



Your Rights and Role in the Juvenile Court Process

Information for Victims

As a victim of a crime, you have rights. You have a right to information and a right to participate in the court process. This pamphlet explains these rights, particularly as they apply to cases in the juvenile court system.



ADMINISTRATIVE OFFICE
OF THE COURTS

CENTER FOR FAMILIES, CHILDREN
& THE COURTS

The experience of being a victim of crime is often frustrating. The court process is often confusing, especially when the accused is under the age of 18. We hope that this pamphlet helps you understand your rights, the options available to you, and the justice process.

In this pamphlet, the word “victim” means the victim of an alleged act that is considered criminal. The term “victim” includes the victim’s next of kin if the victim is deceased. It includes the victim’s parents if the victim is under the age of 18.

The Rights of Crime Victims

In California, victims have legal rights. These rights apply to victims of both juvenile and adult offenders.* Parents and guardians of a minor victim and next of kin of a deceased victim retain the same rights as the victim.

Legal rights specific to victims of juvenile offenses are in *italics*.

Below are three categories of legal rights for victims of crime. California also has a Victim’s Bill of Rights that you may want to read (see <http://ag.ca.gov/victimservices/overview.htm>).

*Unless otherwise noted, these rights are described in Penal Code section 679.02.

1. Recovering Your Losses

You have a number of rights that have to do with your property and financial losses resulting from the crime:

- You are entitled to get back your stolen property when it is no longer needed as evidence.
- You have the right to request money you lost as a result of the crime. (Judicial Council form CR-110/JV 790.)
- You may be eligible for compensation from the Victim Compensation Program, California’s victim restitution fund.
- *You can pursue additional options for recovering financial loss from the youth and his or her parents.* (Welfare and Institutions Code section 656.2.)
- *You are entitled to information about suing the youth and his or her parents in civil court to recover your losses.*
- If you testify, you may be entitled to witness fees and travel costs.

2. Getting Information About the Case

You have the right to receive important notices and information throughout the case:

- *You will be notified, either in person or by registered mail, of your right to attend the court hearings.* (Welf. & Inst. Code, § 676.5.)
- *You will be notified of all the other rights and services available to you.* (Welf. & Inst. Code, § 676.5.)
- *You will be notified of the time and place of all court hearings and of any delays in the case.* (Welf. & Inst. Code, § 656.2.)
- If you have been subpoenaed as a witness, you will be told of any changes to the hearing date and time as soon as possible. (Pen. Code, § 679.02(a).) (A subpoena is a court order requiring you to appear at court. If you are subpoenaed, you may have to testify in the case.)
- You will be told of any witness fees and travel costs you are entitled to receive.
- You will be told when the offender is placed on parole.
- If you ask, you have the right to receive additional notices and information about the case. You have the right

- ◻ to be notified of any plea bargain offered to the offender if the case involves certain violent felonies;
- ◻ to be informed by the prosecuting attorney of the case’s final disposition;
- ◻ to be notified of any parole eligibility hearing and of the right to appear in court, either personally or by other means, to reasonably express your views and to have your statements considered;
- ◻ *to obtain copies of certain court papers, such as the charging petition, the minutes of the proceedings, and orders of adjudications and disposition that are contained in the court file if the case involves certain felonies. If you are provided confidential documents and purposely share the information from these documents, that is considered a crime.* (Welf. & Inst. Code, § 656.2(c).)

3. Getting Involved

You have a number of rights that allow you to participate in the juvenile court case. You may find that participating helps you regain a sense of control over your life. Or that may not be the right thing for you. Your involvement is totally up to you unless you receive a subpoena.

- *You are allowed to attend, with up to two support persons, any hearings in the case in which you are identified as a victim.* (Welf. & Inst. Code, §§ 656.2, 676.5.)
- You may appear in court and reasonably express your views. The court will consider your statements.
- The court should hear the case as quickly as possible while ensuring a fair trial.
- *You may submit a victim impact statement to the probation officer and, if you submit one, to have it included in the probation report provided to the court.* (Welf. & Inst. Code, § 656.2.)
- *The probation department should inform you of any victim offender conferencing program or victim impact class available in your county.* (Welf. & Inst. Code, § 742(b).) See “Frequently Asked Questions” for more information about these classes and programs.

Juvenile Delinquency Court

The juvenile court handles delinquency cases and other types of cases involving children. Juvenile delinquency cases involve youth who have been accused of offenses that, if committed by an adult, would be considered criminal. Juvenile court is different from adult criminal court. Juvenile court does not have trial by jury. In juvenile court, the judge decides whether the youth has committed a crime and, if so, classifies the youth as a delinquent.

Delinquents become “wards” of the court: the state now plays a role in supervising these youth. In California, the county probation department is responsible for much of the direct supervision of delinquent youth.

During the juvenile court process, the probation officer prepares a report, called a “social study,” for the judge’s review. The report will discuss the offense, provide the victim statement (if any), and evaluate the youth’s delinquent history (if any), the family environment, school attendance and performance, any substance abuse or mental health issues, and overall adjustment in the community. The report also includes recommendations for consequences and treatment (the “probation conditions”) to help the youth change his or her behavior.

The court imposes sanctions depending on the severity of the offense: the youth may be placed on informal or formal county juvenile probation, placed in juvenile detention, or committed to Juvenile Justice, California Department of Corrections and Rehabilitation (CDCR).

The juvenile court has three primary interests: public safety and protection, redressing victims' losses and injuries, and the best interest of the youth. To address the best interest of the youth, the court focuses on rehabilitation, accountability, and competency development by providing sanctions and services consistent with his or her best interest.

In order to hold the offender accountable, assist the victim, and restore the community, the juvenile court may, as appropriate, direct the offender to complete a victim impact class, participate in victim-offender

conferencing (subject to the victim's consent), pay restitution to the victim or victims, and make a contribution to the state victim restitution fund. Contributions to the fund can take place only after all victim restitution orders and fines have been satisfied.

The goal of the juvenile court process is to enable the offender to be a law-abiding and productive member of his or her family and the community.

Frequently Asked Questions

► I am victim of a crime, and I believe that a juvenile committed the crime. Where can I get information about the case?

The Victims of Crime Resource Center will tell you the best place to get information in your county; call 800-VICTIMS (842-8467). Many counties have a victim witness department. The juvenile probation department and/or the District Attorney's office also can provide information. Victims have the right to be notified of all juvenile court hearings and the right to attend and express their views regarding the disposition of the case.

► I was told that the case was dismissed. Why?

The prosecutor has an ethical duty to reject a case when there is not enough evidence to prove the case. This does not necessarily mean that the prosecutor thinks the crime did not occur.

► I have financial losses and additional expenses as a result of the crime. Can I be reimbursed for my losses and expenses?

"Restitution" is money paid by the offender to the victim to cover financial losses. Such financial losses include the value of any stolen property, medical expenses, and wages or profits lost by the victim or by the parents or guardians of a victim who is a minor. The California Constitution requires that the court order a convicted person to pay restitution to the victim. At the time the convicted person is sentenced (for a juvenile this is during the dispositional hearing), the judge will order him or her to pay you for losses caused by the crime. You are permitted to request interest at the rate of 10 percent per year. The parents of a juvenile offender are legally responsible for the restitution to the victim. (See Welf. & Inst. Code, §§ 730.6 and 730.7 and Pen. Code, § 1202.4 for more information.)

There is also a state-managed victim restitution fund, the Victim Compensation Program, to assist victims of crime. The money in the fund comes from persons convicted of crimes. To receive payment from the fund, you must apply within one year of the crime (minors can apply within a year after they turn 18). You must also cooperate with law enforcement agencies and provide written proof of your losses and expenses.

► I would like to attend the hearings. What hearing can I attend? Can I bring a support person with me?

As a victim you are entitled to attend the juvenile court hearings that deal with your case, and you should receive notice of the hearings. Inform the county's probation department that you want to attend. Victims are allowed to bring up to two support people. However, any party to the case, including the offender, can prohibit the victim and the support people from attending. If you are excluded from the hearing, you can still express your views, in a reasonable way, by submitting a victim impact statement. (See Welf. & Inst. Code, §§ 656.2 and 676.5 and Cal. Rules of Court, rule 1410(e)(2) for more information.)

► What will happen at the hearing?

At the dispositional hearing, if the judge ruled that the youth committed the offense, the judge will impose sanctions on him or her. Sanctions may include the following:

- restitution to you;
- payment of a fine by the youth (funds will go to the state victim restitution fund);
- community service performed by the youth for the benefit of the community;
- limitations on the youth's liberty imposed as a condition of probation or parole (this may include probation with formal supervision and/or placement outside the youth's home);
- commitment of the youth to a local detention or treatment facility, such as a juvenile hall, camp, or ranch;
- commitment of the youth to Juvenile Justice, California Department of Corrections and Rehabilitation (CDCR).

► I do not want to or I am unable to attend the hearings but still would like information about what happened. How do I get this information?

If you do not want to attend any of the court hearings, you can still be informed of the final disposition of the case, including the restitution order. Ask the county's probation department to let you know. You should be informed by letter within 60 days of the case's final disposition.

► I am afraid of the offender. Is there any way I can get a restraining order when he or she is released from custody?

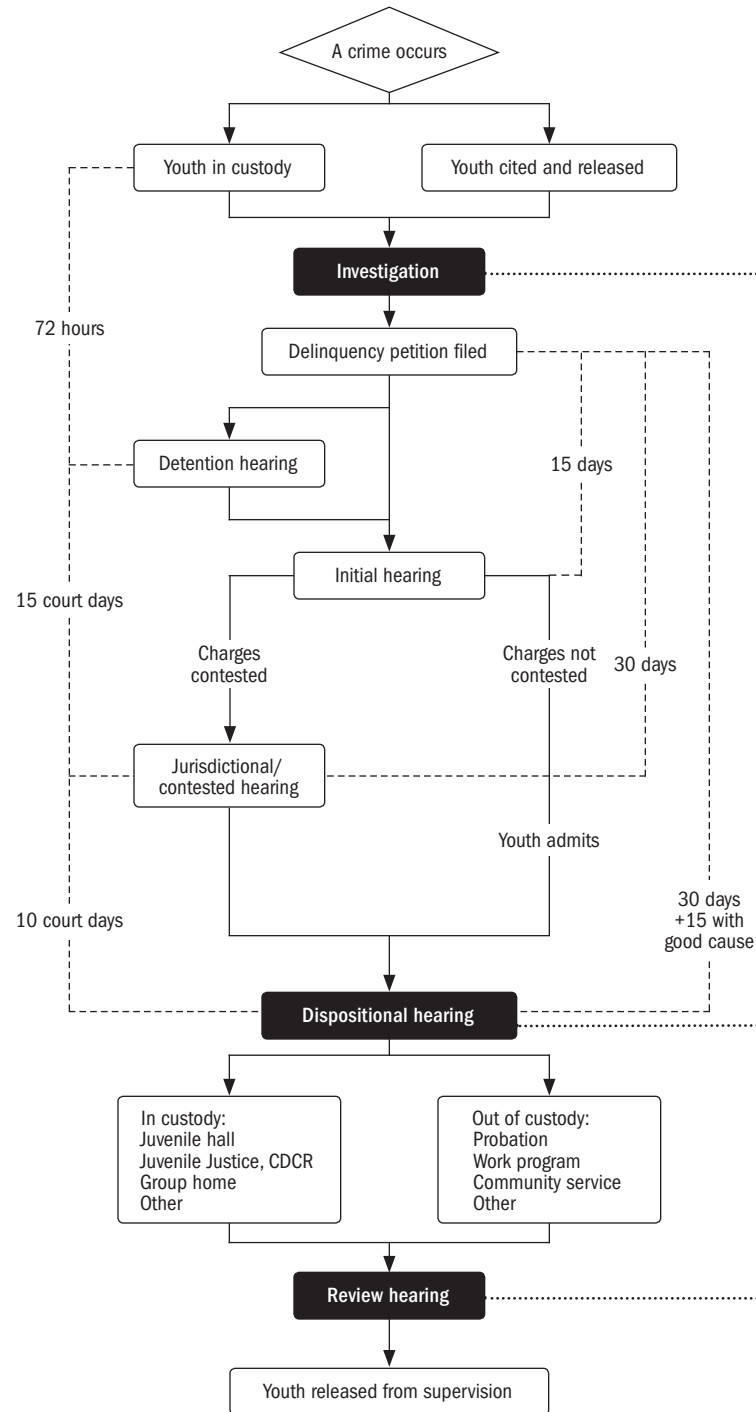
The court may issue "no contact" orders or restraining orders preventing the offender from having contact with the victim. Additionally, you may be able to get a restraining order through a civil procedure.

► I am interested in becoming more involved in the case. What can I do to let the offender know how this affected my life?

Many counties have programs that give you the opportunity to tell the offender how the crime affected you. You can do this by writing a statement that you or an advocate read in court or the probation officer can forward to the offender. Another possibility is a facilitated dialog with the offender, such as supervised victim-offender mediation. The choice to participate is entirely up to you. It is against the law for your address or telephone number to be given to the offender. (Pen. Code, § 841.5.) State law, section 742(b) of the Welfare and Institutions Code, states that victims of juvenile offenders must be informed of any victim-offender conferencing program or victim impact class available in the county. Victim impact classes give victims an opportunity to express, when they are ready, how the crime affected their lives to a small group of offenders. The youth responsible for the offense in which you were involved will not be in the class.

Steps in the Legal Process

- **Custody**—Juveniles are held in custody only if there are legal grounds to temporarily detain them (e.g., the youth is a threat to him- or herself or the public). If the youth is in custody, a detention hearing must be held as soon as possible, no later than 72 hours after arrest.
- **Delinquency Petition**—The prosecutor’s office files the delinquency petition. The petition says that the youth has committed an act that would be considered a crime if an adult had done it.
- **Detention Hearing**—The purpose of this hearing is to determine whether the youth needs to be in custody.
- **Initial Hearing**—If the youth is not in custody, this hearing must take place within 15 days of the filing of the delinquency petition. The right to the hearing is often waived, so the hearing may take place after the 15-day period. It is possible for the case to be dismissed at the detention or initial hearing.
- **Jurisdictional Hearing**—At this hearing the youth can admit the charges; or if he or she contests the charges, this hearing will be like a trial. At the trial the state must prove, beyond a reasonable doubt, that the youth committed the alleged acts. The judge decides whether or not the youth committed the acts. If the judge doesn’t find the charges to be true, the petition is dismissed and the case ends. If the charges are found to be true, the matter proceeds to a dispositional hearing.
- **Dispositional Hearing**—At the dispositional hearing, which can take place right after the jurisdictional hearing or several days later, the judge will decide what orders should be made about the youth, such as restitution to any victim, community service, counseling, or custody.
- **Review Hearing**—In some cases, the court will set hearings to review a youth’s progress and performance under probation supervision. For youth sent to Juvenile Justice, California Department of Corrections and Rehabilitation (CDCR), this function is carried out by the Youthful Offender Parole Board.



Your Part in the Process

- The investigation is completed by the county probation department. You can discuss the offense with the investigating probation officer, send an impact statement, and begin calculating the amounts of your losses. The probation officer should ask you about your losses, tell you when and where the restitution form needs to be submitted, and inform you of additional options for recovering financial loss, such as a civil judgment.
- In the case of certain violent felonies, you have the right to be notified of any pending plea bargains. A plea bargain is an agreement in which the prosecutor accepts a guilty plea for a lesser charge in order to resolve the case. You must request this information; it is not automatically given to you. See also Pen. Code, § 679.02.
- It is your right as a victim to be notified of, attend, and express your views at the dispositional hearing. This hearing is where the outcome of the case will be decided and the restitution order will be made.
- If you do not wish to attend, you may request to be informed of the case’s final disposition, including the restitution order. You should be informed by letter within 60 days of the case’s final disposition.
- Two support persons may attend the hearing with you.
- In some counties, the dispositional hearing may directly follow the jurisdictional hearing.
- See also Welf. & Inst. Code, §§ 656.2, 676.5, and 742, and Cal. Rules of Court, rule 1410(e) (2).
- If the youth in your case is sent to Juvenile Justice, California Department of Corrections and Rehabilitation (CDCR), as a victim you can request written notice of any review (parole) hearing regarding him or her. The notice will be provided 30 days before the hearing. The victim and one support person can attend, or if the victim cannot attend, two support people may attend. The victim may submit a written statement or videotape. The authority delegated to consider parole must consider the statement of the victim. However, this authority is also able to exclude the victim or the support person from the hearing. See also Pen. Code, § 679.02 and Welf. & Inst. Code, § 1767.

Resources

Victims of Crime Resource Center

3200 Fifth Avenue, Sacramento, CA 95817-2705

Phone: 800-VICTIMS (842-8467) (toll-free) or 916-739-7050

E-mail: victims2@pacific.edu

Web site: www.1800victims.org

Students of the McGeorge School of Law, under attorney supervision, provide information and referrals statewide to victims and their families.

Office of the Attorney General

Office of Victims' Services

1300 I Street, P.O. Box 944255, Sacramento, CA 94244-2550

Phone: 877-433-9069 (toll-free)

E-mail: victimservices@doj.gov

Web site: www.caag.state.ca.us/victimservices/index.htm

Through the Office of Victims' Services crime victims and the families of murdered victims are able to track the status of criminal cases and appeals and thereby exercise their right to participate in proceedings.

California Department of Corrections and Rehabilitation (CDCR), Office of Victim and Survivor Services (OVSS)

P.O. Box 942883, Sacramento, CA 94283-0001

Phone: 877-256-OVSS (6877) (toll-free)

E-mail: ovssinet@cdcr.ca.gov

Web site: www.cya.ca.gov/victims

OVSS provides services to victims, including notification of release from Juvenile Justice, CDCR and the Board of Parole Hearings, restitution collection and disbursement, assistance in preparing victim impact statements, and referrals for civil recovery, counseling, financial assistance, and restraining orders.

Victim Compensation and Government Claims Board Victim Compensation Program

P.O. Box 3036, Sacramento, CA 95812-3036

Phone: 800-777-9229 (toll-free) or 916-332-4426

E-mail: See directory at www.boc.ca.gov/contactus.htm

Web site: www.boc.ca.gov

The Victim Compensation Program can help victims of violent crime and their families deal with the emotional, physical, and financial aftermath of crime. Financial assistance may be available for victims whose offender is not known. Victims can apply for compensation by filing an application with the Victim Compensation and Government Claims Board, which administers the program. The probation department may also send you the application.

Crime Victim Advocate

Office of the Governor of the State of California

State Capitol Building, Sacramento, CA 95814

Web site: www.SupportingCrimeVictims.com

On April 24, 2006, Governor Schwarzenegger created the new position of Crime Victim Advocate (CVA) to serve within the Governor's Office. This position will serve as California's lead advocate on state and federal policy affecting crime victims.

For more information or to be referred to a victim assistance program in your area, contact your local District Attorney's office or probation department, or call 800-VICTIMS (842-8467).

The Administrative Office of the Courts produced this booklet in summer 2006 based on laws in effect at the time of publication. Laws can change at any time. We thank all those who contributed their time, energy, and effort to the development of this pamphlet.

This pamphlet is available online at www.courtinfo.ca.gov/programs/ccjp

For additional copies of this publication, please contact:

Administrative Office of the Courts

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