

A GUIDE TO THE JUVENILE JUSTICE SYSTEM IN BUFFALO COUNTY



“The only real mistake is the one from which we learn nothing.”
--John Powell

Buffalo County Attorney
P.O. Box 67
Kearney, NE 68848
308-236-1222

Revised from the Crime Commission brochure
“A Guide to Juvenile Court for Parents & Children.”

REASONS FOR BEING IN COURT

Delinquent: charged with breaking a law of a State or City Ordinance.

Status Offender: Charged with being beyond control of his/her parent(s) or habitually truant. Examples include not going to school, not keeping a curfew, running away from home, not obeying parent rules, and using drugs, alcohol or tobacco under age.

WHAT THE COURT MAY DO

Delinquent: May be placed on probation under the supervision of a Probation Officer at home or in a group home or other restricted program. The Court may alternatively place a delinquent in the custody of the State Office of Juvenile Services (OJS) / Health and Human Services (HHS) where he/she may be supervised at home, in another placement in the community (such as foster care, group home, or residential treatment), or at the Youth Rehabilitation Treatment Center (YRTC) in Geneva or Kearney.

Commitment to Office of Juvenile Services / Health and Human Services (HHS): HHS provides Court-ordered services to youth including those of the Office of Juvenile Services, the Youth Rehabilitation Treatment Centers, and Out of Home Placement.

Status Offender: Special supervision may be required. Offender may be placed at home on Probation or made a State Ward through the Department of Health and Human Services for out-of-home placement or services in the home.

YOUR RIGHTS

You have a right to:

- ❖ Know what has been filed against you;
- ❖ An attorney (a Public Defender may be provided at no cost);
- ❖ Face and cross-examine witnesses;
- ❖ Present evidence in your own defense;
- ❖ Testify if you wish; however, you do not have to testify;
- ❖ Be advised by the Judge as to what the Court can do with you; and
- ❖ Appeal the Court's decision to the Nebraska Court of Appeals or Nebraska Supreme Court.

ADVICE FOR COURTROOM BEHAVIOR

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.
- ☺ 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 (you could be held in contempt);
- ☹ Speak or act rudely;
- ☹ Take a cell phone into the courtroom;
- ☹ Slouch or chew gum; or
- ☹ Wear sagging pants, offensive T-shirts or gang-related items.

DETENTION

Confinement in a locked facility for a period of time until your case is tried or a more suitable placement is found.

STAFF-INTENSIVE PLACEMENT

Unlocked staff-intensive placement for a period of time until your case is tried or a more suitable placement is found.

**YOU MAY BE PLACED AT A DETENTION
OR STAFF-SECURITY FACILITY IF YOU...**

...fail to follow court orders (any law violation, including Court orders to obey your parents' rules and curfew, and/or attend school).

...are a runaway youth (a history of running from home or if you run from your Court-ordered placement, such as foster or group home).

...are a danger to yourself or others (violent, aggressive, gang-related behavior or use of alcohol or drugs).

...are being discharged unsatisfactorily from a placement facility. If you are not following rules of your Court-ordered placement and are discharged, you may be detained.

...an OJS evaluation is ordered to be done residentially.
An evaluation can be ordered by the judge to be completed while you are detained.

WHEN A YOUTH IS CHARGED WITH A CRIME:

| STEP | DESCRIPTION |
|------------------------------|---|
| 1. Arrest | Upon arrest by Law Enforcement, the Officer may: 1) Street-release, 2) Cite and release to a parent, or 3) Arrest and get authorization to detain. |
| 2. Detention Decision | If recommended by Law Enforcement, a Probation Officer assesses for detention or release to parent. If detained, the Deputy County Attorney reviews all information files the appropriate |

Petition and requests a hearing, which should be held in a timely manner. The Court reviews all facts and determines if further detention is needed. A Petition generally must be filed within 48 hours of detention, excluding weekends and holidays. If the youth is not detained, a report is forwarded to the County Attorney for a filing decision.

- 3. Filing** A petition is filed in the court, or declined. The matter might be diverted without filing a Petition. The County Attorney may decide to charge the youth in Adult Court. If charged with a felony or misdemeanor, the youth could be detained.
- 4. Arraignment** Prior to the hearing, the youth meets with his/her attorney to discuss charges and how to proceed. Through the attorney, a plea of admission, denial, or no contest is entered. If the youth denies the charge(s), the Court will schedule an Adjudication Hearing. If youth admits to the charge(s), the Court will schedule a Disposition Hearing and may order evaluations.
- 5. Adjudication** This is the trial of the Petition, where the State must prove up on the charge(s). If Court finds the Petition to be true, Court acquires jurisdiction of the youth and the matter is then set for disposition. If the Petition is not found to be true, the case is dismissed.
- 6. Predisposition Investigation** The Court may order a predisposition investigation (PDI) by a Probation Officer prior to the disposition hearing, which involves Collecting information from the youth, his/her family, the schools, previous mental health providers, and others. This is so the Judge can make an informed decision about how best to hold the offender accountable and address his or her specific needs. More evaluations may be required (such as chemical dependency or mental health). In abuse-neglect cases, the PDI and other evaluations are done by the Office of Juvenile Services (OJS).
- 7. Disposition Hearing** Based on the PDI and other case information, the Court orders a plan to ensure accountability and rehabilitation. The plan could include out-of-home placement, further evaluation, treatment, probation, intensive supervision, or other services.

FREQUENTLY ASKED QUESTIONS

What is Juvenile Court?

Nebraska laws have separate guidelines for juveniles (as opposed to adults, age 18 and over) who have violated the law or have other behaviors in need of intervention. Juvenile Court involvement is not considered to be a criminal record, but is intended to provide the juvenile an

opportunity for rehabilitation.

What is a petition?

A petition is a legal paper, filed in the Court, outlining why you are being brought to court.

How will I know when to go to court?

You will receive a summons or letter giving the date, time, and location. The number of times you attend depends on individual circumstances. Inform the Court and Probation Officer of address or telephone changes.

What if I miss a hearing?

The judge could order you to be picked up by law enforcement, detained, and brought before the Court to explain why you ignored the Court's notice.

What if I do not follow the Court's rules?

A motion to review or revoke your placement or probation may be filed by the County Attorney, asking the Court to place more severe requirements on your probation or place you in an institution or state juvenile correctional facility.

Can my record be sealed (kept confidential)?

You may ask the Court to seal your records. This sets aside the record and it cannot be opened without Court approval and good cause. However, even if sealed, certain persons or agencies may still be able to access your records.

What if I waive the right to an attorney?

If you do so, you would be representing yourself. If you do not have an understanding or knowledge of legal options and process (such as motions to make, how to call and examine witnesses, and how to request services from the Court), you may be adversely affected. Remember, you can request an attorney to represent you at any point in the process.

JUVENILE JUSTICE PHONE NUMBERS

| | | |
|-----------------------------------|-------|---|
| Attention Center | (308) | 233-5229 |
| County Attorney's Office | | 236-1222 |
| County Court | | 236-1228 |
| City of Kearney Attorney's Office | | 237-3155 |
| Crisis Assistance Center | (800) | 325-1111 |
| Detention Center | (308) | 233-5281 |
| District Court | | 236-1246 |
| Health & Human Services (HHS) | | 865-5592 |
| | | <ul style="list-style-type: none">• Geneva/Kearney• Office of Juvenile Services (OJS)• Out-of-home Placements |

- Youth Rehabilitation and Treatment Centers

| | |
|--------------------------------|------------|
| Juvenile Diversion | 233-5229 |
| Truancy/Juvenile Diversion | 233-5210 |
| State Probation | 236-1251 |
| Buffalo County Sheriff | 236-8555 |
| Kearney Police Department | |
| • non-emergency | 237-2104 |
| • EMERGENCY | 911 |
| Family Resource Council | 237-4472 |
| Nebraska Workforce Development | 865-5404 |
| Region III | 237-5113 |
| • Professional Partner Program | Ext. 238 |

Buffalo County Community Health Partners 865-2284

Each individual is entitled to be, and is capable of being, responsible for his or her lawful participation in society.

