

CHILDREN IN THE DELINQUENCY SYSTEM

Carrie Lee, Director, Juvenile Justice Center

Detentions

PURPOSES

- ❖ Detention should only be used when less restrictive interim placement alternatives prior to adjudication and disposition are not appropriate.

(Fla. Stat. 985.02)



Juvenile Assessment Centers

The Centers shall provide a central place for intake and screening for services for youth referred to the department.

Probation shall screen each child for release and the presence of medical, psychiatric, psychological, substance abuse, educational, or vocational problems, or other conditions that may have caused the child to come to the attention of law enforcement or the department. The child shall also be screened to determine whether the child poses a danger to himself or herself or others in the community.

Detention Hearings

- All children in custody must be brought before a judge for a detention hearing within **24 hours** of being taken into custody.
- Determinations must be made as to:
 - ▣ Probable cause
 - ▣ Scoring of the risk assessment

Risk Assessment Instrument

- The placement of all children should be comply with the requirements of a risk assessment.
- The purpose of the risk assessment instrument created by statute is to make detentions less subject to individualized variations by judges around the state. [J.J. v. Fryer, 765 So.2d 260, \(Fla. 4th DCA \(2000\)\).](#)
- The court must use the score on the RAI to determine the child's placement.

0-6: Release

7-11: Home Detention or Non-secure Detention

12 or more: Secure Detention

Risk Assessment Instrument Issues

Face Sheet

- Check to make sure address and telephone numbers are correct
- Make sure that if the child has any critical alerts the juvenile defender is made aware

Risk Assessment Instrument Issues

ABSCONDING

AS DEFINED BY THE DJJ HANDBOOK:

1. A YOUTH IS AN ABSCONDER IF THEY LEAVE THE JURISDICTION IN A “CLANDESTINE MANNER”
2. THE PROBATION OFFICER BELIEVES THE CHILD IS DELIBERATELY AVOIDING SUPERVISION AND THE LEGAL PROCESS
3. THERE MUST BE AN INTENT

SOME ISSUES THAT ARISE AT DETENTION HEARINGS

**Juvenile Defenders must
advocate for the expressed
interests of the child**





Principles for Zealous Advocacy At Detention Hearings

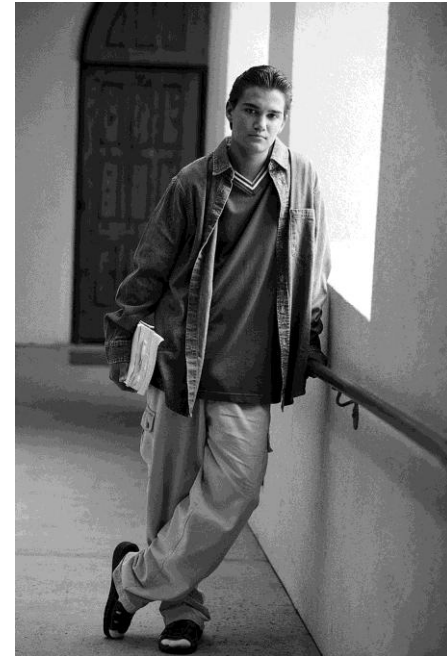
Defenders must prepare for the hearing through creative and thorough investigation.

PRINCIPLES FOR PROVIDING FOR THE BEST INTERESTS OF THE CHILD AT DETENTION HEARINGS

- Provide for other alternatives to detention
- Be aware of current research on the harmful effects of detention.

Following the Detention Hearings

For the children that are released, make sure they understand the conditions of release.



Other Delinquency Hearings

Arraignment

- Qualify for Diversion
- Charges are filed
- Child is appointed counsel

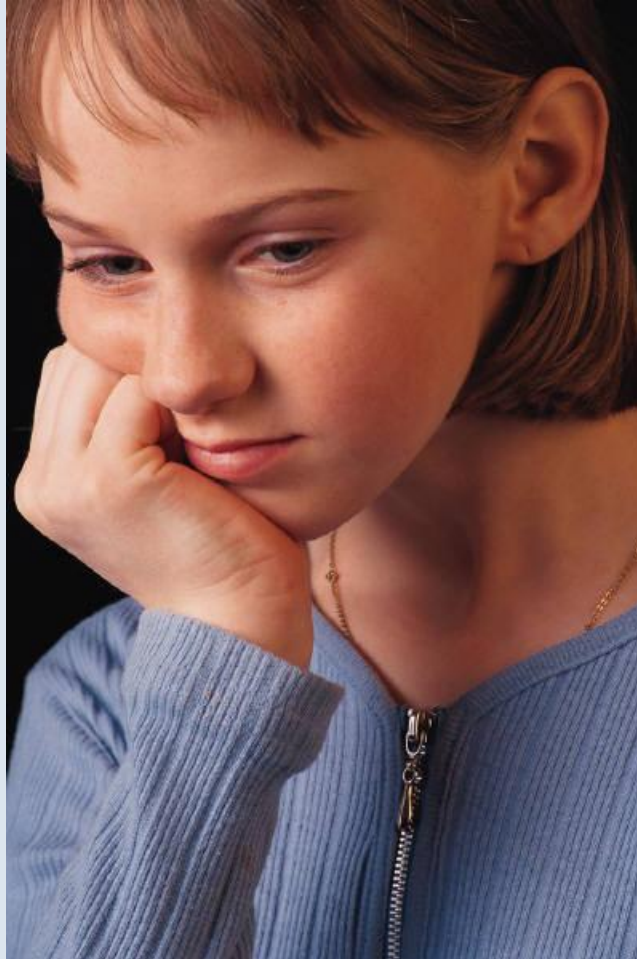
Trial

- Bench trial
- Finding of delinquency

Other Delinquency Hearings

Competency Hearing

- Child should be evaluated confidentially by one psychologist
- State then requests second evaluation
- IF child is found incompetent,
 - If it is a misdemeanor, then services are not provided and reviews are set every 6 months
 - If it is a felony, then the child is also committed to the Department of Children & Families for restoration training
- The Guardians can assist by providing any mental health, education, medical records for purposes of the evaluation



DISPOSITION HEARING

Before the Hearing

- The Child must meet with the Department of Juvenile Justice
- DJJ will want to interview the child and the case worker
- Be involved and give them your perspective on what the child needs
- Provide a report that can be included as part of the pre-disposition report

Disposition Hearing

- Please attend; have your voice heard
- Ensure that the PDR recommendation truly meet the needs of the child and the issues the child is facing
- Many of the recommendations are cookie-cutter
- Commitment should be a last resort for these youth
- Services provided by DCF are more appropriate

Other Involvement of the GALS

- Provide an independent viewpoint for the family dynamics
- Be a resource for the juvenile defender
 - how the dependency system works
 - what the background of the child is

QUESTIONS???



GOOD LUCK!!!

Call us/Email Us
for help!
clee@mail.barry.edu

