

ROLE OF ATTORNEYS

A juvenile has the right to an attorney at any point in the process. An attorney has the knowledge, training and experience of the court system many juveniles and their families do not. Therefore, the services of an attorney can be helpful.

If the juvenile does not have money to hire an attorney, he/she may be able to have a public defender represent him/her. The parents may have to reimburse the Public Defender for fees incurred in the representation.

JURISDICTION

In Wisconsin 17-year-old youth are considered adults for criminal prosecution purposes. This means once a juvenile reaches age 17 and commits a crime, the matter is sent to the adult system. It cannot be heard in the juvenile system. In some cases juveniles under the age of 17 are charged in adult court. These cases are for crimes stated in the Wisconsin statutes. In other cases juvenile under the age of 17 can be waived into adult court. The conditions for which a juvenile can be waived are spelled out in the Wisconsin statutes.

RESOURCES

**District Attorney's Office
Victim-Witness Coordinator**
920-674-7220

Human Services Department
920-674-3105

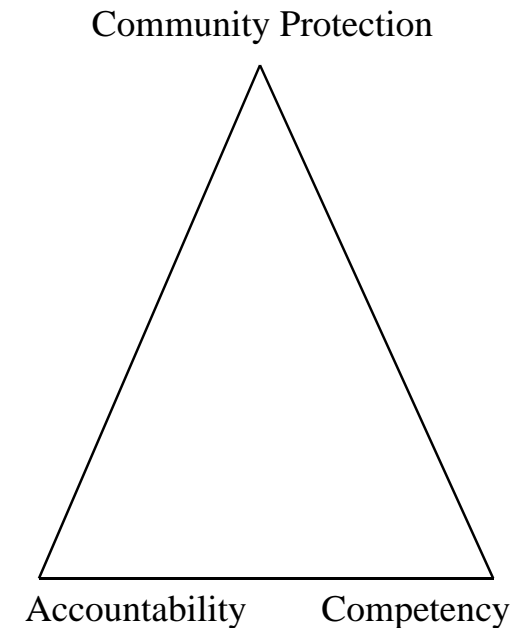
**Jefferson County Delinquency Prevention
Council**
920-675-4630

Jefferson County Project Join
920-675-4630

Public Defender's Office
920-674-2800

This guide has been prepared to aid your understanding of the juvenile justice system in Jefferson County. Please contact your attorney if you have specific questions about the juvenile justice process.

Jefferson County Juvenile Justice System



THE JUVENILE AND ADULT SYSTEMS

Although there are similarities, the juvenile justice system differs in some ways from the adult criminal justice system. The juvenile system approaches juvenile crime through “the balanced and restorative justice” approach. Using this approach, all players in the system, including law enforcement, social workers and judges attempt to address the interests of the public and the needs of the juvenile and family by considering the need to protect the public, how to hold the juvenile accountable for his/her actions, and how to develop skills the child needs to help avoid future problems.

The words used in the juvenile system are different from the adult system. Some of the more common terms are listed below.

Adult term

Arrest
Warrant
Probation
Complaint
Guilty/Not Guilty
Misdemeanor/Felony
Trial
Sentencing

Juvenile term

Temporary physical custody
Capias
Supervision
Petition
Admit/deny
Delinquent act
Fact finding hearing
Disposition

THE PROCESS

Law enforcement contact. Law enforcement officers make the initial decision how to handle juvenile crime matters. The officer can release the juvenile, issue a municipal ordinance citation, refer to Teen Court, or refer to the Department of Human Services for prosecution through the juvenile justice system.

Department of Human Services. When the Department receives a referral from law enforcement, an intake worker is assigned to investigate the matter. In most cases this investigation involves talking to the juvenile and family. You may have an attorney present at this interview. The intake worker uses the information obtained to decide if the matter will be sent to the District Attorney’s Office for prosecution. The intake workers can close the case, send it back to law enforcement to issue a municipal ordinance citation, refer to Teen Court, enter into a deferred prosecution agreement, or refer the matter to the District Attorney’s Office. A deferred prosecution agreement provides the juvenile an opportunity to resolve the matter without going through the court system. The juvenile is placed on supervision for a certain length of time during which he/she must comply with the terms of the agreement. Upon successful completion of the agreement, the matter is dismissed. If the juvenile does not comply with the agreement, the matter is referred to the District Attorney’s Office.

District Attorney’s Office. All cases are referred to the District Attorney’s review. The district attorney may file a petition formally charging the juvenile with committing a delinquent act, or refer the matter back to the Department of Human Services to dispose of the matter in another manner.

The hearing process. If a petition is filed, the juvenile is required to go to court for a plea hearing. This is the hearing at which the juvenile will admit or deny committing the delinquent act. If the juvenile denies, a pretrial conference is scheduled. This is where the district attorney, someone from the Department of Human Services, and the juvenile’s attorney meet to try to reach an agreement without having a fact-finding hearing. If an agreement is reached, the juvenile goes back to court on another day for disposition. If no agreement is reached, the matter is scheduled for a fact-finding hearing. This is a hearing in which the judge decides if the juvenile committed the acts stated in the petition. If the judge decides the juvenile did not commit the act, the matter is dismissed. If the judge decides the juvenile did commit the act, the juvenile is found delinquent and a dispositional hearing is scheduled. This is the hearing at which the juvenile is sentenced.

Supervision/services. A delinquent juvenile is assigned a case manager at the Department of Human Services. The case manager makes sure the juvenile complies with the sentence given by the judge and works with the juvenile to develop skills in accordance with the balanced approach to juvenile justice.