

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 City or County Attorney representative files a petition (legal paper) 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 and brought before the Court to explain why you ignored the Court's notice or detained.

What if Court rules are not followed?

A motion to review/revoke your probation may be filed by a City or County Attorney representative, 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 consider sealing your records. This sets aside the record and it cannot be opened without Court approval and good cause. However, this is a privilege and the Judge will seal your record only if you have successfully completed your Court-ordered rehabilitation program and have refrained from illegal activity or have shown a pattern of responsible behavior. (It will NOT seal or expunge law enforcement records.)

What if I waive the right to an attorney?

You would be representing yourself without an understanding or knowledge of legal options (i.e., request dismiss charges, call witnesses, request services, release from detention). Remember, you can request an attorney to represent you at any point in the process.

JUVENILE JUSTICE PHONE NUMBERS

General Questions	441-8495
Assessment Center	441-5960
CASA (Court Appointed Special Advocate)	474-5161
Child Abuse Crisis Line	1-800-652-1999
County Attorney's Office	441-7321
County Court	441-7291
City Attorney's Office	441-7321
Detention Center	441-7090
District Court	441-7328
Drug Court	441-3857
Graduated Sanctions / Expediter	441-8495
• B.E.S.T. School	
• Day Reporting Center	
• Evening Reporting Center	
• Intensive Tracker Services	
• Project Hire	
Health and Human Services (HHS)	471-7000
• Geneva / Kearney	
• Office of Juvenile Services (OJS)	
• Out of Home Placements	
• Youth Rehabilitation and Treatment Centers (YRTC)	
Juvenile Court	441-6928
Juvenile Diversion	434-5437
Juvenile Probation	441-7364
Lancaster County Sheriff	441-6500
Language Assistance (CHIRP)	471-4515
Lincoln Police Department	441-6000
Nebraska Legal Services	435-2161
Public Defenders Office	441-7631
Staff Secure Facility	441-5631



A Guide to the Juvenile Justice System in Lancaster County



LINCOLN - LANCASTER COUNTY HUMAN SERVICES

555 South 9th Street
Lincoln, NE 68508
(402) 441-8495
www.ci.lincoln.ne.us/cnty/hserv/index.htm

Revised from the Crime Commission brochure
"A Guide to Juvenile Court for Parents and 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 and 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.

GOOD 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 violation, including Court orders to obey parents' rules and curfew, and/or attend school.

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

...are a danger to yourself or others. ▶ if you exhibit violent, aggressive, gang-related or use alcohol or drugs placing you at risk.

...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 in Nebraska

STEP	DESCRIPTION
① Arrest (Law Enforcement)	Upon arrest by Law Enforcement, the Officer may: 1) Street-release; 2) Cite and release; or 3) Arrest and get authorization to detain.
② Detention Decision (Probation & Court)	If recommended by Law Enforcement, Probation Intake assesses for detention or release to parent. If detained, the Deputy County Attorney or City Attorney reviews all information and a hearing should be held within a timely manner. The Court reviews all facts and determines if further detention is needed. A Petition must be filed within 48 hours. If not detained, a report is forwarded to the County Attorney for a filing decision.
③ Filing Decision (Co. Atty. Office)	If Petition is filed, adjudication hearing usually occurs 2 to 4 weeks later. At this point, 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 Adjudication Hearing (Juvenile Court)	Prior to the hearing, the youth meets with his/her attorney to discuss charges and how to proceed. Through his/her attorney, a plea of admission, denial or no contest is entered. If youth denies the charge(s), the Court will schedule an Adjudication Hearing (see #5). If youth admits to the charge(s), the Court will schedule a Disposition Hearing (see #6 or #7, whichever is applicable).
⑤ Formal Hearing (Juvenile Court)	Adjudication is the actual trial of the Petition. If Court finds the Petition to be true, Court acquires jurisdiction and the matter is set for disposition, otherwise the case is dismissed.
⑥ Predisposition Investigation (PDI) (Probation)	The Court may order a predisposition investigation by a Probation Officer prior to the disposition hearing, which would involve collecting information from youth, his/her family, schools, previous mental health providers. More evaluations may be required (e.g., chemical dependency/ mental health).
⑦ Disposition Hearing (Juvenile Court)	Based on the PDI and other case information, the Court orders a plan to ensure accountability and rehabilitation. It could include further evaluation, treatment, probation, intensive supervision, probation at home, placement in a group home or treatment facility or the disposition could be delayed for further evaluation.