Restorative Justice Authority (RJA)



Family Services/Support

Court Process Handbook

Your child has had committed a delinquent or criminal act and/or had contact with law enforcement and could be ordered to appear in juvenile court or has been placed in the SEK Regional Juvenile Detention Center. Now what?

The Care Coordinator wants to provide you and your

family with Family Services or Support.

**Our Mission:** To improve public safety, to enhance accountability on the part of the youth and families in which we serve, and empower youth and families to improve the ability of the youth to live responsibly and productively in the community through community-based supervision, prevention, targeted interventions and services.

**Family Services** assesses and identifies needs the youth and/or family may have, refers them to appropriate community based services (if needed) and assists them as they navigate through the system.

**Family Support** is a program that works with youth and families to connect them to appropriate community based services, identify and remove barriers by giving youth and families a voice and choice, prevent further entry into the system for the youth and provide family support as they navigate through the system.

**Who can help?** The Care Coordinator will help family members advocate for their kids by helping families better understand and navigate the juvenile justice system.

**How will they help?** The Care Coordinator assists the family and youth by working with all parties within the juvenile justice system, probation and court to help youth and families be successful based on their strengths. The Care Coordinator will have an active role in the youth’s disposition and treatment.

**Definition of family:** Family is anyone that provides care or structure to youth and/or anyone the youth considers to be family.

**Family Bill of Rights:** Caregivers and youth are partners with RJA staff, courts, educators, and treatment providers in the youth’s rehabilitation and shall be encouraged to actively participate in the design and implementation of their child’s treatment, from intake through discharge.

Caregivers and families of youth who are involved with RJA have the following rights:

1. You have the right to expect RJA to provide a safe, secure, and clean environment.

2. You have the right to be treated fairly regardless of who you are.

3. You have the right not to be judged, blamed or labeled.

4. You have the right to know about RJA’s processes, programs, and services.

5. You have the right to be informed promptly about matters related to your youth’s welfare.

6. You have the right to be a vocal advocate and to actively participate in decisions.

7. You have the right to meaningful participation in treatment and transition plans.

8. You have the right to professional, courteous and respectful treatment by all RJA staff.

9. You have the right to keep in touch with your youth through visitation, telephone, and/or mail.

10. You have the right to define your family and to involve others.

11. You have the right to have RJA promptly address your questions and/or concerns.

Basic Terms and Definitions

***Juvenile Offender***: Any person under the age of 18 who is charged with violating the law or city ordinance.

***Status Offender***: Any person under the age of 18 who is charged with an offense that only applies to this age group. Examples include: charged with being beyond the control of his or her parents, not going to school, violating curfew, running away from home, using alcohol or tobacco.

***Juvenile Intake and Assessment Officer (JIAS)***: This person helps law enforcement assess whether the child is a danger to themselves or to others. This person also determines whether the child can be released back to the parents or needs to be placed in detention. This person also gives recommendations and referrals to the family if there are areas of need.

***District Judge***: The judge presides over and makes orders at all hearings. This person makes decisions throughout the case that affect whether your child is placed in detention or has other rules to follow. This person also decides what programs you and your child must attend and whether you have to pay for the program.

***County Attorney***: If your child is accused of being a juvenile offender, the county attorney will represent the interests of the state. He is under the court’s authority and must obey all orders. He is allowed to file papers with the court asking the court to order you, your child, or other people to do something. He can also offer evidence, question witnesses, and see reports that will be used.

***Defense Attorney***: Your child has the right to be represented by an attorney who represents what the child wants. If the parent and child do not agree on what information should be given to the court or desired outcomes, the child’s attorney must be loyal to the desires of the child. The court must appoint a defense attorney, if one has not been hired or the right to an attorney has not been waived, at the child’s first court appearance. Your child’s right to an attorney is not based on your ability to pay. However, the court can order you to pay the county back for legal services provided to your child by a public defender.

***Guardian Ad Litem:*** A guardian ad litem is a guardian appointed by the court to act on behalf of a minor or incompetent person.

***THIS BOOKLET IS NOT INTENDED TO SUBSTITUTE FOR ADVICE OF AN ATTORNEY.***

***WE ARE NOT ATTORNEYS.***

When a specific problem exists within your family or with your child, it is advisable to consult with an attorney.

ATTEND all scheduled juvenile court hearings and probation officer meetings and ARRIVE ON TIME.

Your child has the right to an attorney regardless of your ability to pay.

If your child is placed in a juvenile detention center, inform detention staff of any medications prescribed for your child’s physical or mental health. Communicate with staff to make sure your child receives his/her medication while in custody.

Let the probation officer and child’s attorney know of any changes in your address and phone number so that you can receive notice of hearings.



The Kansas Juvenile Justice system is difficult to understand especially for those who have never experienced it. The next few pages of this manual will explain the court process from the time of arrest through termination. If you have questions **ASK**. We are here to help you understand the steps of the system and how to navigate through it.

**What can I do as a parent?** Parents can advocate for their children by attending court hearings and meetings with their youth. Parents should keep a file with all related case documents including notes on who they spoke with, scheduled hearings, and other dates. It’s important to maintain a working phone number and promptly return calls to juvenile justice professionals. When you aren’t sure, confused or don’t know what to do ask your Care Coordinator.

**Crawford County Juvenile Justice System**

Arrest

Notice to Appear

Juvenile Intake and Assessment

Released to parent(s) or responsible adult

Detention

Out of Home Placement

County Attorney reviews report for filing of charges

Detention Hearing

Pre File Diversion or Decline to Prosecute

Formal Charges Filed or Multi Disciplinary Team if on Pre File IIP

Completion of IIP

Post File Diversion

Multi Disciplinary Team or referred back to County Attorney Office

Discharge

Court Proceedings/First Appearance

Discharge

Pre-Trial Hearing

Trial/Adjudication Hearing

Guilty

Pre-Sentence Report Conducted

Not Guilty

Adult Sentence if charged as an adult

Release

Disposition Hearing

Juvenile Correctional Facility

Community Based sanctions

Court Service Probation

Conditional Release (if ordered) Supervision in the community

Juvenile Intensive Supervised probation

Custody-Parent or KDOC-JS

Discharge

Detention

***At the time of arrest:***

Getting arrested doesn’t always happen the way you may see it happen on TV. Law enforcement will contact Juvenile Intake and Assessment (JIAS) and an intake will be completed. For less serious crimes, law enforcement may contact Juvenile Intake and Assessment (JIAS) and an intake will be completed at a later date. JIAS staff will call you to schedule a date and time for the intake. In more serious cases, law enforcement will take your child to a local police or sheriff’s department for an intake to be completed.

During the intake your child will be asked questions to find out things like how they are doing in school, if they use alcohol or drugs, if they have ever been in trouble before, etc. A MAYSI-2 assessment will be completed and that will help the JIAS officer determine if there are any services in the community that might help your child stay out of trouble in the future.

Things like counseling, drug and alcohol assessment, or education programs may be recommended. The JIAS officer will go over all of this information with you and your child.

At the end of the intake process your child will either be allowed to go home, placed in Police Protective Custody (PPC) if there’s alleged abuse or neglect, or placed in detention if they screen for detention. The severity of the offense determines where the youth will be placed. If you are suspected of a misdemeanor, like shoplifting, you are more likely to be released to return home than if you are suspected of committing a felony, like breaking into a house. If you are suspected of a more serious, violent offense or a sexual offense you could be sent to a detention.

Note: An arrest does not need to occur for a complaint to be filed. The complaint process starts when law enforcement is contacted and a report is made. The report may or may not result in an arrest. Law enforcement chooses to present a case based on the investigation, probable cause, police reports and witness statements to the county attorney and the county attorney will then decide whether or not to file a complaint with the court.

***WHAT RIGHTS DOES A JUVENILE HAVE?***

***Miranda Rights***

***“You have the right to remain silent. Anything you say or do can and will be used against you in a court of law. You have the right to speak to an attorney, and to have an attorney present during any questioning. If you cannot afford an attorney, one will be appointed for you.”***

***DO*** tell the police officer basic information about you, like your name, your address, and your parents’ names. ALSO, when you meet with JIAS, you ***DO*** need to answer questions from JIAS staff. JIAS staff are not police officers, and what you say to them cannot be used against you in court.

In addition to an attorney, your child is entitled to those protections provided under the Bill of Rights if the charge is one that could result in confinement.

In those situations, there must be proof beyond a reasonable doubt, no double jeopardy (your child cannot be tried twice for the same offense), the right to confront witnesses, reasonable search and seizure, the privilege against self-incriminating, and protection against forced confessions.

***IF I GET ARRESTED, DOES THAT MEAN I’VE BEEN CHARGED WITH A CRIME?***

Not necessarily. It’s the police officer’s job to arrest you and bring you to JIAS, but they’re not the ones who decide whether to charge you with a crime - that’s the county attorney’s job. Sometimes it takes a while for the county attorney to make a decision whether to charge you or not. For example, the police may still be investigating the crime, talking to witnesses, looking for suspects, and gathering evidence like fingerprints or DNA. The county attorney has to make a decision whether to charge you within a certain number of years after the incident occurred. This is called the **statute of limitations**. For some very serious crimes, like rape or murder, the statute of limitations is longer. See K.S.A. 38-2303 (a), (b), (c) and (d) for details.

**What’s the difference between a felony and a misdemeanor?**

They are both crimes, but a felony is more serious than a misdemeanor.

A **felony** as a crime which carries a sentence of imprisonment for more than one year or the death penalty (where applicable).

A **misdemeanor** is a crime that carries a less severe punishment than a felony; specifically: a crime punishable by a fine and by a term of imprisonment not to be served in a penitentiary and not to exceed one year.

**Examples of misdemeanors Examples of felonies**

**Petty Theft Burglary**

**Possession of Marijuana Robbery**

**Battery Aggravated Assault**

**Disorderly Conduct Criminal Threat**

A ***person felony*** is a crime against a person, like threatening someone with a gun.

A ***nonperson felony*** is a crime against property, like stealing a car. Person felonies are generally more serious than nonperson felonies.

Whether your child gets released or not also depends on other things, including their criminal history, if there are concerns about their safety, OR the safety of the community if they were to be released.

If your child is placed in detention, there will be a ***Detention Hearing*** within 48 hours excluding holidays and weekends.

The judge will determine if your child should be released until the next court date or if your child should continue to be detained in detention. If you don’t already have an attorney and need one appointed, that will happen at this time.

You and your child get to meet with an attorney before this hearing and they will represent your child when they go in front of the judge.

If your child is released, the judge will order that certain conditions are followed, for example, going to school every day, following a curfew, obeying the rules at home, etc.

If conditions aren’t followed, your child could be taken back to detention and may have to stay there until the next court date. The judge can also ***revoke*** your probation. If your probation is revoked, you can be ordered to serve a more serious sentence including direct commitment to a juvenile correctional facility, if you qualify. You may also be required do extra community service, extend your probation, or impose some other kinds of consequence.



***How will I know if I’ve been charged with a crime?***

If the prosecutor charges you with a crime, they will file a ***Complaint against you.*** The Complaint will tell you what crime you’re being accused of. A court date will be set called a ***First*** ***Appearance***. You will be notified of this court date by being ***Served*** with a summons. Being served means that you are personally notified of the charge. It will also notify you of the date and time of the hearing. This is done by having a sheriff’s deputy come to your house and give you or your parent the paperwork. Sometimes it may come to you through certified mail.

***If I have to go court now what?***

Show up!

If you don’t show up to your court date, a warrant may be issued for your arrest. That means the next time you come into contact with law enforcement, you will be arrested.

***GOOD ADVICE FOR COURTROOM BEHAVIOR FOR PARENTS AND YOUTH…***



**DO-** ✓ Dress neatly and cleanly, as you would for an important meeting.

✓ Be 15 minutes early, so you are ready to attend the hearing on time.

✓ Speak loudly and clearly when asked.

✓ Be honest and make eye contact when talking.

✓ Respond to Judge’s questions by saying “Yes, Your Honor” or “No, Your Honor”.

**DO NOT-**

⦸ Curse, swear, or lie.

⦸ Get angry or roll your eyes.

⦸ Walk out of the courtroom.

⦸ Speak or act rudely.

⦸ Slouch.

⦸ Wear shorts or offensive t-shirts/clothing.

**What Will Happen When I Go to Court?**

When you go to court, you will meet with the attorney who has been assigned to your case. (You can also hire your own attorney.) They will talk to you about the incident, what your options are, and possible punishments. You can meet with your attorney in private, and everything you say to them is confidential. This is called the ***attorney-client privilege.*** It means that your attorney can’t tell anyone what the two of you talked about, not even your parents, without your permission.



Generally, there are 3 options when a Complaint has been filed against you:

***Immediate Intervention Program (IIP)******AKA Pre or Post File Diversion***: The county attorney will determine if this is an option. The benefit of IIP is that if successful, the charge against you gets dismissed. IIP is a plan developed by the IIP Officer. If you comply with the conditions of the IIP plan, your case will be dismissed. The county attorney will be notified if you do not follow the rules of the program and your original charge may be reinstated. You will go back to court and be sentenced.

***Pre-Trial Hearing*** Sometimes the Court will schedule a pre-trail hearing. This is a **meeting in which the opposing attorneys confer/talk**, ordinarily with a judge to work towards the disposition of a case. In such meetings the discussion is related to the matters of evidence and narrowing of issues that will be tried.

***Trial*** You always have the right to have a trial, either in front of a judge or in front of a jury. At a trial, the state (meaning the county attorney) has to prove that you committed the crime beyond a reasonable doubt. They’ll do this by having witnesses (including police officers, victims, store employees, neighbors, etc.) testify as to what they saw or heard. You (through your attorney) will also have a chance to ask these witnesses questions and can have other people testify on your behalf. You can testify at your trial, but you don’t have to. You have a constitutional right to refuse to answer questions if your answers could get you into trouble. If you decide not to testify, the judge or jury isn’t allowed to consider your silence as a sign of guilt.

***Guilty or “No Contest” Plea*** If you don’t want to have a trial, you can plead guilty or no contest to the charge. When you plead guilty, you’re admitting that you committed the crime. When you plead no contest, you're not saying you did it and you’re not saying you didn’t do it, but you’re agreeing not to fight the charge. There is not much difference whether you plead guilty or no contest; in either case the judge will find you guilty. Why would you give up your right to a trial by pleading to a charge? There are several reasons why it might make sense to do this. For example, if it’s a slam-dunk case against you there might be no point in having a trial because you know you’ll be found guilty. Another common reason is that the county attorney might be willing to offer you a “deal” if you plea, like a reduced charge or a recommendation for a lighter sentence. This is called a ***plea bargain***.

***If I’m Found Guilty, Does That Mean I’ve been Convicted of a Crime?***

If you’re found guilty at a trial or if you plead guilty or no contest, you will be adjudicated, not convicted, of that crime. In Kansas, “convicted” is the word used when an adult (18 or older) is found guilty of a crime. “Adjudicated” is the word used when a juvenile (17 or younger) is found guilty of a crime.

***Pre-Disposition Investigation (PDI)***

Once a juvenile has been adjudicated or found guilty, the judge may order a Pre-Disposition Investigation (PDI) to be completed by a Court Service Officer (CSO). The CSO completes a PDI interview with the youth and the youth’s parents. The interview consists of gathering demographic information, substance abuse history and treatment history, employment, school, medical, arrests/prior history, gang ties, mental health, and information about the offense.

The CSO also completes the Youthful Level of Services Case Management Inventory (YLS/CMI) if it is ordered. The intent is to gather information so the Court can make an informed decision as to what sentence would be in the best interest of the child.

***I’m Found Guilty, What Will My Punishment Be?***

After you’ve been adjudicated, the judge will ***sentence*** you. This is called **disposition** in the juvenile world. There are several possible sentences you could get:

***Standard probation (Court Services):*** You will report to a Court Service Officer regularly for a period of time. Your probation conditions might include: having a curfew, doing community service, writing an apology letter to the victim, doing UA’s (urinalysis- peeing in a cup to check for drugs or alcohol), having no unexcused absences at school, passing all classes in school and participating in services like anger management, and going to individual or family counseling. You might also be placed on house arrest with an ankle bracelet (electronic monitoring device or EMD) that will notify your probation officer whenever you leave your house.

***Juvenile Intensive Supervised Probation (JISP):*** This is like standard probation, except you’ll report to your Juvenile Supervision Officer more often and, in general, you will be supervised a lot more closely than someone who is on standard probation. Many of your probation conditions will also be stricter and you will be seen in the home, school, work and community. JISP clients are required to participate in **evidence based programming**.

Whether you’re on standard probation or JISP, if you don’t follow all the probation conditions or comply with community based sanctions AKA graduated responses. Graduated responses are sanctions your office will impose when you violated your probation. If sanctions don’t work your probation officer can file a ***probation violation report (PV)*** and recommend you go back before the Court.

If this happens, you will have to go back in front of the judge. As a consequence for getting a PV, the judge could extend your probation to complete evidence based programming, or order additional services.

***Direct Commitment to a Juvenile Correctional Facility/KDOC-JS Custody:***  If you’ve committed a serious felony, or if you’ve had several previous adjudications, the judge can send you to a juvenile correctional facility. This is called a ***Direct Commitment***. The juvenile correctional facility in Kansas is located in Topeka and called the Kansas Juvenile Correctional Complex (KJCC). The length of time you’re there will depend on the particular crime you committed, and can range from 3 months to several years, with a maximum age of 22 ½ years old. After you’re released, you’ll be put on ***Conditional Release***, (also called Aftercare) which can mean going home to your parent or guardian and being monitored like someone who’s on probation. The maximum amount of time you can be on Conditional Release is until your 23rd birthday.

No matter what your sentence is, you will have to pay court costs, UA fees, and possibly electronic monitoring (house arrest) fees. You may also have to pay ***restitution***. The judge will order that you pay restitution if your crime causes the victim to have to pay money, or if they lost something that will cost money to replace. For example, if you hurt somebody and they have to go to the hospital, you may be ordered to pay their medical bills.

If you stole something and the victim doesn’t get the item back, you may have to pay back what it was worth. If you caused damage to someone’s property, you may have to pay to have it repaired.

***How long will I be probation?***

The Court will explain case length limits to you and your child as it varies depending on the offense your child is charged with. **Case length limits** determine how long your child can be on probation. If your child complies with probation every calendar month they can earn what’s called **earned discharge credit.** That means your child is eligible to earn credit toward early discharge from probation.

***Termination:***

When all of the conditions and court orders have been met, the Juvenile Supervision Officer (JSO) or Court Service Officer (CSO) will send an order to the Court asking for your case(s) to be terminated. The JSO or CSO will contact the juvenile and their parent to inform them they are no longer on probation or under the court’s jurisdiction in the case(s) they were on probation for.

***What is Expungement?***

When you get an adjudication expunged, it gets erased from your record. Once a charge has been expunged, it’s as if it never happened (for most purposes).

That means when you’re filling out an application and it asks if you’ve ever been found guilty of a crime as a juvenile, you can answer “no”.

Once adjudication is expunged, it won’t show up if somebody (like an employer) does a background check on you. There are a few exceptions to this – employers like the government or the military will be able to see it even if it’s been expunged.

Most juvenile adjudications can be expunged. There are a few exceptions for very serious crimes like murder, manslaughter, and certain sex offenses.

***How Do I Get a Charge Expunged?***

***Step 1:***

You must wait two years after completing your sentence. If you’ve stayed out of trouble during those two years (no new charges except traffic tickets), you can ask the court to expunge your adjudication. For example, say you are found guilty of shoplifting when you are 14 years old and are sentenced to one year of probation. See K.S.A. 38-2312 for details.

When you are 15 years old, you successfully complete your probation and your case is closed. You would then have to wait 2 years, until you’re 17 before you could ask that your charge be expunged.

***Step 2:***

1. You will need to fill out paperwork for a Juvenile Adjudication Expungement. You can get this paper work from the Court Clerk’s Office or [www.kansasjudicialcouncil.org/forms](http://www.kansasjudicialcouncil.org/forms). You don’t need an attorney to do this. The forms are fill-in-the-blank and instructions are included.
2. Turn the paperwork in to the Court Clerk’s Office, along with the required fee.
3. The county attorney’s office will review the paperwork. This step can take several weeks.

If they approve the paperwork, the judge will sign it and a copy of an Order of Expungement will be sent to you. If the county attorney’s office objects to the expungement, you can request a hearing in front of a judge. The judge would then decide whether to approve the expungement or not.

***How Will a Juvenile Charge Affect Me If I Commit a Crime as an Adult?***

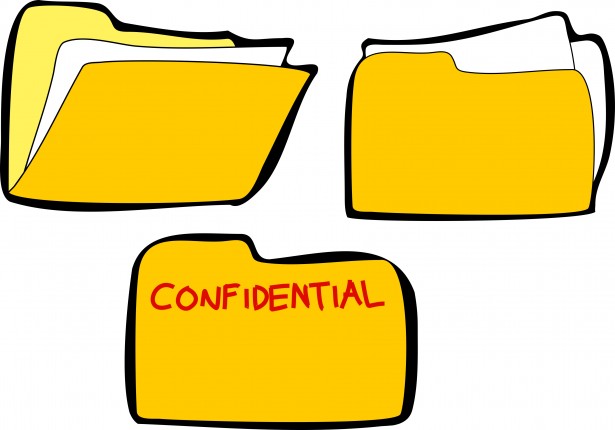
When an adult commits a crime, the punishment they get depends on two things:

1. The seriousness of the crime they commit.
2. Their ***criminal history.***

This means that someone with a felony in their past is going to go to prison longer than someone with only a misdemeanor in their past, someone with two felonies in their past will go to prison longer than someone with only one felony, and so on.

Your criminal history consists of every charge you’ve been found guilty of – whether it’s a juvenile adjudication or an adult conviction. Even charges that have been expunged count as part of your criminal history.

There are a couple of exceptions to this: misdemeanor adjudications and certain less serious felony adjudications won’t count as part of your criminal history once you turn 25, whether they’ve been expunged or not.



The hope is that the information in this handbook will help you better understand the juvenile justice system. Not everything is included in this handbook. Sometimes too much information can be scary and overwhelming. If you have questions about anything, please contact us and we will gladly help you!

**Family Services/Support**

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