

PENNSYLVANIA'S JUVENILE COURT SYSTEM:

A Guide for Victims of Juvenile Crime



CASE INFORMATION

Arresting Officer _____

Phone _____

Incident Number _____

Victim Advocate _____

Phone _____

Juvenile Probation Officer _____

Phone _____

Hearing Date	Time	Location
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_____	_____	_____
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_____	_____	_____
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_____	_____	_____
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Notes: _____

Helpful Websites:

www.ova.state.pa.gov — Office of PA Victim Advocate

www.pacrimevictims.org — helpful information for victims and about victims' rights

www.jcjc.pa.gov — Juvenile Court Judges Commission

www.pachiefprobationofficers.org — PA Council of Chief Juvenile Probation Officers

JUVENILE JUSTICE GUIDE

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All of the services designed and implemented to achieve this mission, all hearings and decisions under the Juvenile Act of Pennsylvania, and indeed all aspects of the Pennsylvania Juvenile Justice System, must be provided in a fair and unbiased manner.

Services and definitions listed in this booklet may vary from County to County.

THE PENNSYLVANIA JUVENILE JUSTICE SYSTEM OVERVIEW

Juvenile Justice Mission:

- * Community Protection
- * Victim Restoration
- * Juvenile Redemption

Community Protection refers to the right of all Pennsylvania citizens to be and feel safe from crime.

Victim Restoration emphasizes that, in Pennsylvania, a juvenile who commits a crime, harms the victim of the crime and the community, and thereby incurs an obligation to repair that harm to the greatest extent possible.

Juvenile Redemption embodies the belief that juveniles in Pennsylvania have strengths, are capable of change, can earn redemption and can become responsible and productive members of their communities.

Juvenile Justice System Enhancement Strategies

Mission Statement:

To support and enhance the values, principles, and programs that advance the goals of Balanced and Restorative Justice while employing evidence-based practices whenever possible.

PENNSYLVANIA’S JUVENILE JUSTICE SYSTEM EXPLAINED

In 1995, Pennsylvania lawmakers re-defined the purpose of the juvenile justice system based on the principles of **Balanced and Restorative Justice**, sometimes referred to as “BARJ”. Balanced and Restorative Justice is a philosophy, not a program. Pennsylvania’s approach to juvenile justice strives to be balanced and restorative:

Community Protection – The public has the right to safe and secure homes and communities. The juvenile justice system must help the juvenile offender while keeping the community, including the juvenile offender and family, safe.

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

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

Pennsylvania’s juvenile justice system strives to support the victims of crime, while also helping juvenile offenders learn from their mistakes, and make positive changes that will help them become responsible and productive citizens.

Juvenile Justice System– How is it different?

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

- Juvenile offenders are “adjudicated Delinquent”, rather than “found guilty”.
- The juvenile justice system deals with juvenile offenders whose offenses occur between the ages of 10-18. Supervision of juvenile offenders can continue until age 21.
- Offenses are considered delinquent acts rather than crimes.
- Most hearings are not open to the public and are presided over by a judge or hearing officer.
- There is no jury trial in juvenile court.
- Language used in the juvenile justice system and the adult criminal justice system is different.

VICTIMS' BILL OF RIGHTS

As a victim, you have rights. Here are some of the rights you have:

You have the right to be told...

- about basic services available to you in your county
- about certain court events, including
information on escape or release of the juvenile offender
- about the details of the final disposition of a case

You have the right to receive...

- notice of the arrest of the juvenile offender
- information about restitution
- assistance with filing a compensation claim through the Victim Compensation Assistance Program (VCAP)
- accompaniment to all juvenile justice proceedings by a family member, a victim advocate or a support person

You have the right to provide input...

- into the disposition of the juvenile offender
- to receive help in preparing an oral and/or written victim impact statement

For more information on your rights as a victim you can call the office of your local victim advocate or go online to:

www.pacrimevictims.org or to www.pavictimrights.org

If you don't understand your rights or if you feel that you didn't receive all of your rights, please contact the office of your local victim advocate.

SERVICES PROVIDED BY VICTIM ADVOCATES

Victim advocates help victims and witnesses of crime. We will work with you to meet your needs and answer your questions. Your level of involvement in this case is up to you, you have the control for how much or how little you would like to be involved.

We can:

- Support you during the court process
- Tell you how the court process works
- Give you information about your case
- Tell you about court events
- Go with you to court events
- Help you plan what to say in court
- Help you write down how the crime has hurt you
- Make sure you have a safe place to wait in the courthouse
- Help you tell the court about your financial loss

We can also help you:

- Request to get your property back
- Talk to people who have sent you bills
- If you are threatened by the juvenile offender
- Assist you to contact other agencies that can help you



VICTIMS' ROLE

1. To participate as much or as little in the process as you would like. However, you may be required to attend certain court proceedings.
2. To provide your current address and telephone number in order to be kept up to date with the status of your case.
3. To provide documentation for bills when completing forms relating to financial claims.

DEFINITIONS

Adjudication: A hearing to determine if the juvenile offender is in need of treatment, supervision, or rehabilitation.

Allegation/Petition: The list of charges filed. Charges are the criminal acts the juvenile offender is accused of doing.

Certification Hearing: A hearing to decide if a case should be moved from juvenile court to adult court.

Defense Attorney: The attorney representing the person who is accused of committing a crime.

Delinquent Act: A crime committed by a juvenile offender.

Detention: A temporary, secure holding facility for a juvenile offender who commits a serious offense.

Disposition: The final decision on how a juvenile offender will be held accountable for his/her actions. There may or may not be a hearing.

- **Diversion:** A way to hold a juvenile offender accountable without having an adjudication hearing. It is sometimes offered to juvenile offenders who have never committed a crime before. In most cases, some supervision from juvenile probation is involved and types of diversion programs include the Youth Aid Panel, Informal Adjustment, and Consent Decree.
- **Probation:** The juvenile probation office will supervise the juvenile offender for a time period specified by the judge. The judge will order treatment and supervision that is designed to best meet the juvenile offender's needs and their risk for reoffending. The juvenile offender must obey rules from the court.
- **Placement:** When a juvenile offender has been adjudicated Delinquent for a serious crime and the court feels that he/she is unable to safely remain in his/her community, he/she will be sent to live in a place that offers close supervision and treatment.

Disposition Review Hearing: A hearing where the court looks at the juvenile offender's progress every six (6) months to determine if treatment and supervision are still needed.

District Attorney: The attorney who works for the Commonwealth of Pennsylvania is also called a *prosecutor*. This attorney prosecutes people who break the laws of Pennsylvania.

Finding of Fact: A hearing to determine if the juvenile offender committed the alleged crime.

Judge: An elected official who hears and decides cases in a court of law.

Juvenile Hearing Officer: A person, usually an attorney, who is appointed by the judge to hear and decide upon certain juvenile offender cases.

Juvenile Offender: A person between the ages of 10 and 18 years old who is arrested for committing a crime.

Juvenile Probation Officer: A court employee that receives allegations, makes reports and disposition recommendations to the court, and supervises offenders under the jurisdiction of the court.

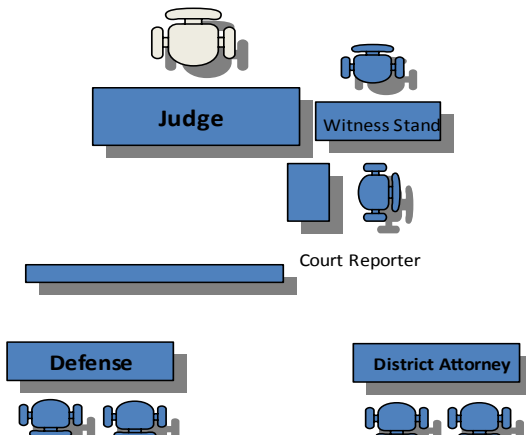
Placement Review Hearing: A hearing that takes place at least every six (6) months when a juvenile offender is committed to a placement facility. Placement review hearings assess the progress in treatment that the juvenile offender has made while he/she has been there.

Restitution: Restitution is money a juvenile offender repays to a victim. It is money that was lost or spent as a result of the crime.

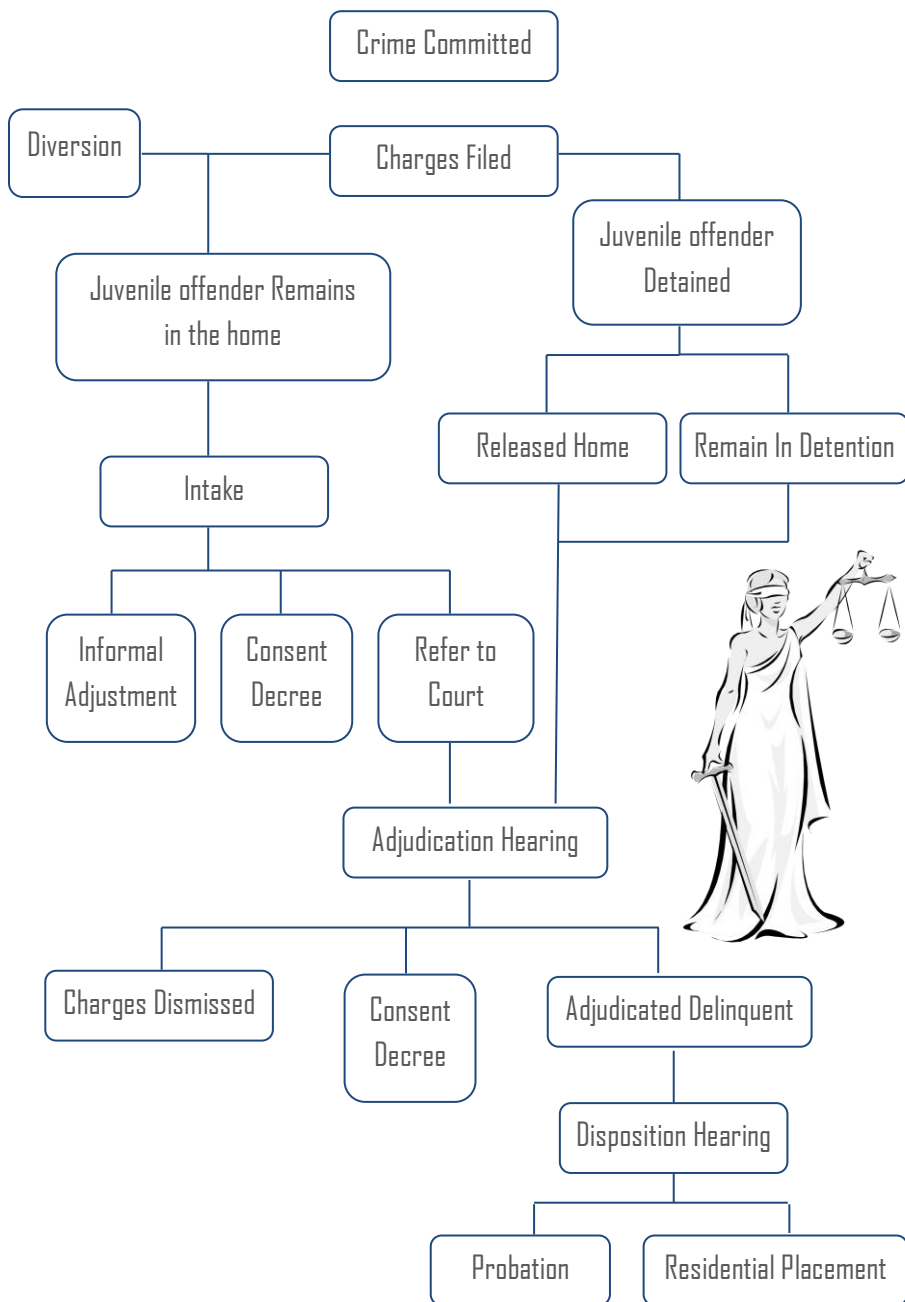
Victim Advocate: A person who can help a victim understand juvenile court, go with a victim to court, help a victim determine restitution, and let the victim know what's happening with the case.

Victim Impact Statement: A victim impact statement is a victim's chance to tell the court how the crime hurt them and their family or how it has changed their lives. Victims may write their statement and may speak in court but are not required to do or say anything. This is also their opportunity to request financial restitution in writing.

POSSIBLE COURTROOM LAYOUT



THE JUVENILE JUSTICE SYSTEM



THE COURT PROCESS

Crime Reported

When a crime is reported, the police will investigate. If the police think a crime happened, they can arrest someone. People over 10 and under 18 who are charged with a misdemeanor or felony crime will go through the juvenile court system.

Detention

Detention is not long-term. Most juvenile offenders do not go to detention. A juvenile offender is placed in detention only if he/she is a risk to: reoffend prior to court, fail to show up in court for a hearing, or ran away from a court-ordered placement. When the police arrest a juvenile, the probation officer completes a risk assessment to determine if the juvenile will go to a detention center or return to his/her home while waiting for court. If the juvenile is put in a detention center, a court date must be held within three (3) court business days for a judge to decide if the juvenile will stay in the detention center.

Finding of Fact

A Finding of Fact hearing is held to decide if the juvenile committed the alleged crime. If the juvenile admits that he/she committed the crime, then it is possible that you may not need to tell the court what happened. If the juvenile does not admit, that he/she committed the crime, then you may have to testify. If the juvenile denies his/her involvement in the crime, the district attorney will ask people, including you, to tell the court what happened. (This is called *testimony* and the people are called *witnesses*). Witnesses may be *sequestered*, or placed in a separate area, before giving testimony so they are not able to hear the other witnesses.

The juvenile's lawyer can also ask you questions. When the district attorney is done asking questions, the juvenile's lawyer will ask questions to his witnesses. The juvenile may decide not to testify.

When the lawyers finish asking questions, they will each make a last statement. The judge will then decide if the juvenile committed the crimes or not. If the judge decides that the juvenile did commit the crimes, the juvenile offender will be adjudicated Delinquent, which means the same as "found guilty" in adult court.

Adjudication

This is when the judge/juvenile hearing officer determines if the juvenile offender is in need of treatment, supervision, or rehabilitation. If they are found in need of any of the above listed criteria, they are adjudicated Delinquent.

Disposition

A disposition in juvenile court is similar to a sentence in adult court. It is the outcome of the case. In determining the disposition, the judge considers the victims perspective as well as how to enhance the juvenile's competencies and protect the community.

Certification/Decertification

Certification is when a juvenile case is transferred to adult court when there are felony charges and the judge feels that the juvenile offender cannot be helped by treatment in the juvenile system. After being certified, the juvenile offender goes through court as an adult. Decertification means a juvenile offender's case is sent from adult court to juvenile court because the judge believes that he/she can be helped by treatment in the juvenile justice system.

Disposition Review Hearing

A disposition review hearing is a hearing that is scheduled to review any progress the juvenile offender has made, either with completing their conditions of probation or at a placement facility. It is used to determine if there is a need to make changes to the disposition and/or whether it is best for the juvenile offender, the victim, and the community to keep the juvenile offender at the current placement facility. Disposition review hearings for juvenile offenders in the community are required by law to occur every six (6) months.

RESTITUTION AND VICTIMS' COMPENSATION

As a victim of crime, you may have loss of money or have extra costs because of the crime. There are two ways you can get help.

Restitution

Restitution is money the juvenile offender repays to a victim. This is money that you have lost or spent because of the crime. The restitution can repay you for loss of property, loss of money, medical expenses, counseling, and prescription copays.

When Restitution is ordered:

- Money may be paid to *you* for money you have spent, bills you have paid, bills you owe, and insurance deductibles.
- Money may be paid to your *insurance company or another company* that has paid your bills or paid you for your losses.

You must tell us about the money you think should be paid back. We will give you a form that will help you give us information. We can also help you fill out this form.

The judge will tell the juvenile offender about the money to be paid back. The judge will decide the amount based on the information you provide, as well as taking into account the juvenile offender's ability to pay.

Victims Compensation Assistance Program (VCAP)

This program can help pay or reimburse victims money they lost because of a crime. This program could pay money for medical bills, counseling, lost pay, funeral costs, child care, stolen cash and other costs. The program does not cover all costs and is a payor of last resort. You must file a claim with the program to see if you qualify. You have the right to receive assistance in filing your compensation claim.

For more information, go to [http://www.pccd.pa.gov/Victim-Services/Pages/Victims-Compensation-Assistance-Program-\(VCAP\).aspx#](http://www.pccd.pa.gov/Victim-Services/Pages/Victims-Compensation-Assistance-Program-(VCAP).aspx#)

The toll free number is 1-800-233-2339.

What is a Victim Impact Statement?

How is it Used?

As a crime victim, you have the right to offer a victim impact statement. A victim impact statement is your chance to tell the court how the crime hurt you and your family. You can also tell the judge how the crime has changed your life. You may say what punishment you think the juvenile offender should receive. You may write your statement and if you choose, you may speak in court when the juvenile offender has a disposition hearing. A victim impact statement helps the court see the impact of the crime and allows victims to be a part of the court process, giving victims a voice in the case that affected them.



The choice to write a victim impact statement is up to you. However, it may help a judge to decide what the outcome of the case will be. Your statement will become an official court document after it is given to the court. A judge, district attorney, defense attorney, probation officer, and even the juvenile offender may read your statement. No one knows better than you how this crime may have changed your life and writing a victim impact statement gives you the chance to make sure the court knows that.

Tips for Writing Your Victim Impact Statement

First, write down your answers to the following statements:

- * Briefly describe the crime that happened to you and/or your family member. Remember that the judge already has many of the details in the file.
- * Describe the effect that the crime has had on you and your family. Examples of this include, but are not limited to: changes you have made to your routines, recurring nightmares, financial burden, changes in your relationship with family, problems in school and/or problems in your other relationships.
- * Think about the different types of emotional and mental effects the crime has had on you. Tell the judge how you interact with others and your current level of trust in them. If you are the significant other or parent of the victim, make sure you include a brief description about how the victim is acting about or coping with the situation. Have you had counseling as a result of the crime?
- * What do you need and/or want from the juvenile justice system in order to heal? What do you need and/or want from the juvenile offender in order to heal?

Next, complete your victim impact statement. Include all the feelings and examples that you have come up with. This is your time to let the judge know what this crime has done to you and your family and what may help you to begin to heal. This helps the judge to determine how best to balance holding the juvenile offender accountable for his/her actions while making the victim feel that justice was served and protecting the community from further harm. Your thoughts and feelings are a very important part of this process.

**If you have medical bills, counseling expenses, damages to property or possessions or any monetary loss as a result of this crime, be sure to complete the restitution claim form so that restitution can be determined and ordered in your case.

Questions and Answers

How should I dress for court?

Women can wear a dress or dress slacks with a nice top. Men can wear dress pants and shirts. Clean, unripped jeans are fine. Do not wear shorts, a hat, a shirt with spaghetti straps or a shirt that shows your belly. You may want a jacket or sweater. The courtroom can be chilly.

Should I bring anything with me?

Often you will have to wait to testify, so you may want to bring something along to help you pass the time. You may choose to bring your own games or reading material. You may want to bring a “comfort object” that can help you with nervousness or stress. Check with your local victim advocate for rules about what you may/may not be permitted to bring.

Will anyone stay with me?

If you request this, a victim advocate will answer questions, show you the courtroom and go with you to any court events. You may also bring another person with you for support.

Who is permitted in the courtroom?

Juvenile court is generally closed to the public; however certain cases are open to the public and the press. If it is a private hearing, the only people who are allowed to be in the courtroom are the people who are involved in the specific case, the juvenile offender, his/her family, the victim, witnesses and other persons providing support. The district attorney, defense attorney, judge or hearing officer and the juvenile probation officer will also be in the courtroom. People who are going to testify are sequestered. This means that they are not allowed in the courtroom until they are called to come in to testify.

Where can I get an excuse for missing work or school?

You can show your subpoena to your employer or school official.

Questions and Answers

What about security?

Many courthouses have a metal detector system and an x-ray machine at the entrance. Pocketbooks, briefcases and packages will be scanned. All cell phones must be turned off, if allowed in at all. You may not bring weapons, pocket knives, box cutters or mace into the courthouse. There are sheriffs in each courtroom to provide security and maintain order.

As a victim, do I need a lawyer?

No, the district attorney's office will handle your case. The district attorney is a lawyer who looks out for the interests of the Commonwealth of Pennsylvania. The district attorney or assistant district attorney will work with you, the police and other witnesses to prepare and handle your case. The district attorney is paid by the county, so you do not have to pay any fees.

When will my property be returned?

If you are the victim of a crime, sometimes the police may hold some of your property as evidence. Often, it can be photographed and returned to you by the police. The district attorney may ask you to bring the property with you to court to use in the trial. Sometimes, you must wait until the case is over to get your property back.

What if I have special needs? What if someone coming to court with me has special needs?

If you or someone coming to court with you requires special accommodations, please call your victim advocate ahead of time so special arrangements can be made to meet your needs.

Many counties offer a victim satisfaction/feedback survey to complete. Please take the time to complete the survey so that victim advocates can make sure they are providing the best service possible statewide.

