

Juvenile Delinquency Handbook:

A Guide for Families



This handbook is intended to give families general information about juvenile delinquency cases. It is not legal advice. The information in the handbook is only an overview and does not cover all situations or legal options. Legal advice depends on your unique situation. You should only take legal advice from your attorney. Please ask your attorney to answer any questions you have.

January 2025

Introduction

Welcome to Jefferson Parish Juvenile Court. Being involved in a juvenile delinquency case can be confusing, scary, and stressful. We want to help you understand how juvenile delinquency cases work and what to expect.

Keep this handbook with you so you can write the names and contact information of people in your case and the dates of your meetings and court hearings.

Jefferson Parish Juvenile Court is located in the Juvenile Justice Center at 1546 Gretna Boulevard in Harvey. The court's phone number is 504-367-3500.

My Contacts

Agency/Position	Name	Contact Information
My Attorney		
District Attorney		
Diversion		
Department of Juvenile Services (Probation Officer)		
Office of Juvenile Justice		

My docket number is _____. My case is in section _____.

The dates I have to come to court are: _____

Table of Contents

Introduction, My Contacts.....	2
What is this Handbook? What Cases are Handled at Jefferson Parish Juvenile Court?.....	4
What is the Juvenile Justice Complex?.....	4
Why are There Different Courts for Youth and Adults?.....	4
Who is a Youth? What is a Delinquent act? What is a Status Offense?.....	5
What are the Types of Offenses? What Rights do Youth Have?.....	5
What is Jurisdiction? Who are the People in Court and What do They Do.....	6
How does a Delinquency Case Start? What Happens After a Youth is Arrested?.....	7
When is the First Court Hearing and What Happens? What is Bond?.....	8
What Happens Next: Petition, Diversion, Competency and Insanity.....	9
What is an Answer Hearing? What is an Adjudication Hearing?.....	10
What if the Court Finds the Youth Delinquent or if the Youth Admits to the Petition?.....	11
What is a Disposition Hearing?.....	12
What Happens Next?.....	13
Expungement, Additional Information: Diversion.....	14
Additional Information: Transfer to Adult Court.....	15
Additional Information: Competency and Insanity.....	16
Appendix: Glossary of Terms and Acronyms.....	19
Appendix: Delinquency Flow Chart.....	22

What is this Handbook?

This handbook describes what happens after a youth is arrested or cited for committing a crime. In juvenile court, we use different words than the adult criminal justice system to talk about similar ideas, which can be confusing. At juvenile court a crime is called a delinquent act. However, in order to make this handbook easier to read, we will use the word offense instead of crime or delinquent act.

What happens after a youth is arrested or cited depends on the offense, the youth's past record, the victim's wishes, and the youth's decisions. This handbook does not give legal advice. Each case is different. Every possible situation cannot be covered in a handbook like this. This handbook will tell you about how these cases work most of the time. If you are involved in a juvenile delinquency case, please ask your attorney any questions you have.

If you would like to read the laws about juvenile delinquency, they are written in a book called the Louisiana Children's Code Handbook. The laws start at article 801 and end at article 926. Please note that these laws can change yearly and make sure that you have the most recent handbook. This handbook only covers juvenile delinquency.

What cases are heard at Jefferson Parish Juvenile Court?

Jefferson Parish Juvenile Court only hears cases that involve youth. A youth is a person under the age of 17 years old. Our court has three judges. They handle adoptions, child in need of care (child welfare) cases, juvenile delinquency, minor marriage waivers, voluntary transfers of custody and child support cases. We also have a Family in Need of Services program which is called FINS for short.

What is the Juvenile Justice Complex?

The Juvenile Justice Complex is the building located at 1546 Gretna Boulevard in Harvey.

Jefferson Parish Juvenile Court, the Clerk of Court's office, the District Attorney's office, the Diversion program, the Department of Juvenile Services, Rivarde Detention Center, the Juvenile Intake Center, and the Juvenile Assessment Center are all located in the Juvenile Justice Complex.

Why are there different courts for adults and youth?

Neuroscience has shown that a youth's brain is different from an adult's brain. Youth have a harder time making decisions, understanding consequences and controlling their emotions because the region of the brain called the prefrontal cortex (where these decisions are processed) does not fully develop until later on in adulthood. Because a youth's brain is still developing, they are not held to the same standard as adults. The Juvenile Court understands this development and believes that youths can change and learn from their mistakes. Youth need a system that meets their developmental needs.

The purpose of the adult court is to protect society from dangerous people, to punish people who commit crimes, and to rehabilitate them. The purpose of juvenile court is to rehabilitate youth who commit offenses.

Who is a Youth? What is a Delinquent Act? What is a Status Offense?

A youth is a person who is under the age of 17. Other words for youth are juvenile and minor.

A delinquent act is an act committed by a youth between the ages of 10 and 17 years old which would be a crime if an adult committed the same act. For example, if a 15-year-old steals a bike, that is a delinquent act. In Louisiana, youth under the age of 10 are too young to commit delinquent acts or crimes. If a 9-year-old steals a bike, they could be referred to the Families in Need of Services (FINS) program but they will not have a delinquency case. For the rest of this handbook, we will call a “crime” or “delinquent act” an “offense.”

A status offense is an act such as skipping school, running away, violating curfew or acting out (also known as being ungovernable). While these actions are not considered crimes, they are not allowed to be committed by a youth. For example, there are no laws that require an adult to go to school or follow a curfew. Only a youth can be charged with a status offense like skipping school or breaking curfew.

What are the types of offenses?

1- Misdemeanor

A misdemeanor is an offense that is less serious than a felony. The punishment for a misdemeanor is less than a year imprisonment. An example of a misdemeanor is shoplifting a toy that costs \$20.

2- Felony

A felony is an offense that is more serious than a misdemeanor and can be punished by a year or more imprisonment. An example of a felony is armed robbery.

What rights do youths have?

The youth has a right to an attorney. If the youth cannot afford an attorney, the public defender’s office will assign an attorney to the youth at the first court hearing. If the youth or parent(s) has any questions about their case, they should ask their attorney. Their attorney will represent the youth at all court hearings. Their attorney should be told about any evidence or witnesses that can help the case.

Youth who are accused of committing an offense have the same constitutional rights as an adult charged with committing a crime except youth do not have a right to a jury trial. In juvenile court, a judge makes the decisions, not a jury.

Most juvenile proceedings are confidential. That means that the public cannot come to court hearings and cannot see the youth’s court records. However, if the offense is a crime of violence or if it is the youth’s second felony grade offense, the hearing is open to the public. Certain records regarding crimes of violence are also posted on the clerk of court’s website.

What does jurisdiction mean?

Jurisdiction means what court will handle the youth's case. For example, if a youth is accused of committing an offense in Jefferson Parish, a judge at Jefferson Parish Juvenile Court will handle the case at least until adjudication hearing (also called a trial). After the adjudication hearing, the court can transfer the case to a different parish, such as where the youth lives if they live in another parish.

However, if the youth is at least fourteen and is accused of committing certain serious offenses, the youth's case may be tried in adult court at the 24th Judicial District Court in Gretna. Those cases, called transfer cases, are explained on page 15.

Who are the people in court and what do they do?

Judge

- The judge makes the decisions about the case. The judge decides whether the youth is released from Rivarde before their adjudication hearing (trial). The judge also hears all of the evidence and witnesses and decides whether a youth is delinquent or not delinquent. In juvenile court we use the words "adjudicated delinquent" instead of "guilty." If a youth is adjudicated delinquent, the judge decides how to best rehabilitate the youth and oversees the youth's progress until the case is over.

District Attorney (DA)

- The district attorney is also called a prosecutor or state's attorney. They file a piece of paper with the clerk of court's office called a petition. The petition states what offense the district attorney is accusing the youth of committing. The district attorney has to prove to the judge that the youth committed the offense during the adjudication hearing.
- The district attorney works for the District Attorney's Office, which is located in the Juvenile Justice Complex.

Defense Attorney

- The defense attorney is also called defense counsel. The defense attorney is the attorney who defends the youth who is accused of committing an offense. If the youth cannot afford to hire an attorney, the court will appoint an attorney from the Public Defender's Office. Those attorneys are called public defenders or PDs.

Minute Clerk

- The minute clerk takes written notes of what happens in court and the judge's orders. The minute clerk works for the clerk of court's office. The Clerk of Court's office is located in the Juvenile Justice Complex. The office keeps all of the juvenile records.

Court Reporter

- The court reporter records everything that is said in court. The court reporter can also make a written record of what was said and done in court which is called a transcript. The court reporter works for the court.

Deputy

- A deputy is a police officer who works in the courtroom and keeps everyone safe. The deputies work for Jefferson Parish Sheriff's Office.

Probation Officer

- If the youth is on probation, their probation officer will be in court. The probation officer works for the Department of Juvenile Services. The Department of Juvenile Services is located in the Juvenile Justice Complex.

How does a delinquency case start?

A youth may be taken into custody (arrested) by a police officer or probation officer if they have probable cause to believe the youth has committed an offense. Probable cause is the legal basis that allows the police to arrest someone. Probable cause exists when the facts known by the police officer would lead a reasonable person to believe that the youth committed, is committing, or is trying to commit an offense. Instead of arresting the youth, the officer may write the youth a ticket or citation.

A youth may also be taken into custody (arrested) when a police officer, probation officer, or district attorney gives the court a written statement of facts that shows they have probable cause to believe that a youth committed an offense. The court will then give an order to arrest the youth.

The officer shall always promptly notify the youth's parents or guardian that the youth was arrested. In this handbook instead of saying parent or guardian we will just say parent. A parent includes a guardian.

What happens after a youth is arrested?

When a youth is arrested, the police take the youth to the Juvenile Intake Center or (JIC) at Rivarde Detention Center at the Juvenile Justice Complex.

When the youth arrives at the JIC, the youth is "screened." That means that they are asked questions from the Detention Assessment Instrument (DAI) about the offense they were arrested for and if they have committed other offenses, failed to appear in court or have run away before. The answers to this screening are scored. The score from the DAI helps the judge decide whether the youth should stay in Rivarde until their first hearing or if they can be released on supervision (GPS tracker) or without supervision. However, a judge makes the final decision. Regardless of the youth's DAI score, the judge can "override" the score and order that the youth be allowed to go home or stay at Rivarde.

If the score shows that that the youth should be released, they may be released to their parent(s) if the parent(s) promise to bring the youth back for their court date. The court may also order that the youth must follow a curfew or that they cannot hang out with certain people until they come back to court. Depending on the circumstances, the court may order that the youth be monitored by a GPS tracking device. The court may also order that the youth be released if they post bond. Bonds are discussed on page 8.

As a general rule, no youth under the age of thirteen will be kept in Rivarde if the alleged offense is a misdemeanor.

The youth might be photographed and/or fingerprinted in Rivarde.

When is the first court hearing and what happens?

If the youth is not released from Rivarde after their arrest, the judge must have a hearing within three days after the youth was arrested. If the third day is a legal holiday, the hearing will be held on the next business day. If the hearing is not held within three days, the youth shall be released from Rivarde, unless the youth asked for the hearing to be continued.

This hearing is called a continued custody hearing.

At this hearing, the district attorney has to show the court evidence that there is probable cause that the youth committed an offense. If the youth does not have an attorney, one will be appointed to them at this hearing.

If the court does not find probable cause, the court must release the youth.

If the court finds probable cause, the court may release the youth from Rivarde. If the court releases the youth, the court may require that a bond is posted IF the court believes a bond is required to make sure the youth shows up at their court hearings.

Bond

Bond (also called bail) is an agreement between the court, the youth, and their parent(s) that allows the youth to be released from Rivarde if the parent and youth agree follow rules like coming to future court hearings and following a curfew. The court may also require that the parent give the court a bond, which could be money or property. If the youth follows the rules and comes to court, the parent will get their money and/or property back.

There are a few different types of bonds.

- 1- Security bond- youth and/or parent pays the full amount of the bond ordered by the court. The bond is returned to whoever paid it if the youth follows all the bond rules.
- 2- Bail bond- youth and/or parent gets a bail bond and deposits 10% of the bond amount. If the youth follows all of the bond rules, the 90% of the bond amount will be returned.
- 3- Signature bond- the youth and their parent sign a contract that says the youth will abide by certain rules and will come to their court hearings. No money is paid.

The judge considers a few things when deciding the amount of the bond and the bond rules:

- The type of offense

- The evidence that the youth committed the offense
- If the youth has committed other offenses
- The youth and family's ability to pay
- If the youth will come to future court hearings
- Whether the youth has skipped court hearings in the past
- If the youth has run away, is disobedient, or their parents cannot control them
- If there is danger to the public and the youth if the youth is released

Here are some of the rules that might be part of the bond (called conditions of release)

- Youth must go to school regularly
- Youth must take drug tests
- Any other rules that make sure the youth will come to future court hearings

The judge will explain the bond conditions. The youth and parent must sign the bond agreement.

If the youth does not follow the rules, they may be held in contempt of court or be charged with bail jumping. The court could also revoke the bond and put the youth back in Rivarde until their adjudication hearing.

If a parent thinks the youth will not follow the rules or if the youth is not following the rules the parent can tell the court and ask that the youth be placed in Rivarde.

If the family uses a bail bondsman and the bail bondsman thinks the youth will not follow the rules or is not following the rules, they can tell the court and ask the court to have the youth brought to Rivarde. If the court allows, the bondsman can arrest the youth.

The court, the district attorney, the youth, or the parents can ask the court to change the bond- to either make the amount lower or higher.

What happens next: Petition, Diversion, Competency, Insanity

Whether the youth was arrested or was written a ticket by police and are summoned by the court, the next step in the process is the filing of the petition. The district attorney represents the state of Louisiana. They receive the police report, investigate the case and decide whether to file a petition. A petition is a document that states the youth's name and the offense that they are accused of committing. The district attorney files the petition with the clerk of court. The clerk of court's office sends the petition to the court and sets a date for the answer hearing. They also send a copy of the petition and the answer hearing date to the youth and their parents.

If the youth is in Rivarde and was not granted bond at the continued custody hearings, a petition must be filed within 48 hours of the continued custody hearing. If the youth was released from Rivarde, the district attorney does not have to file the petition by a certain date.

The district attorney can decide to offer the youth and family the chance to enter into the diversion program by agreeing to an informal adjustment agreement. The diversion program is explained on page 14.

Competency can be raised at any time. Competency means whether or not the youth understands the offense that they are being charged with, how the court works, and how to help their attorney represent them. Competency is explained on page 16. A youth might also plead insanity. Insanity is explained on page 17.

What is an Answer Hearing?

In adult court, this hearing is called the arraignment. At the hearing, the adult can plead guilty, not guilty, nolo contendere, or not guilty by reason of insanity. In juvenile court, this hearing is called an answer hearing. When the hearing is held depends on when the district attorney files the petition.

If the petition is filed before the continued custody hearing, the judge can order the youth to answer the petition at the continued custody hearing. If the youth was not released from Rivarde after the continued custody hearing, the answer hearing must be held within five days after the petition is filed. If the youth was released from Rivarde or was never in Rivarde, the answer hearing must be held within fifteen days after the petition is filed.

At this hearing, the judge explains the offense(s) that the youth is accused of committing in the petition, the possible outcomes of the case, and the youth's rights. A youth's rights include: the right to an adjudication hearing, the right to an attorney, and the right to not testify against themselves.

The judge will also explain how the youth can "answer" the petition. The youth can:

- 1- Deny that the charges in the petition are true OR
- 2- Deny that the charges in the petition are true and plead insanity OR
- 3- Admit that the charges are true. If the youth admits, the judge will ask questions to make sure the youth committed the offense OR
- 4- Enter a nolo contendere plea (also called "no contest"). The judge will ask the youth questions to make sure the youth committed the offense.

If the youth admits or pleads nolo contendere, the case will be set for disposition hearing. If the youth enters a denial, the case will be set for an adjudication hearing. The decision to, admit, deny, or plead nolo contendere is an important decision. The youth should discuss this decision with their attorney.

What is an Adjudication Hearing?

An adjudication hearing is the juvenile court word for trial. Trials at juvenile court are different than trials in adult court. In juvenile court, there is no jury. Instead, a judge sees the evidence and hears the witnesses and decides whether the youth is "adjudicated delinquent" or "guilty" or is not adjudicated delinquent and is "not guilty." In juvenile court, most hearings are not open to the public and the records about the case are confidential. However, if the offense is a crime of violence or if the youth has been adjudicated of committing a felony before and is charged with another felony, the hearing is open to the public. If the offense is first- or second-degree murder, aggravated or first-degree rape, aggravated kidnapping, armed robbery, negligent homicide or vehicular homicide, the victim and their family are allowed to come to the hearing.

If the youth is charged with a crime of violence and they are in Rivarde, the adjudication hearing shall be set within 60 days after the answer hearing.

If the youth is not in Rivarde, the adjudication hearing shall be held within 90 days after the answer hearing. Both time limits can be extended if the court finds there is a good reason to continue the case.

At the adjudication hearing, the district attorney must prove that the youth committed the offense beyond a reasonable doubt. That means that the evidence and testimony given by witnesses or experts is so convincing that no person could have any doubts about whether the youth committed the offense. It means that the only possible explanation is that the youth committed the offense.

At the adjudication hearing, the defense attorney can show the court evidence and take testimony to prove that the youth did not commit the offense. The defense attorney can question other witnesses and experts.

If the judge finds that the district attorney did not prove that the youth committed the offense, the case will be dismissed. If the judge finds that the district attorney proved that the youth committed the offense, the case will be set for a disposition hearing.

The judge will decide if the youth will stay in Rivarde or be released until the disposition hearing. If the offense is a misdemeanor, the youth has a right to a bond. If the offense is a felony, the youth has a right to bond unless releasing them would pose a danger to any person or the community.

Any time after the adjudication, the court may suspend the case and put the youth on supervised or unsupervised probation. This is called a deferred dispositional agreement. The youth and the parents must agree to follow certain rules for a certain period of time (usually six months).

What if the Court Finds the Youth Delinquent or the Youth Admits to the Petition?

If the youth is adjudicated delinquent at the adjudication hearing or admits at the answer hearing, the court can order the youth to take physical and mental examinations in order to figure out what services would best help the youth. The goal of delinquency proceedings is not to punish the youth but to rehabilitate them. Rehabilitation means to improve the youth's behavior and make sure they are a good citizen who contributes to society. For example, if the youth struggles with drug use, they would be referred to treatment and therapy to help them deal with their addiction.

A probation officer will be assigned to the youth's case. The probation officer reads the doctor's reports, talks to the youth, their family, and the victim, collects background information (such as school records) and writes a report for the judge. The report explains the youth's behavioral problems and what services will help them overcome those problems. The report is called a predispositional investigation (PDI). Based on all the information that the probation officer gathers, they will tell the judge whether they think the youth should stay in their home or be moved to a secure or non-secure placement. If the probation officer thinks the youth can be rehabilitated at home, the probation officer will find resources in the community to help and youth and their family based upon what they need.

What is a Disposition Hearing?

The Disposition Hearing is like a sentencing hearing in adult court. This hearing can take place right after the adjudication hearing but must take place within 30 days after the adjudication hearing (or within 30 days of the answer hearing if the youth admitted or plead no contest at the answer hearing). At this hearing, the judge hears evidence about what kind of treatment or rehabilitation the youth needs.

Generally, the law prefers that the youth stay in their own home and receive the treatment and services they need to be rehabilitated. The youth should not be removed from their home unless their safety or public safety cannot be protected. If the court finds that the youth should receive treatment outside their home, they may be placed in a secure or non-secure facility (also called placement).

In Louisiana, Bridge City Center for Youth, Swanson Center for Youth, Acadiana Center for Youth and Ware Youth Center are secure facilities. A secure facility has high security, locked units and fences. Youth are constantly monitored and are not allowed to come and go freely. Non-secure care is sometimes called a residential placement. They are less restrictive facilities where youth who are not a threat to public safety can receive treatment. An example of a non-secure facility is a group home.

Judges usually have the freedom to decide what the disposition or sentence will be. For a few serious crimes, the law tells the judge what disposition they have to give. The law says that:

If the youth is adjudicated of first- or second-degree murder and was at least fourteen years old when the offense happened, they will be confined in a secure placement until their 21st birthday.

If the youth is adjudicated delinquent of first-degree rape or aggravated kidnapping and was at least fourteen years old when the offense happened, they will be confined in a secure placement until their 21st birthday. The youth may be eligible for parole or a modification of the sentence after serving thirty-six months.

If the youth is adjudicated for armed robbery or carjacking and was at least fourteen years old when the offense happened, they will be confined in a secure placement. The judge decides how long the youth will be confined in secure placement and the youth may be eligible for parole or a modification of the disposition after serving thirty-six months. If the disposition is less than thirty-six months, the youth must serve two thirds of their disposition before their disposition can be modified

If the youth is adjudicated of a serious sexual offense and they were at least fourteen years old when the offense happened, they have to register as a sexual offender. For some offenses, the youth must register for life and for some offenses the youth must only register for twenty-five years, if they stay out of trouble.

For other offenses, the judge has the freedom to decide the disposition. If the youth is adjudicated of a felony not listed above, the court may:

- Warn the youth and release them to their parents or a suitable adult with or without rules that are in the youth and the public's best interest. An example of a rule would be that the youth has to follow an 8 pm curfew. OR
- Place the youth on probation. The youth will not be allowed to have any drugs or alcohol and must agree that they will not engage in delinquent activity. The court can require that the youth attend school, perform community service, pay the victim restitution and participate in any treatment needed for their rehabilitation. The judge can also restrict the youth's driving privileges and not allow them to carry a firearm or concealed weapon. How long the youth is on probation depends on many factors, such as:
 - o How much harm the offense caused, if the youth thought the offense would cause serious harm, if the youth was provoked or if there are other reasons that justify what the youth did, if the youth will compensate the victim, if the youth had a history of offenses, if the youth's character shows that they are unlikely to commit another offense, if the youth would respond well to probation, if going to a secure placement would bring an excessive hardship to the youth or their family. OR
- Place the youth in a private or public institution or agency.
 - o The youth may be placed in a secure or non-secure placement. How long the youth must remain in a secure or non-secure placement depends on many factors such as:
 - Is there an undue risk that the youth would commit another offense, does the youth need correctional treatment provided in a secure placement, would a lesser sentence decrease the seriousness of the offense, did the offense involve a firearm?

If the youth is adjudicated of a misdemeanor, the court may:

- Warn the youth and release them to the custody of their parents or a suitable person. The judge can add rules that the youth must follow if they are in the best interest of the youth.
- Place the youth on probation. The judge can add any of the rules listed above for probation in felony cases (such as a curfew, school attendance, not allowed to have drugs or weapons).
- Place the youth in the custody of a private or public institution.
- If the youth is thirteen years or older at the time of the offense, the court may grant the Office of Juvenile Justice custody of the youth and recommend that the youth be placed in an alternative care facility or be referred to other placements through other agencies.
- How long the youth remains on probation or how long their disposition is depends on many factors.

What Happens Next?

Unless the youth was adjudicated for first- or second-degree murder, first degree rape, aggravated kidnapping, armed robbery or carjacking, the judge can modify or change the disposition. The district attorney, the youth, the parent(s), or probation officer can ask the court to change the disposition. The judge may, but does not have to hold a hearing about the change. For example, if the youth is doing everything they are supposed to do and not getting into trouble, the judge might shorten their disposition and let them go home early.

If the youth is not following the rules of probation, the judge can be asked to revoke the youth's probation. A hearing will be held and the judge would hear from witnesses and see evidence. Depending on the facts, the judge could revoke probation and the youth would go to a secure or non-secure placement or the judge could keep the youth on probation and add more rules that the youth has to follow.

Expungement

Expungement is when the youth asks the court to seal the records related to their delinquency case so that they cannot be released. When a record is expunged, it cannot be made available to anyone, except in very limited cases (usually related to another criminal case). Whether the records can be expunged depends on the type of offense that occurred and whether the person requesting the expungement has a criminal record or pending criminal case. Someone seeking an expungement must file a motion with the court. The motion is posted on the jjpc.org website.

Additional Information

Diversion

What is Diversion?

It is a voluntary program offered to youth and their family by the district attorney's office. If the youth agrees to join the diversion program, the district attorney can file a petition and then suspend the charges or agree not to file the petition. In order to join diversion, the youth must sign an informal adjustment agreement or IAA. An IAA is an agreement between the district attorney and the youth that says if the youth follows certain rules the district attorney will dismiss the case. The rules in the IAA usually include:

- Cannot use or have alcohol, tobacco or drugs
- Cannot have a firearm or weapon
- Must obey their parents or guardian
- Must be in an educational program and/or employed
- Must attend appointments

An IAA can last up to six months but it can be extended for up to two years. If the youth follows the rules, the charges are dismissed. If the youth does not follow the rules, the district attorney will file a petition charging the youth with the offense and the youth will go to court.

Who can join diversion?

Diversion is usually offered to youth who have been charged with a low-level offense and who have not had other delinquency cases. The youth also must accept responsibility for the offense.

How does diversion work?

First, the youth and family will meet with a professional counselor from diversion. They will review all of the requirements, program length and fees. The counselor and family then make a program plan which will be put in writing. The agreement will include referrals for assessments

and follow up on recommended services like counseling, positive school achievement, homework assignments, group education on special topics and community enhancement activities. How long the program lasts depends on several factors including the type of offense and the needs of the youth and their family. The program usually lasts between three and six months but can last up to two years. There is a program fee of \$150 however, once the initial enrollment fee of \$50 is paid, a payment plan is available. Fee waivers or reductions are considered on a case by case basis. Additional fees will apply for youth who are required to drug test or pay restitution.

Transfer to Adult Court

When youth of a certain age commit certain offenses, they may go to adult court for their case. There are three ways that a youth's case might be transferred to adult court.

- 1- When a youth is fifteen years old or older and the offense is first degree murder, second degree murder, aggravated rape or first-degree rape, or aggravated kidnapping, the case will be heard at juvenile court unless the adult court indicts the youth OR the juvenile court judge finds probable cause at the continued custody hearing that the youth committed one of those offenses. That means:
 - a. If the juvenile court judge finds probable cause that the youth committed one of those offenses, the case gets transferred to adult court.
 - b. If the grand jury files an indictment (another word for petition) in adult court, the case gets transferred to adult court.
 - c. If the case is transferred to adult court, the district attorney can transfer the case back to juvenile court.
- 2- When a youth is fifteen years or older and the offense is:
attempted first or second-degree murder, manslaughter, armed robbery, aggravated burglary, forcible or second-degree rape, simple or third-degree rape, second degree kidnapping, aggravated battery committed with a firearm, a second or subsequent aggravated battery or burglary or burglary of an inhabited dwelling or a second or subsequent felony-grade violation of Part X or X-B of Chapter 4 of Title 40 of the Louisiana Revised Statutes of 1950 involving the manufacture, distribution, or possession with intent to distribute controlled dangerous substances.
 - a. If the juvenile court judge finds probable cause that the youth committed one of the offenses AND the district attorney files a bill of information (another word for petition) in adult court, the case will be transferred to adult court.
 - b. If the grand jury returns an indictment OR the district attorney files a bill of information, the case will be transferred to adult court.
- 3- When a youth who is fourteen years old or older and the offense is:
first or second-degree murder, aggravated kidnapping, aggravated or first-degree rape, aggravated battery when committed by the discharge of a firearm, armed robbery when committed with a firearm, forcible or second-degree rape of the rape is committed upon a child that is at least two years younger than the accused the court

- a. The juvenile judge or the district attorney can ask for a hearing. At the hearing the judge will consider if the case should be transferred to adult court. That hearing is called a transfer hearing. At that hearing, the district attorney must prove:
 - i. Probable cause that the youth committed one of the offenses AND
 - ii. That there is no real chance that the youth can be rehabilitated based on:
 - a. the youth's age
 - b. how serious the offense was and if the case needs to go to adult court to protect the community
 - c. the youth's record
 - d. the youth's response to past efforts at treatment and rehabilitation
 - e. if the youth's behavior is related to physical or mental problems
 - f. what techniques, programs, personnel and facilities can help the youth with their problems

Competency and Insanity

What is competency?

In our legal system, an adult who is accused of committing a crime must be able to understand the case against them and help their attorney defend them. The same is true for youth at juvenile court. If a youth does not or cannot understand the case against them and how to help their attorney, they are found incompetent.

A youth is competent if they understand the offense are accused of committing, how the court works, and how to help their attorney. Some youth may be too young or inexperienced to understand the court system. Some youth may be disabled and may not be able to understand the court system.

If a youth is competent that means that they:

- 1- Understand the charges against them (the offense are they accused of committing)
- 2- Understand the proceedings (how the court works)
- 3- Understand the role of the judge, district attorney, and defense attorney
- 4- Can work with their defense attorney and help the attorney prepare to defend them
- 5- Understand the potential outcomes of decisions (like whether to admit to the petition)

If the judge, the district attorney, or the defense attorney thinks that the youth is incompetent, the youth will meet with a doctor and/or psychologist for an evaluation. The doctors meet with the youth to figure out if the youth understands the things listed above. The doctors then write a report to the judge and describe why the youth is competent or incompetent. The judge will hold a hearing called a competency hearing. At the hearing, the judge can ask the youth and doctor(s) questions to help the judge decide whether the youth is competent or incompetent.

Some youth just do not know how a court case works. In those cases, the court will order that the youth get restoration services. That means that the youth will take classes where they learn about the court system. If the youth learns to understand the court process and becomes competent, the youth's case will go to the next step.

Some youth are mentally disabled and even after taking class, they will not be able to understand how the court works. If the doctors and judge agree that the youth is incompetent and restoration classes will not (or do not) help the youth, the youth is incompetent.

What happens if the youth is incompetent?

If the youth is accused of committing a felony, the judge may:

- 1- Dismiss the case OR
- 2- Require that the family join the FINS program OR
- 3- Place the youth in a public or private mental institution IF the court finds that due to mental illness the youth is a danger to themselves or others OR is gravely disabled OR
- 4- Give custody of the youth to their parents/suitable adult or a private or public institution or agency with rules that are in the youth's best interest

If the youth is accused of committing a misdemeanor, the judge may:

- 1- Dismiss the case OR
- 2- Require the family join the FINS program

If the case is a felony or misdemeanor and the judge finds that the youth is incompetent mostly due to immaturity but that the youth may be able to understand in the future and do not need restoration classes, the court may:

- 1- Dismiss the petition OR
- 2- Require the family join the FINS program OR
- 3- Continue the case for six months and then see if the youth becomes competent.

In some cases, the judge can keep reviewing the case to see if the youth has gained understanding and is competent. When the youth is competent, the case will restart.

What is insanity?

An insanity plea means that when the youth committed the offense, they were insane. That means that due to a mental illness or disease the youth did not know they were committing an offense or understand their actions were wrong.

When a youth pleads insanity, the youth will be examined by doctors with special training. The doctors will meet with the youth and then write a report for the judge. The report will include if the doctors think that due to a mental disease or defect, the youth could not tell the difference between right and wrong when the offense was committed.

Then the judge has a hearing (called a sanity hearing) to decide whether the youth was insane at the time of the offense. If the judge finds insanity the judge can:

- 1- Grant the parents/suitable person custody and put rules in place that are in the youth and public's best interest OR
- 2- Put the youth on probation and put rules in place that are in the youth and public's best interest OR
- 3- Commit the youth to the Department of Health or a private mental institution and continue to review the case.

While competency means that the youth does not understand the court process or how to help their attorney, insanity means that when the youth committed the offense, they did not know what they were doing or that what they were doing was wrong.

Things to Remember

1. When you have questions, ask your attorney.
2. Stay in contact with your attorney. Let them know if you have a life change such as moving houses or getting a new job. Always make sure they have your contact information.
3. Keep records of everything you are doing. Share them with your attorney.
 - a. Write down all of your appointments.
 - b. If you get a certificate for finishing a program give it to your attorney.
4. Go to every court hearing. Listen carefully and write down information. Ask questions. Follow the judge's orders. If you cannot go to a court hearing, tell your attorney as soon as possible.

APPENDIX: Glossary of Terms and Acronyms

Adjudication Hearing

Juvenile court word for “trial.” A hearing in front of a judge where the district attorney must prove, beyond a reasonable doubt, that the youth committed the offense that the youth is accused of committing in the petition. The youth’s attorney can show the judge evidence and ask witnesses questions.

Answer Hearing (also called an Appearance to Answer Hearing)

This hearing happens after the district attorney files the petition against the youth. At the hearing the youth “answers” or responds to the petition. The youth can deny or admit that they committed the offenses listed in the petition. The youth can also plead nolo contendere (no contest) or plead insanity. This hearing happens after the continued custody hearing.

Bill of Information

In adult court, it is a document created by the district attorney that lists the offenses that a person is accused of committing. In juvenile court, it is called a petition.

Deferred Dispositional Agreement

After the youth is found delinquent at the adjudication hearing, the judge may suspend the case and put the youth on probation. The youth agrees to follow rules like obey a curfew and go to school. If the youth follows the agreement, the court will set aside the adjudication and dismiss the petition against the youth.

District Attorney/Assistant District Attorneys (DA/ADA)

Attorneys who represent the state of Louisiana in delinquency cases.

Diversion

A voluntary program offered by the district attorney’s office. If the youth follows the rules of the program, the district attorney agrees to not file a petition or dismiss the petition if the petition has been filed.

Clerk of Court

The office that keeps court’s records. If a petition or motion is filed, it is given to the clerk of court. The clerk of court enters the information into the court’s database and sends the document to the court.

Continued Custody Hearing

This hearing must be held within three days if a youth is arrested and not released. The district attorney has to prove that there is probable cause the youth committed an offense.

Competency

A youth is competent if they understand the offense they are accused of committing, understand how a court case works, can help their attorney make decisions about the case, and understand the possible outcomes of their decision.

Delinquent Act

Another word for crime or offense. When a youth commits a crime, it is also called a delinquent act.

Disposition Hearing

A hearing that is like a sentencing hearing in adult court. At this hearing, the judge considers information about the youth and the case and decides how long the youth's disposition or sentence will be. For example, the judge decides that the youth should spend a year on probation.

Indictment

In adult court, a grand jury hears evidence and can formally charge the person with committing a crime.

Informal adjustment agreement

The agreement that the youth enters into with the district attorney so the youth can join the diversion program.

Offense

Another word for crime. When a youth commits a crime, it is also called a delinquent act.

Other suitable individual

A person who has a close, established, significant relationship to the youth but is not related to the youth. Examples are a neighbor, god parent, teacher, or close friend of the parent.

Petition

A document created by the district attorney that lists all of the offenses the youth is accused of committing. In adult court, it is called a bill of information.

Pre-dispositional Investigation (PDI)

After the youth is adjudicated delinquent, the Department of Juvenile Service will assign a probation officer to find out information about the youth and the offense and will write a report to the judge. The report to the judge also explains the best way to rehabilitate the youth and get them the services they need.

Public defender (PDO)

A public defender is a defense attorney who works for the youth when the youth cannot afford to pay for an attorney. Public defenders work for their clients, not for the state or for the court. What the youth talks about with their attorney is confidential.

Secure placement

After the youth is adjudicated delinquent, they may be given a disposition that places them in a secure placement. A secure placement is for youth who are found to be a risk to public safety and/or who cannot be rehabilitated in a less restrictive setting. In a secure placement youth are constantly monitored and are not allowed to come and go. An example of a secure facility is Bridge City Center for Youth.

Non-Secure Placement (also called residential placement)

After the youth is adjudicated delinquent, they may be given a disposition that places them in a non-secure placement. They are less restrictive facilities where youth who are not a threat to public safety can receive treatment. An example of a non-secure facility is a group home

Youth

A person under seventeen years of age who has not been emancipated. Sometimes also called: minor, juvenile, child

