

## BEFORE YOUR CHILD GOES TO COURT

- In most cases, your child must be given a chance to resolve the matter informally, without charges being filed.

This alternative to filing charges is called a “non-judicial adjustment.” If your child is charged with a misdemeanor, infraction or status offense, your child should be offered this “non-judicial adjustment.”

- Your child does NOT need to admit to being guilty in order to get a “non-judicial adjustment.”
- Any fine or fee or restitution that is ordered by the probation officer as part of a “non-judicial adjustment” must be based on a sliding scale.

## IF YOUR CHILD GETS IN TROUBLE AT SCHOOL

- The school cannot send your child to the police or to court for:

Truancy (missing school), Class C misdemeanors (such as disorderly conduct or possession of tobacco), infractions, status offenses, or “habitual disruptiveness.”

- If your child engages in school-based misconduct that is a Class C misdemeanor, status offense or infraction, the school may use a non-court option, such as Peer Court, Youth Services or a Mobile Crisis Outreach Team.

## IF YOUR CHILD HAS BEEN CHARGED BUT NOT YET SENTENCED

- The judge cannot order your child to be locked up (put in a juvenile detention center) while awaiting court decision, except in the case of certain extreme circumstances.
- Your child should be given a “risk assessment” and, in some cases, a “needs assessment,” by a court worker before being sentenced.

These assessments will help the judge understand if your child has any special problems that need treatment, and whether your child is a risk to public safety.

## WHEN YOUR CHILD IS SENTENCED

(GIVEN A DISPOSITION BY THE COURT)

- After being sentenced, your child cannot be locked up for more than 72 hours while a decision is made about which program or placement is appropriate for your child.

In some special circumstances, the judge can order your child held for an additional week.

- Your child cannot be placed on probation for more than four to six months, unless there are special circumstances.

(For example, if your child needs to

# HELPFUL DEFINITIONS

## SO, WHAT EXACTLY IS...

### 1) A NON-JUDICIAL ADJUSTMENT?

An alternative to court that does not involve filing official charges with the court. A non-judicial adjustment does not appear on the child’s juvenile criminal record. As part of this process, your child may be ordered to do community service, go to counseling or pay a fine, but your child will not be made to appear in court for the alleged misconduct.

### 2) A STATUS OFFENSE?

An offense that would not be a problem if the offender were an adult instead of a child, such as possessing tobacco, running away from home, or violating curfew.

### 3) RESTITUTION?

This is money that the court may order your child to pay to someone who was hurt, or whose property was damaged, by what your child did.

complete a treatment program or has been unable to complete assigned service hours).

- Your child cannot be sent to a juvenile detention center for more than 72 hours on a contempt charge from the court.

“Contempt” is the official charge for when youth don’t do all the things the judge orders them to do.

### 4) A JUVENILE DETENTION CENTER?

This is a locked facility, like a jail for juveniles where youth may be held for short stays (a few days or a week) while awaiting court hearings, after being picked up by the police, or if they break the rules of probation.

### 5) A COMMUNITY PLACEMENT?

This is a place where a youth may be ordered to go, such as a group home or a special program for drug treatment. The youth are not locked in and may be able to leave for school and other activities, but there are rules and expectations for them while they are there.

### 6) SECURE CONFINEMENT?

This is a locked facility, like a prison for juveniles, where youth are held for longer stays (such as three or six months).

- Your child cannot be put in community placement or secure confinement for any of the following reasons:

Contempt, probation violation, failure to pay a fine or restitution, unfinished community service hours, a

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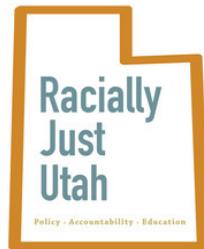
## New laws were adopted in Utah this year (2017) about how children under the age of 19 must be treated in the juvenile justice system.

These new laws will help reduce overly harsh sentences and make sure that options besides detention are available to young people. If you suspect that the state is not following these new laws in your child's case, please contact us!

This brochure is a joint project of several local organizations:



eliminating racism  
empowering women  
**ywca**  
Utah



misdemeanor (unless it involves a weapon or your child has been convicted several times before), an infraction, or a status offense.

- If ordered to serve time in a juvenile detention center, your child cannot serve more than 30 total days for one sentence.

Any time spent in detention before sentencing should be subtracted from that total 30-day maximum.

- Your child can only be ordered to complete a treatment program or education series if the results of a needs assessment say they need to.

For example, your child cannot be sent to a substance abuse treatment program simply for being caught with marijuana; your child can only be sent to that treatment program if an assessment shows that your child has a problem with abuse of marijuana.

- There are new limits for the number of service hours that your child can be ordered to complete as part of a sentence.

The new limits are: up to 24 hours for kids younger than 16, and up to 36 hours for kids 16 and older.

- There are new limits for the fines your child can be ordered to pay as part of a sentence.

The new limits are: up to \$180 for kids younger than 16, and up to \$270 for kids 16 and older.

- Your child cannot be placed in a residential “service work” program to complete community service hours or restitution.

- The court cannot send your child's unpaid fines, fees and restitution to State Debt Collection.

These charges will not be transferred to a parent or guardian. The state will NOT try to collect the charges after the child turns 18.

- “Observation and Assessment” programs – known as “O&A” – must be non-residential.

Your child cannot be sent to an out-of-home placement for observation and assessment.

- If your child is sent to secure confinement, the Youth Parole Authority (YPA) must review the case within 45 days.

The YPA must release your child from secure confinement after 3 to 6 months, unless special circumstances apply. After release, your child cannot be placed on parole for longer than 3 to 4 months, except under special circumstances.

- After release from secure confinement, your child can request aftercare services, such as therapy and job training.

Juvenile Justice Services (JJS) must provide services for youth on parole, free of charge.

# NEW LAWS IN UTAH ABOUT JUVENILE JUSTICE



Is **YOUR** child being treated lawfully?

If you have questions or need additional information, contact the Utah Board of Juvenile Justice at (801) 538-1031.