who filed the complaint, the juvenile intake officer, other youth that may have been involved and even anger at your child for doing such a thing!

You may also feel embarrassed by your child's arrest. You may not want to tell relatives or employers, especially if you need to take time from work.

Many family members say they could have predicted that their child would get into trouble with the law because of earlier signs and behaviors. Families may have tried to find help that would change the path their child was following. In the midst of all this confusion and emotion, it is difficult to understand what has happened and what lies ahead for your child.

**This guide was written by a team of family advocates and juvenile justice practitioners to help you understand Arkansas' juvenile justice system and be better prepared to work closely with juvenile justice staff to promote positive outcomes for your child. It is intended to serve as a general guide about the local juvenile justice process and resources that may be of assistance. It is not intended as legal advice and it may not address every question or be applicable to every individual circumstance.**

## HOW TO USE THIS GUIDE

You can use this guide during the time your child is involved with juvenile Court, from time of arrest until s/he is released from the Court's supervision. This guide provides information about:

- ❖ The process as your child goes through the system.
- ❖ Ways that you, juvenile probation, and the juvenile Court can work together to help your child.
- ❖ People who you and your child will meet in the juvenile Justice system.
- ❖ The rights and responsibilities of everyone involved, including you, your child, juvenile probation, and the Court.

## JUVENILE JUSTICE SYSTEM –

### HOW IS IT DIFFERENT?

The juvenile justice system for youth is different from the criminal system for adults.

- ❖ The juvenile justice system deals with children whose offenses occur between the ages of 10-18. Supervision of your child can continue until age 21.
- ❖ Offenses are considered delinquent acts rather than crimes.
- ❖ Truancy or FINS actions (status offense cases) can occur for children younger than age 10.
- ❖ Most hearings are NOT open to the public and are presided over by a Circuit Judge.
- ❖ The juvenile justice system is intended to focus on treatment, rehabilitation and supervision.
- ❖ With the exception of a special type of juvenile case (an Extended Juvenile Justice jurisdiction- EJJ Case), there are no jury trials in juvenile court.
- ❖ Language used in the juvenile justice system and the adult criminal justice system is different.
- ❖ Children are "adjudicated delinquent" rather than "found guilty."

## TERMS YOU MAY HEAR IN THE JUVENILE JUSTICE SYSTEM

**Accountability** – When a delinquent offense is committed, a child has a responsibility for the harm caused and takes action to repair the harm and restore the victim's and community's losses to their pre-incident state, if possible.

**Adjudication Hearing** – hearing at which the Prosecuting Attorney, as a representative of the State, presents a case to prove a youth committed the offense with which s/he has been charged.

**Adjudication of Delinquency** – The finding by the Court that a juvenile has broken the law as accused and is in need of rehabilitation.

**Assessment** – An evaluation of the youth's risks and needs.

**Bench Warrant** – A Court order allowing a child to be physically taken into custody or before the judge.

**Community Service** – Work a juvenile does to benefit the community or a class or activity that s/he engages in to help understand the harm her/his actions have caused. Judge orders.

**Court Order** – A document signed by a judge, directing somebody to do something. Anything that is written in the order must be abided by.

**CRAFFT** - a brief clinical tool designed to screen for substance-related risks and problems in adolescents.

**Detention Center** – A locked facility where children are temporarily housed.

**Disposition** – If a child is adjudicated delinquent, this type of hearing is held to decide what sanctions and/or services to which the youth will be ordered.

**Diversion** – A program diverting youth from court if it is determined that public safety can be maintained.

**DYS** – Division of Youth Services: the most secure, longest-term confinement in the state for juveniles.

**Felony** – The most serious classification for a delinquent act committed by a juvenile.

**FINS** - Families in Need of Services: a case type involving offenses committed by juveniles that would not be considered a "violation" if an adult committed

the same act- e.g. truancy, running away, habitually disobedient to parent.

**MAYSI-2** - a brief screening instrument designed to identify potential mental health needs of adolescents involved in the juvenile justice system.

**Misdemeanor** – a less serious delinquent offense than a felony.

**Not True Plea** - Also known as a "denial." Essentially the same thing as a "not guilty plea."

**Pick-Up Order** – a bench warrant to have a youth picked up, detained, and brought before the judge for specific non-compliance, particularly running away or absconding.

**Probation** – A supervision status for the youth during which s/he will be required to comply with certain conditions and sanctions.

**Random Drug and Alcohol Screening** – typically urine tests that detect commonly abused street and prescription drugs or alcohol.

**Restitution** – juveniles are held accountable for the financial losses they have caused to the victims of their crimes and the Court may order your child (and you) to pay the victims for their losses.

**Review Hearing** – A Court hearing that is held to review a child's progress (Parents must attend).

**Revocation of Probation** – A child on probation violates set rules or conditions. The Court can respond with additional sanctions and/or conditions.

**SAVRY** – Structured Assessment of Violence Risk in Youth: a research-based assessment tool designed to determine a child's risk to reoffend and needed services through juvenile probation.

**Subpoena** – A court order requiring a person to appear in court at a certain date and time.

**Truancy** – A status that your child is assigned if s/he has missed beyond the school district's maximum number of days. Parents are subject to a maximum fine of \$500.

**True Plea** – Also known as "an admission." Essentially the same thing as a "guilty plea."

*"It is easier to build strong children than to repair broken men."  
~Frederick Douglass*

## THE PEOPLE YOU MAY MEET

Decisions are made by different people at different points in the process requiring that you be constantly aware of what decisions are being made by whomever has the authority to make the decision.

**Juvenile Probation Staff** – The Court employs people to work in many different settings. These individuals have different titles and responsibilities within the department, such as intake officer, probation officer, drug court coordinator, after-hours reporting officer, FINS or truancy officers/case managers, just to name a few. One of these professionals will be assessing your child's risk and needs to see if there are ways the Court or its staff may be of assistance. Be sure to write down the name, title, and phone number of the person with whom you speak.

**Judge** – Circuit judges preside over juvenile cases and are attorneys who were elected to the position. They have specialized training and understanding of juvenile case matters.

**Prosecuting Attorney** – Each County has an elected Prosecuting Attorney and s/he may have deputy prosecuting attorneys. It is the job of these attorneys to prosecute or prove the charges against the youth.

**Private Attorney** – Attorneys licensed to practice in the State of Arkansas whom you hire and pay to represent **your child**

**Public Defender** – Like private attorneys, these licensed attorneys are appointed to represent **your child** (at no or at a reduced fee, if you qualify).

### LEGAL OBLIGATIONS OF YOUR CHILD'S ATTORNEY

*It is important to remember that a Public Defender or private attorney only represents the interests of the child, not the parent. The lawyer has a duty to advocate for what your child decides. You may have very good reasons to disagree with your child's decision; however, the lawyer is bound to exclusively represent your child's expressed wishes. It is the lawyer's responsibility to fully explain to your child the consequences of her or his decision.*

## ADVOCATING FOR YOUR CHILD

"Being there" for your child is important when s/he is suspected of breaking or has broken the law. It may seem like your child's behavior is beyond your control, but this can be a time when you can rebuild your relationship and find a better direction for her/his life. The best way to try is by:

**Attending and arriving on time for meetings and Court hearings:** Remember that your attendance at Court hearings is mandatory. Your presence at meetings with attorneys, probation staff, therapists, etc. is critical. Communicate if your job, address or phone numbers change. Be **ACTIVELY** involved in your child's case.

**Participating in the supervision of the case:** While it may feel awkward or intimidating, speak up and speak TO the probation officer and your child's attorney. Report non-compliance to the supervising officer (intake or probation). Hold your child accountable to the authority of the Court and DO NOT become complicit in her/his failure to abide by Court Orders.

**Building Respectful Relationships with People Involved with Your Child:** Regardless of how you may personally feel about your child's situation, or the individual juvenile justice staff person, lawyer, or judge, you should always communicate respectfully with them. In turn, you can expect to be treated with respect.

**Staying Organized:** Keep all paperwork in a folder (reports, letters, and notices). Ask for copies of anything in writing about your child. Also, keep good notes regarding people with whom you speak about your child. List meeting dates, appointments, materials requested, and times.

**Set the Best Example for Your Child:** Obey Court Orders. Work collaboratively with the Court Staff and Judge to allow your youth the best possible outcome. Answer questions honestly. Do not enable, excuse bad behaviors, or cover up non-compliance. Your young adult is learning to navigate adulthood from this experience; hold her/him accountable; provide skills for increased capability; and instill personal ethics and community values.

## ARKANSAS' JUVENILE JUSTICE SYSTEM

The State of Arkansas' Juvenile Justice System is based on the principles of **Balanced and Restorative Justice**, which is a philosophy – not a specific program. Our State's approach to juvenile justice strives to be balanced and restorative, and all activities your child will encounter focus on the following goals:

**Community Protection** – The public has the right to safe and secure homes and communities. The Court and Court Staff must help the child while keeping the community, including the child and family, safe.

**Accountability** – When a crime (a juvenile offense) is committed, the offender is responsible for the harm caused and should take action to repair the harm and restore the victim and community.

**Competency Development** – Children should leave the juvenile justice system more capable of living responsibly and productively in the community. Since children are not as developmentally mature as adults, they are given the opportunity to learn to be responsible and competent.

As you can see, Arkansas' Juvenile Justice System strives to help children learn from their mistakes, and to assist them in making positive changes that will put them on the road to becoming responsible and productive citizens.

The Juvenile Justice system may seem confusing and each child's experience is different. The legal framework is regulated by many sources. Federal and state laws and regulations, as well as practices in individual judicial jurisdictions shape the system of each juvenile court. What happens in your child's case depends on many factors, including:

- ❖ The risk level and your child's needs
- ❖ The nature of the offense and whether injury or damage occurred
- ❖ Whether this is your child's first offense
- ❖ Whether on-going risk to other people or property exists



## THE JUDGE AND WHAT CAN HAPPEN IN THE CASE

Judges who hear juvenile cases are sometimes referred to as "Juvenile Judges." In truth, they are Circuit Judges and the cases are heard in Circuit Court, the same as criminal cases involving adults with the primary differences being:

- ❖ The age of defendants appearing before the court; and
- ❖ Procedural confidentiality requirements for defendants under the age of 18.

If your child is adjudicated delinquent on a violation of Arkansas law, the Court will adjudicate the Juvenile to one or more of the following:

- ❖ Probation
- ❖ Residential Treatment
- ❖ Up to 90 days in a Juvenile Detention Center
- ❖ Commitment to the Division of Youth Services
- ❖ Community Service (for youth and/or parent – not to exceed 160 hours per offense)
- ❖ Fines (not to exceed \$500), fees (no more than \$20 per month), court costs (\$35), and/or restitution to the victim (Up to \$10K without a jury trial)
- ❖ Monitoring (curfews, monthly reports, random drug screens, etc.)
- ❖ Education classes (for youth and/or parent)
- ❖ Other similar sanctions

**PARENTS/GUARDIANS/CUSTODIANS ARE PARTY DEFENDANTS IN JUVENILE DELINQUENCY MATTERS. THIS MEANS THE COURT HAS JURISDICTION OVER YOU IN THE CASE AS WELL.**



**VIOLATION OF THE COURT'S ORDERS MAY SUBJECT THE JUVENILE, PARENT(S), AND/OR GUARDIANS TO CONTEMPT SANCTIONS.**

## ARKANSAS' JUVENILE JUSTICE FLOWCHART FROM CITATION/TICKET

Youth receives citation/ticket and is released to Parent/Guardian with directions for Contact with the Juvenile Division. Parent/Guardian must also attend. Youth is given her/his rights. Assessments will be conducted first to determine if the youth can safely be diverted from formal processing- A "Diversion Case" with some conditions. No Court case will follow if fully compliant.

If the case is not diverted, the youth may be released on Conditions of Release. Further assessments will be conducted to determine what services will be recommended. Youth will receive a court date to appear before a circuit court judge who specializes in Juvenile Justice cases. Parent/Guardian must attend.

At the hearing, juvenile will have the opportunity to plead true or not true (guilty or not guilty). If the plea is not true, another court date is set for an adjudication (trial). Your child may have an attorney represent him or her. If the plea at the first hearing is true, the Court can move immediately to disposition (Sentencing). This might also be set out until a later date with youth and parent ordered to appear at the disposition with the youth released on certain conditions.

If a not-true plea was given, the youth, through her/his attorney, will have the opportunity to bring witnesses for their side of the case at the adjudication as will the State through the prosecuting attorney's office. The judge assigned to your child's case will make a finding in the case (the disposition). The dispositional alternatives are listed on the previous page. This will be a court order and the youth, parent, and others are bound by that order. If your child is placed on probation, s/he will also be read and asked to sign Terms and Conditions of Probation (a/k/a Rules of Probation). It is important that you and your child understand and comply.

## ARKANSAS' JUVENILE JUSTICE FLOWCHART FROM ARREST/DETAINED

If your child is arrested and detained, you will be notified. S/he will be detained in a Juvenile Detention Center \* for a better understanding of Juvenile Detention Centers, see:  
<https://www.dfa.arkansas.gov/images/uploads/criminalDetentionOffice/proposedjuvenileStandards.pdf>

Your child must either be released or appear before the judge w/in 72 hours (not counting holidays/weekends). You will be notified to appear with her/him. The detention hearing is to determine if your child can safely be released or if s/he needs to remain detained until her/his adjudication date (maximum of 14 days). If released, the court will order conditions under which your child is being released. Either way, an adjudication date will be set.