

**Juvenile Court Terminology**  
National Juvenile Defender Center  
<http://njdc.info/juvenile-court-terminology/>

**Adjudication:** [of Delinquency] Analogous to an adult “conviction,” it is a formal finding by the juvenile court, after an adjudicatory hearing or the entering of a guilty plea/admission, that the juvenile has committed the act for which he or she is charged.

**Adjudicatory Hearing:** The fact-finding phase (*i.e.* the trial) of a juvenile case. At this hearing the judge — or in a limited number of jurisdictions, the jury — receives and weighs the evidence to determine whether the facts prove the charges alleged in the delinquency petition beyond a reasonable doubt. If the juvenile is found guilty (or involved) at the adjudicatory hearing this finding is called “adjudication.”

**Adolescent Development:** The process through which “biological, cognitive, emotional and social development unfolds and interacts during the second decade of life.”[1] The study of adolescent development is primarily dominated by psychology, although other disciplines such as biology and neuroscience help inform our understanding of adolescence. Increasingly, researchers study the impact of context (*i.e.* families, peers, schools, neighborhoods, culture) on adolescent’s development, and how such contexts contribute to both positive and negative outcomes. Counsel should be knowledgeable about the key aspects of adolescent development that informs specific legal questions regarding competence in legal proceedings, culpability, mitigation, and amenability to treatment and rehabilitation.

**Adult Prosecution:** Where the juvenile court either loses or gives up jurisdiction over a child alleged to have committed a crime and that child is tried as an adult in a criminal court. The processes allowing for adult prosecution vary by jurisdiction and may include statutes that require children of a certain age or children alleged to have committed a specified crime automatically be tried as an adult (sometimes known as “direct file” case) or may require a hearing in which the court—either adult or juvenile—decides which court should have jurisdiction over a child. See *also* Transfer/Waiver; Upper Age of Juvenile Court Jurisdiction.

**After Care:** Also known as “parole” in some jurisdictions, it is supervision of a juvenile who has been returned to the community on conditional release following a commitment or incarceration. The youth must comply with certain conditions of release and is monitored by a caseworker or parole officer. Parole can be revoked if the youth does not comply with conditions.

**Arraignment:** A portion of the “initial hearing,” interchangeable with the term “presentment,” in which the youth is brought to court and read the formal charges against him or her that are alleged in the petition. This is the stage at which a juvenile must admit or deny the charges. Court-appointed or private counsel for the juvenile must be present at this proceeding.



**Blended Sentencing:** A sentencing or disposition option that allows either the juvenile court to impose tougher punitive adult sentencing measures on a child (juvenile blended sentencing), or allows an adult criminal court to impose juvenile dispositions options (criminal blended sentencing) on a child tried as an adult.

**Commitment:** (also known as Placement or Incarceration) At disposition, commitment is one of the options available to the court as a possible sentence. It is the transfer of legal responsibility over the child to the state and often includes placement in a private or state-run facility. In many jurisdictions the court will impose an indeterminate sentence upon transferring custody of the respondent to a state agency, allowing the agency to determine when the youth may be released from incarceration based on good behavior, noted rehabilitation, and the youth's prior juvenile record. A youth may also be subject to commitment as a sanction resulting from a probation revocation hearing. Commitment occurs only after adjudication, as opposed to "detention," where a youth may be placed pending an adjudicatory or disposition hearing.

**Competence to Stand Trial:** Competence, or fitness, to stand trial requires that the client have both "sufficient present ability to consult with his lawyer with a reasonable degree of rational understanding" and a "rational as well as factual understanding of the proceedings against him." [2] Counsel must be able to recognize when a juvenile client's ability to participate in his or her own defense or to understand the nature and purpose of proceedings may be compromised due to developmental immaturity, mental health disorders, or disabilities.

**Collateral Consequences:** Involvement in the juvenile system may have consequences for youth beyond the immediate court case. These secondary consequences may include, but are not limited to, fines, the requirement to register as a sex offender, the loss or restriction of a professional license, eviction from public housing, ineligibility for public funds including welfare benefits and student loans, the loss of voting rights, ineligibility for jury duty, prohibitions against owning a firearm, and immigration consequences.

**Culpability:** Literally, culpability is defined as guilt or blameworthiness. Research in adolescent development points out that juveniles have diminished capacity to, among other things, understand or process mistakes, learn from experience, engage in logical reasoning, control their impulses, and understand the reactions of others. These limitations in development diminish a juvenile's personal culpability.

**Deferred Adjudication:** This arises when a judge decides not to adjudicate the youth and instead impose conditions that, if met, will result in dismissal of the charges. This is technically not "diversion," given that the youth is court-involved and the client is petitioned and subject to the court's jurisdiction. However, if the client meets the court's requirements, a deferred adjudication results in a non-adjudicatory resolution and the eventual dismissal of the petition. A variation on this is when the court decides to grant a "stay of adjudication," which suspends the adjudication in situations where the court determines that the circumstances of the case warrant the child being given a "second chance." If the child satisfies all conditions set forth by the court, the court can dismiss the charge and there will be no record of the adjudication. See *also* Diversion.



**Delinquent Act:** An offense committed by a juvenile that would be classified as a crime if committed by an adult.

**Detention:** Juveniles charged with delinquent acts may be detained by court order pending an adjudicatory and/or disposition hearing. A youth may be placed in a detention center at different points throughout the juvenile case. At times, an adjudicated juvenile may be held in detention during a period of their commitment. There are different levels of detention for juveniles. “Secure detention” involves holding the child at a locked detention facility. “Shelter homes,” sometimes referred to as “non-secure detention,” are also a level of detention where the child may only leave the premises for school or other pre-approved appointments. “Home detention,” where the child may only leave home for school or appointments, is an option in some jurisdictions. In jurisdictions where there is no juvenile detention facility, children may be detained pre-trial in adult facilities. See *also* Commitment.

**Detention Hearing:** A hearing in which the judge decides whether to detain the child pending an adjudicatory hearing in a delinquency matter. Most jurisdictions require a detention hearing to be held within forty-eight (48) to seventy-two (72) hours after the detention commences to determine whether continued detention is necessary. There must be a finding of probable cause that the child committed the alleged delinquent act before pre-adjudicatory detention is permitted. If probable cause is found, in most jurisdictions there must also be a showing that the child is a flight risk or that the child is a danger to his or herself or others such that continued detention is required pending an adjudicatory hearing.

**Developmental Immaturity:** Within the study of adolescent development, developmental immaturity is a term used to refer to deficits in adolescents’ thinking, reasoning, and/or decision-making that are a result of normative developmental processes. As adolescents mature, their thinking, reasoning, and decision-making begins to resemble that of adults.

**Developmentally Appropriate Language:** An approach for adult communication with children and adolescents which takes into account the cognitive limitations particular to different developmental stages. While adolescents may demonstrate the ability to understand and reason better than younger children, adolescents’ abilities to understand and reason do not generally begin to resemble adults until approximately age 16. As a result, juvenile court practitioners should carefully consider the language used and the structure of questions asked when communicating with adolescents.

**Disposition:** The juvenile equivalent of an adult sentence, disposition is a final decision as to how a juvenile’s case is handled after an adjudication. Because juvenile courts expressly focus on rehabilitating children who are adjudicated as delinquent, dispositions typically include a treatment plan aimed at addressing perceived deficiencies in the child’s current living environment and behavior. To determine an appropriate disposition, the judge should consider evidence about the juvenile’s needs, available resources, and other relevant factors so as to design a plan to meet the juvenile’s rehabilitation and the interests of the state. Disposition outcomes vary and may include but are not limited to, fines, restitution, community service, in-home placement under supervision or probation, and out-of home placement in commitment facilities. See *also* Disposition Hearing; Dispositional Order; Disposition Plan.



**Disposition Hearing:** Akin to a sentencing hearing in criminal court, this hearing is held after a juvenile has been adjudicated. At the hearing, the judge decides the appropriate sanctions and treatment for an adjudicated juvenile after hearing recommendations from the prosecution, probation staff, the defense, the child's parents and/or other potential stakeholders. After considering the disposition plans and recommendations, the judge will give the court's official disposition order, (e.g. probation, commitment, community-based sanctions, etc.). See *also* Disposition; Disposition Order; Disposition Plan.

**Disposition Order:** A written, signed document handed down by the court that states the disposition chosen for the youth and any conditions of that disposition. See *also* Disposition.

**Disposition Plan/Report:** In preparation for a disposition hearing, various stakeholders will prepare plans or reports outlining the care and types of rehabilitative services the party believes the child needs as a result of the adjudication. These proposed plans are most typically prepared by the probation department and the defense, while other stakeholders, such as the prosecution or services provides, may also provide reports or recommendations. In preparation of anticipated plans, the court may order psychological evaluations, diagnostic tests, or a period of confinement in a diagnostic facility to aid in the determination of an appropriate disposition. See *also* Disposition; Disposition Hearing; Disposition Order.

**Diversion:** Refers to any program that is an alternative to the filing of a court petition and which keeps the youth from entering the juvenile court system by referring the child to counseling or other social services. Diversion is designed to enable youth to avoid a formal charge through the filing of a petition, which could result in adverse collateral consequences and, ultimately, a juvenile delinquency record. By completing the requirements of a diversion program run by the police department, court, prosecution's office, or an outside agency, the youth can avoid prosecution. While true diversion programs are those that divert the child from any formal charge in the juvenile system, many practitioners and jurisdictions use the term diversion to include programs that are initiated after the client is petitioned, but which result in a non-adjudicatory resolution and the eventual dismissal of the petition. Informal adjustment is a form of diversion. See *also* Informal Adjustment; Deferred Adjudication.

**Guardian *ad litem*:** (GAL) An attorney or advocate appointed by a court to represent the best interests of a child in court proceedings, including juvenile delinquency cases. The role of GAL is different from defense counsel's role to represent the expressed interest of the child in delinquency cases.

**Initial Hearing:** This is the first hearing a child accused of a delinquent act will have in front of a judge. The structure of this hearing varies by jurisdiction, but typically includes assignment of counsel, arraignment, a detention determination, and the scheduling of further hearing dates. See *also* Arraignment.



**Intake:** The screening and assessment process children who are arrested undergo prior to seeing a judge. Intake procedures vary between jurisdictions but are typically conducted by intake officers, probation staff, case and social workers, or police. At the intake screening, each youth is evaluated to determine his or her appropriateness for release or referral to a diversionary program, or whether the matter should be referred for prosecution.

**Petition:** The-charging document filed in juvenile court by the state. The petition formally initiates a juvenile proceeding alleging that a juvenile is delinquent and describing the alleged offenses committed by that child. The petition may ask that the court assume jurisdiction over the juvenile or ask that the juvenile be transferred to criminal court for prosecution as an adult. It is similar to a complaint in adult court. *See also* Complaint.

**Post-disposition:** refers to the period following the court's entry of a disposition order and lasting until the youth is no longer under the supervision of the juvenile court or any state agency to which he or she was transferred as a result of a commitment. During post-disposition, a variety of procedures or hearings regarding the client can require the assistance of counsel. These include, but are not limited to, conducting an appeal or helping the client obtain new appellate counsel; representing the youth in probation and parole violation hearings, at commitment review hearings, or at extension of incarceration hearings; challenging condition of confinement that violate the client's state and constitutional rights or circumvent services ordered by the court; and any other legal counseling required until the youth is no longer supervised in the case.

**Pre-disposition Report:** Sometimes called a "social history" or "social study," it is a report to the court, prepared by probation staff, that outlines the child's background and recommends a disposition plan. It is a compilation of information on the circumstances of the current offense, the youth's past offense(s), family history, educational progress, and community involvement. Based on these factors, the agency will often make recommendations for disposition. *See also* Disposition Plan; Social History.

**Probation:** A disposition option available to the court as an alternative to commitment, in which an adjudicated juvenile may be released back into the community under certain conditions and under the supervision of a probation officer for a specified period of time.

**Probation Officer:** An employee of the probation department who works closely with the court and is involved with a juvenile's case at various stages of the proceedings. Preliminarily, a probation officer may perform the initial intake interview to determine if a case can be diverted from the juvenile court. Subsequently, if a petition is filed, a probation officer may be responsible for supervising juveniles not held in detention. Probation officers often prepare a predisposition report for the court after a child has been adjudicated and make recommendations for disposition. If a juvenile is placed on probation at disposition, the probation officer provides supervision of the juvenile.



**Revocation Hearings/Violation Hearings:** A review hearing at which the state or supervisory agency is alleging that the juvenile has not fulfilled his or her conditions of parole, probation, or pre-trial release. If the court revokes the child's parole, probation, or pre-trial release, it may move the juvenile to some form of out-of-home placement.

**Risk Assessment Instrument:** A tool used to assess a youth's likelihood (or risk) of future re-offending. Items on these instruments can reflect both life circumstances (e.g. history of child abuse) and personal characteristics (e.g. attitudes and past behaviors) that have been found to predict future problem behavior. Within the context of the juvenile justice system, risk assessment instruments can be used at different decision-making points (e.g. diversion, detention, or disposition). The briefer screening instruments, such as those often used to determine whether or not to detain a youth, generally consider more basic characteristics that are unchanging, such as the current alleged offense or prior arrest history. More comprehensive risk assessment instruments generally consider a broader range of risk factors, and can be used to guide treatment planning.

**Social History:** A collection of records regarding the juvenile's familial, occupational, educational, and community background—the various aspects of the juvenile's life that may be relevant to an evaluation of the juvenile and to determine the appropriate level of services needed. In some jurisdictions, social history is a general term for any collection of such records, while in others, it is the term used for a pre-disposition report compiled by probation. See Pre-disposition Report.

**Status Offense:** An offense that would not be a crime if an adult committed it (age-related only). Examples of these non-criminal offenses that are only applicable to children include: truancy, curfew violations, running away from home.

**Transfer/Waiver of Jurisdiction:** The legal procedure for determining whether the juvenile court will retain jurisdiction over a juvenile case or whether the matter will be sent to adult criminal court. A reverse waiver occurs where a child is originally charged in adult court, but is sent back to juvenile court for trial or disposition. Please see the introduction to part VI of the Standards for a more detailed description of the various forms of transfer available in the United States. See Adult Prosecution.

[1] Richard Lerner & Laurence D. Steinberg, *Handbook of Adolescent Psychology* x (2nd ed. 2004)

[2] *Dusky v. United States*, 362 U.S. 402, 402 (1960).

