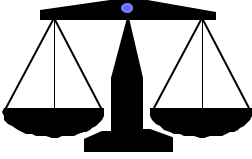


Juvenile Justice

JUVENILE JUSTICE SYSTEM



A delinquency petition is a court document alleging that a juvenile, between ages 10-16, has violated a law which would be a criminal offense if committed by an adult. Disposition for a juvenile found to be delinquent may include the following: consent decree (which allows for the holding open of a case for up to a year with supervision), probation supervision, out of home placement (foster home, group home, residential treatment facility or incarceration at a juvenile correctional institution), secure detention, restitution, a fine, counseling and performance of community service.

Juvenile Intake

A delinquency offense is investigated by a police agency. The report is referred to Juvenile Intake where it is reviewed and may be referred to the District Attorney's Office.

District Attorney's Office

The District Attorney, after reviewing the facts, may decide to issue a delinquency petition (a document that formally charges a juvenile with one or more delinquent acts).

Initial Appearance

The Initial Appearance is the first time a juvenile reports to court regarding a delinquency petition. At this hearing, the judge reads the petition, advises the juvenile of the right to an attorney, and the juvenile either admits or denies the allegations. If there is an admission, the judge sets a dispositional (sentencing) hearing date, or may proceed

immediately to disposition. If the juvenile denies the petition, a court trial or a status hearing date is set.

Victim/Witness Assistance

Victim/Witness assistance is available to notify victims of case status and court dates, and advise subpoenaed witnesses of information regarding court appearances. Information is provided for special needs of victims such as: property return, Crime Victim Compensation and community referrals.

Status Hearing

This is an opportunity to resolve the case prior to a Court Trial.

Motion Hearing

A motion is a verbal written request made by the prosecutor or defense attorney before a Court Trial, asking the judge to make a ruling on a matter of law in the case (usually relating to the admissibility of certain evidence at a Court Trial). Testimony is occasionally required depending on the questions at hand. Victims rarely need to give testimony at a Motion Hearing.

Court Trial (Fact Finding Hearing)

If there is not a resolution of the case after all the motions are heard, a Fact Finding Hearing date is set. A Court Trial is a trial where the judge (not a jury) decides if a juvenile is guilty or committing the charged offense. If the juvenile is found not to be delinquent (guilty), the case is dismissed and this is the end of the juvenile court process. If the juvenile is found guilty, the matter will proceed to sentencing (dispositional hearing).

Dispositional Hearing (sentencing)

A Dispositional Hearing occurs after a juvenile pleads guilty or is found guilty. Victims may be present in the courtroom and/or have the right to provide an oral or written statement to the court at this time. Such a statement may include the

physical, emotional and/or financial impact of the delinquent act upon the victim.

BUS ROUTE:

State/Highland: #31

Contact Milwaukee County Transit for bus transfer information: 344-6711

FREQUENTLY ASKED QUESTIONS

What if I am a victim or witness of a juvenile offense?

Most offenses committed by juveniles under the age of 17 are handled differently than those committed by older persons. Wisconsin law under the Juvenile Justice Code is intended to deal with the problem of juvenile crime by protecting the public. It is also intended to hold juveniles accountable for their actions, and provide services to teach juveniles how to be productive and responsible citizens of our community.

Victim/Witness Services are available to help you with any problems you may have as a result of this offense or the court process.

As a victim of a crime, how can I find out about a case in which I am involved?

You should contact Victim/Witness Services in the District Attorney's Office and request information about the time and place of upcoming hearings. Victims have a right to appear at any hearing; however, during discussions of sensitive personal matters involving the juvenile you may be asked to leave. You have a right to make a statement to the court (Victim Impact Statement). You also have a right to obtain information about the outcome of the case. If you want further information about

your case, you need to keep in contact with the Victim/Witness Specialist.

What is a Victim Impact Statement?

A Victim Impact Statement is your way to let the court know how the crime affected you (emotionally, physically and financially). You can do this in person, in writing, or both. You can go to court at the disposition (sentencing) and tell the court how the crime impacted your life and/or you can return the Victim Impact Statement. The Victim Impact Statement will be shared with the judge, the juvenile, the juvenile's attorney, the juvenile's probation officer and the district attorney's Office. You should only discuss the affect that the criminal activity had on you. Do not discuss the facts of the incident. To ensure that the Victim Impact Statement is given to the court prior to the sentencing of the juvenile, please return the Victim Impact Statement as soon as possible. Please be advised that juvenile matters may be resolved at the Initial Appearance.

Are juvenile hearings confidential?

While you are allowed to attend any hearing, the content of most hearings is confidential. You may not disclose the identification or information about the juvenile unless a public hearing is held. You can be charged with contempt of court and be fined and/or imprisoned if you release information about the juvenile. This does not stop you from releasing the name of the juvenile to your insurance company for purposes of loss recovery. If you have any questions, please call the Victim/Witness Specialist.

Do I have to go to court?

The only time you must go to court is when you receive a subpoena; however, you are welcome to appear at any court date. As a subpoenaed victim or witness, your cooperation is extremely important to our community.

What is a subpoena?

A subpoena provides information about a court appearance that you are required to attend. It will tell you where and when to appear.

What should I do if I receive a subpoena?

Call the telephone number stamped on your subpoena to make plans for your appearance.

Will I be paid for my time spent as a witness?

For each day you are subpoenaed to court and appear, you have the right to receive an \$18.00 witness fee, which includes a transportation allowance. In order to receive your witness fee, you must give your subpoena to the assistant district attorney in court. You should receive your witness fee six to eight weeks after your appearance.

Where do I go if I want to appear in court or if I receive a subpoena?

Hearings are held at the Children's Court Center. (See map)

The #31 bus, State/Highland, is the only bus route that goes to the Children's Court Center. The Milwaukee County Transit System has many bus routes serving the downtown area. If you need bus route information, call the Transit Company at 344-6711.

Is parking available?

There is free parking available at the Children's Court Center. See map.

How do I get my property returned if it has been recovered by the police?

Recovered property may be needed as evidence if a case goes to trial. You will be notified by the police when your property is no longer needed.

If you have any questions about when your property can be returned to you, call the Victim/Witness Specialist.

What if the juvenile offender's attorney or investigator asks to talk to me?

As a witness you are expected to be an impartial spokesperson for the facts as you know them. So you are not a witness for one side or the other, but for the truth.

Investigators or others on this case may contact you. It is always wise to ask for identification of any such person. If you have any questions about this or other issues, please contact our office.

Can I request restitution?

Yes, if you have had out-of-pocket expenses you should fill out the restitution form. We cannot guarantee that you will receive any restitution.

If a juvenile does not pay the full amount of restitution ordered by the court, you can petition the court to have a civil judgment entered against the juvenile and the parents of the juvenile. You must petition the court within one year after the juvenile failed to complete the restitution order.

What is crime victim compensation?

Injured victims who have medical expenses or lost wages as a result of a crime, that were not covered by any insurance or public funds, may be eligible to have these losses reimbursed under the State of Wisconsin Victim Compensation Act. You can get application forms and more information by calling Victim/Witness Services.

Can I file a civil suit to recover losses?

Yes. In order to file a civil suit, you will need the name of the juvenile and the juvenile's parents.

How can I get the juvenile's parents' names?

To recover losses from injury or damage, you can go to the law enforcement agency and request that the name and address of the juvenile and the juvenile's parents be released to you so you may file a civil suit. In a civil suit, parents of a juvenile can be held liable up to \$5,000. You may find it helpful to consult with an attorney. If you are unable to get the names from the law enforcement agency, you may be able to get the information from the court. Call Victim/Witness Services for more information.

Where can I go if I need more help?

If you have questions or need assistance, call the Victim/Witness Specialist assigned to your case.

VICTIM RIGHTS IN JUVENILE COURT

As a victim of a delinquent act (crime) committed by a juvenile, you have the following rights:

- ◆ To have your interest considered when the court is deciding to grant a request for a delay (adjournment).
- ◆ To attend court proceedings in the case.
- ◆ To ask for assistance with employer, if needed.
- ◆ To be escorted to court by a service provider.

- ◆ To request an order for a juvenile to submit to a test for sexually transmitted diseases or HIV test. The right to request this is limited to offenses where the law allows.
- ◆ To be provided a waiting area.
- ◆ To have reasonable attempts made to notify you of upcoming court hearings, if you so request.
- ◆ To speak with the Office of the District Attorney upon your request, about the possible outcome of the case, potential plea agreements and disposition options.
- ◆ To a speedy disposition (sentencing) of the case.
- ◆ To make or provide a victim impact statement (verbal or written).
- ◆ To have the impact of the crime on you included in a juvenile court report and to have the preparer of the report attempt to contact you.
- ◆ To court ordered restitution.
- ◆ To a civil judgment for unpaid restitution.
- ◆ To compensation for expenses as allowed by law (please ask a specialist about Crime Victim Compensation).
- ◆ To have assistance with property being returned when it is no longer needed as evidence.
- ◆ To have a reasonable attempt made to be notified if the case is dismissed.

- ◆ To be provided with a disposition (sentencing or supervision information)
- ◆ To contact the department of justice about any concerns you may have about your treatment as a crime victim.

If you wish to exercise any of the above rights or have any questions, please contact the victim/witness office.