

**Juvenile Court Procedures Guide**  
**for Parents and Victims**  
**in Sarasota & Manatee Counties**

The following information is intended for parents whose child is having his or her first experience with the Sarasota or Manatee County Juvenile Court. Its goal is to help families understand the judicial process and to answer the most common questions. The Guide is also designed to be helpful to victims in understanding how this division of circuit court operates. Words in **bold** have special meaning in juvenile court.

The Florida legislature says the primary aim of juvenile court is to change behavior. Unlike the adult system, punishment is not the focus. While the juvenile court does use sanctions, their function is to direct the child away from destructive, harmful, and illegal acts. Only persons under the age of eighteen are eligible for prosecution in the Juvenile Court. The state agency charged with administering juvenile delinquency programs is the **Department of Juvenile Justice (DJJ)**.

One difference between juvenile court and the adult system is how offenders are treated after arrest and conviction. When an adult is arrested, in most cases he or she is allowed to post a bond in order to be released. If bond cannot be posted, the arrestee remains in jail until trial. When a juvenile is arrested, the child will be kept behind bars only if he or she qualifies for **secure detention** and the judge agrees. Points are determined after considering the child's record, the type of crime charged, and a number of other factors set forth in Florida statutes.

The statutory scheme adopted by the legislature requires many children to be released on offenses that would result in pre-trial detention or high bonds if committed by an adult. Moreover, although an adult could wait in jail several months before trial, as a general rule the maximum time a juvenile can be held waiting for trial in a **secure facility** is 21 days. The 21 days is the time within which the State Attorney's Office has to try the case. If there is no reasonable prospect of trial within that time, absent special circumstances, the law requires the child to be released.

**TYPICAL PROGRESS OF A JUVENILE CASE**

A typical case in Juvenile Court follows this path:

## Arrest and Booking

The child is brought by the arresting agency to the **Juvenile Assessment Center (JAC)**. In Sarasota the JAC is located at the Sheriff's Office main jail in downtown Sarasota. In Manatee County, the JAC is located at the Regional Juvenile Detention Center, 1803 5<sup>th</sup> Street West, Bradenton.

At the JAC, the child is booked and fingerprinted, the child's violation of law history is obtained, and detention points are calculated by the intake officer. The preliminary decision is made by JAC personnel as to whether or not to place the child in secure detention. Alternatively, the child may be released outright to the parents or other responsible family member, or the child may be required to participate in a **home detention** plan. Home detention is like house arrest, where for up to 21 days the child is required to be at home, work, or at school, and under adult supervision at all times. Violations of home detention rules can result in the child being arrested and placed in secure detention, and also constitutes contempt of court.

The detention calculation is made on a document called a **Risk Assessment Instrument (RAI)**. Some children, those with at least **12 points** on the RAI, may be referred to secure detention. The JAC's preliminary decision to release the child or to place him or her in secure detention is subject to review by a judge later.

Children held in secure detention will be transferred to the Regional Juvenile Detention Center, located at 1803 5<sup>th</sup> Street West, Bradenton. They will remain there under lock and key until their **Detention Hearing**.

The charge of **domestic battery** is an important exception to the 12 points rule. Children who hit and injure parents or other members of the household may be held in secure detention for up to 48 hours without having to score 12 points. This is to allow a cooling down period and an opportunity, if necessary, for the parents to arrange alternative placement of the child in a shelter or with other family members or friends if the family believes that it is not physically safe for the family if the child returns home.

## **Detention Hearing**

Within 24 hours of being booked, the child will be brought before a judge for a **Detention Hearing**. On weekends and holidays this is done at the main jail in Sarasota, usually at 9:00 a.m. and in Courtroom "K" in Bradenton @ 8:00 a.m. On business days, for children arrested in Sarasota County, the Detention Hearing is held daily in the Juvenile Division of Circuit Court located in the Sarasota County Judicial Center, 2001 Ringling Blvd., Sarasota, Florida, at 9:00 a.m. For children arrested in Manatee County, detention hearings are conducted daily during the work week at 9:00 a.m. at the Manatee County Courthouse.

For security reasons, parents may not always be allowed to attend Detention Hearings conducted at the jail on weekends and holidays, although the judge may authorize the parents presence. Parents should attend all hearings involving

their child when they are held during normal business hours at the courthouse.

The purpose of the Detention Hearing is for the judge to review the **Probable Cause Affidavit (PCA)**, which is the victim's or arresting officer's sworn statement describing how the child allegedly broke the law, to review the RAI to make sure detention points are correctly calculated, and to review the placement options. The child may be securely detained, placed on home detention (house arrest), released to the parents or other responsible adult without restrictions, or required to agree to certain conditions, such as curfews and random drug tests, as conditions for release.

A lawyer with the Office of the Public Defender will be present to represent the child for the limited purposes of the Detention Hearing, and a prosecutor from the Office of the State Attorney also will be in attendance.

## **The Delinquency Petition, Pre-Trial Intervention Programs and Direct Filings**

The Office of the State Attorney is responsible for filing formal charges against juvenile offenders. This usually occurs several days after arrest. The charges for which the child is arrested may not be the same charges the child faces when formal papers are filed. In other words, the State Attorney may drop, change or add charges as it deems proper after it investigates and completes a legal review of the facts. The decision to charge is exclusively one for the State Attorney. The court has no role whatsoever in what charges are filed.

The State Attorney files formal charges against children in a **Delinquency Petition**. This document will be served on the youth and/or the parents and will inform them of the allegations against the child. A summons will also tell the child and parents when to come to court for **arraignment**. The arraignment is when the child will be required to enter a **plea** to the charges.

The State Attorney's Office, in its sole discretion, may offer children who are first offenders and who are charged with non-violent crimes the opportunity to participate in a **Pre-Trial Intervention (PTI)** program. Examples of these are the **YES** program, which deals with first time shoplifters, and **Teen Court**. The State Attorney, not the court, determines eligibility for these programs. Those who successfully complete a PTI program have their charges dismissed and avoid a juvenile court record. If a child fails PTI, the prosecution in court is revived. The decision to offer a child a PTI program is typically made at or before arraignment.

In the discretion of the State Attorney, persons under the age of 18 with a substantial criminal history, or who are viewed as dangerous, may be charged as an adult, not a juvenile. When this happens it is called a **direct filing**. It means the child loses the benefits of the Juvenile Court and is treated in all respects like an adult. In such a case the charging document is called an **information**.

Children subject to a direct filing will be transported from the juvenile detention facility and held in the county jail. Depending on the charge, they may or may not be allowed to post a bond. If convicted, they may be sentenced to state prison or county jail. This option is reserved for children for whom the juvenile system holds no prospect of rehabilitation, as determined by the Office of the State Attorney.

### **Arraignment and Pleas**

Arraignment is the day the child is required to enter a **plea** to the Delinquency Petition. The child's parent or guardian is required to be present for this hearing. There are three types of pleas: **Guilty, No Contest**, and **Not Guilty**.

**Guilty and No Contest:** The plea of **Guilty** admits the charges. It says the child is willing to accept the consequences of his or her behavior. The plea of **No Contest** means the child chooses not to contest the charges, and that the child believes the state can prove its case against him or her beyond a reasonable doubt. It has the same legal effect as a guilty plea.

Children who enter a Guilty or No Contest plea will be given two dates. One is for the family to meet with a representative of DJJ to discuss an appropriate disposition of the case, and one is a date to return to the court for disposition (sentencing). The disposition date is usually about 30 days after the arraignment. Some cases can also be disposed of at the time of the plea.

The appointment with DJJ will result in the preparation of a **Pre-Disposition Report (PDR)**, which gives background information to the judge about the child, his attitude about the offense, and it also makes a recommendation for sanctions. The recommended disposition will be made known to the family before the disposition date. The judge has the right to accept or reject the DJJ recommendation. Comments from the family will be sought before the disposition is imposed by the judge.

**Not Guilty:** This denies the charges against the child. It means a trial will be held to determine the child's guilt. Trials in Juvenile Court are by judge alone. Jury trials are not authorized. Youths who plead Not Guilty will be given a **trial date**.

The child and a parent must be present at trial. A youth's willful failure to attend scheduled court dates may result in the child arrest and detention until the reason for non-attendance can be ascertained. Parents who do not attend court dates or trial may be ordered to appear at another time upon penalty of contempt and arrest.

All children facing charges in juvenile court have the following important rights:

1. The right to trial by a judge;
2. The right to an attorney; if the child and his family can not afford an attorney the court will appoint one at the state's expense;
3. The right to have the state prove its case beyond a reasonable doubt;
4. The right to see and hear the case against them;
5. The right to call their own witnesses and to question opposing witnesses;
6. The right to force witnesses on their side to come to court;
7. The right not to be forced to tell their side of the case. If a child decides not to testify and to remain silent, the silence will not be held against him.

Before children are allowed to enter a Guilty or No Contest plea, they will be asked questions by the judge to make sure they know what they are doing. They will be asked to sign written forms waiving the rights listed above, and their parents will be asked to comment on whether they believe the child understands the process.

### **Disposition (Sentencing) Options**

For children who enter a Guilty or No contest plea, and for those found guilty after a trial, the court has a number of disposition options. The disposition usually occurs after DJJ has had a chance to meet with the child and his family, and to prepare a Pre-Disposition Report (PDR).

Most children who come before the juvenile court judge will be placed on **probation**. This means the child will be assigned a **Juvenile Probation Officer (JPO)** and required to fulfill a number of requirements. There are many types of sanctions. The following are examples of some of things the court may order:

1. That the child attend school full time with no unexcused absences or suspensions.
2. That the child avoid contact with certain persons, including peers, who are considered to be a bad influence;
3. That the child participate in individual or family counseling;
4. That the child submit to random urinalysis to check for illegal drug or alcohol use;
5. That the child obey a curfew, the hours of which will be set by the court;
6. That the child not change his or her residence without permission of the probation officer;
7. That the child perform community service work;
8. That the child (and his family) make restitution to victims for any property damage or personal injury;
9. In the case of any drug offense, state law requires the court to suspend the child's driver's license privilege.
10. That the child obey the lawful demands of the parent or guardian.

Probation is designed to allow children an opportunity to prove they are trustworthy. Those that do well, follow the rules, and stay out of trouble may qualify for early termination of their supervision. Children who have more law violations or who are unwilling to complete their probation sanctions may be subject to a **Violation of Probation (VOP)**. This can result in additional sanctions or to commitment to a more intensive residential program supervised by DJJ.

When a child fails to perform one or more conditions of probation, instead of filing a VOP, the probation officer may ask the court to issue an **Order to Show Cause**, which seeks to find the young person in **contempt of court**. If found guilty of contempt of court, on a first offense the court may sentence the youth to a maximum of five days in secure detention. Fifteen days in secure detention is permitted for the second and any subsequent offenses. For any contempt, the court also has the option of commitment to a residential facility for up to six months. Again, secure detention is to be used only when there are no other reasonable alternative sanctions available which will be effective to correct the child's behavior.

Children found to be delinquent for committing serious violations of the law or those who fail to successfully complete probation will be considered for stricter supervision. These youthful offenders may be sentenced to one of the following **commitment levels**. All programs, except for low risk, are **residential programs** where the child is removed from the home and placed in a state run or state supervised facility. The moderate, high, and maximum risk levels, are reserved for the children with more serious offenses, law violation histories, or simply are not making the necessary changes while in the community.

When children are released from these programs, they usually are then on a period of **Post-Commitment Probation**. If they continue to violate the law or the rules of their probation or release, they may be returned to another commitment program. In some cases, jurisdiction of juvenile court may continue until the child's nineteenth birthday, and up to a usual maximum of the twenty-second birthday in other cases.

### **Qualifying for a Public Defender**

The Office of the Public Defender is allowed to provide attorneys to represent children in juvenile court only where the hiring of private counsel can be shown to cause a significant financial hardship for the family. The judge determines whether such a hardship will exist based upon poverty guidelines. The Florida legislature says that families that have the financial ability to hire an attorney for their child must do so, whether they like it or not.

As part of the arraignment process, when a plea of any type is entered the child will be asked if he or she desires to be represented by an attorney. The right to have an attorney may be given up (waived) and children may decide to proceed on their own without benefit of legal counsel. Many children entering Guilty or No Contest pleas at arraignment do waive their right to an attorney. However, before this occurs the judge will determine if the child has sufficient maturity and understanding to make such a decision, and the judge must be convinced that the decision is being made voluntarily and intelligently. Judges may decide to overrule the wishes of a child who wants to give up the right to have a lawyer.

Accordingly, at arraignment families which have the ability to hire private counsel may be told by the judge to interview several attorneys and to report back to the court concerning their efforts. In such a case, the arraignment will be continued to allow the interview process to proceed. The court has authority to appoint an attorney to represent the child even where the family objects. The judge may order parents' assets sold or loans obtained as may be necessary to pay for a private attorney if the family is able to hire an attorney but does not do so or may be required.

To qualify for the services of the Public Defender, parents will be required to complete a financial affidavit disclosing their income and net worth. State law requires persons receiving a public defender to pay a **\$40.00 application fee**. This is collected at the time of appointment, usually at arraignment. As with all court imposed financial obligations, this fee is paid to the Clerk of Court. False statements on the financial affidavit can result in perjury charges against the parent.

At the conclusion of the case, the Office of the Public Defender is required by state statute to file an affidavit seeking reimbursement for legal services rendered. This will result in a **judgment for attorney fees and costs** in favor of the county against the parent. If the debt remains unpaid, the county attorney has the right to seize and sell any non-exempt property belonging to the parent to pay off the judgment.

In addition, the judgment for public defender fees and costs may impair the family's credit. This means the parent may not be able to buy consumer goods on installment, such as appliances, televisions or cars, and may not be able to obtain a mortgage or other loan until the debt is paid.

## **Juvenile Court Adjudicatory Hearings (Trials)**

Children who plead Not Guilty will return to court for **Docket Sounding**, and later for trial. The Docket Sounding date is usually several days before the trial week. Florida Rules of Juvenile Procedure require the State Attorney to reveal the evidence against the child upon the request of the defense attorney. Once the state is asked to show its evidence, the defense is required to do likewise. The disclosing of information about the case by both sides is called the **discovery process**.

Docket Sounding is an opportunity to determine if there are any problems with discovery, to see if the case needs to be continued for any reason, and to give the child an opportunity to avoid a trial by changing the plea from Not Guilty to Guilty or No Contest.

Several cases are set for trial on the same day. Normally, the order of trial will be set the business day before the first trial day by the Office of the State Attorney. The typical juvenile court trial is completed within a couple of hours.

At the conclusion of the trial, which is also called an adjudicatory hearing, the court will find the child either guilty or not guilty of committing a delinquent act. If found guilty, the court may order the child held in secure detention pending disposition provided the child meets detention criteria.

Between the time the child is found guilty and the sentencing or disposition date, the Department of Juvenile Justice will interview the child and his parents and a Pre-Disposition Report (PDR) will be prepared. At the sentencing hearing the court will consider the PDR, comments from the child and the parents as well as comments from the victim, and will impose the disposition it finds appropriate.

Victims of delinquent acts are encouraged to come forward at the disposition hearing for the purpose of telling the child their feelings about what the child has done. For some children this can be a constructive experience. The child has thirty days in which to file an appeal to the **Disposition Order**.

## **Restitution Hearings**

As part of their disposition, children (as well as their parents) may be ordered by the court to make restitution payments to citizens who have suffered personal injury or property damage at the hands of a delinquent child. If the amount is not agreed upon at disposition, the child has a right to a **restitution hearing**, at which time the amount owed will be determined by the court. At this hearing the victim will be present as well as other witnesses whose testimony may be needed to establish the amount to be paid.

At restitution hearings the duty to pay has already been established. The only questions remaining are the amount and the payment schedule. For this reason, at the restitution hearing the child is not allowed to claim he or she has no liability for the victim's loss.

Before starting the formal hearing, the judge may order the parties to discuss the restitution issues with a certified Twelfth Circuit Mediator. The purpose of mediation is to arrive at a settlement agreeable to both sides. This service is provided free of charge to the participants.

Restitution orders entered by a judge are enforceable by contempt of court procedures against the child and/or the parents. Non-payment can also result in a Violation of Probation and the imposition of enhanced punishment.

All restitution payments are made to the Clerk of Court. To insure proper credit, payments should include the child's name, the victim's name and the case number.

### **Helpful Telephone Numbers:**

The following telephone numbers may be of assistance:

(All numbers are in Area Code 941)

### **Sarasota County:**

Department of Juvenile Justice: 361-6000  
Office of the State Attorney: 861-4400  
Office of the Public Defender: 861-5500  
Sarasota Juvenile Assessment Center (JAC): 955-7713  
Regional Juvenile Detention Center 741-3023  
Clerk of Circuit Court, Juvenile Division: 861-7400

**Manatee County:**

Department of Juvenile Justice: 727-6300  
Office of the State Attorney: 747-3077  
Office of the Public Defender: 747-6436  
Manatee Juvenile Assessment Center (JAC) 749-0607  
Regional Juvenile Detention Center: 741-3023  
Clerk of Circuit Court, Juvenile Division: 741-4026

Comments concerning this Guide should be addressed to:

**Office of the Court Administrator  
2002 Ringling Blvd.  
Sarasota, FL 34237  
(941) 861-7800**

**Original document created by:** The Honorable Lee E. Haworth (2002)

Modified & approved for publication by:

The Honorable Charles Williams -Sarasota (9/25/07)  
The Honorable Scott M. Brownell-Manatee (1 /1 5/03)  
The Honorable Marc Gilner - Manatee (10/15/07)