

# KNOW justice

A PUBLICATION BY THE CENTER FOR YOUNG WOMEN'S DEVELOPMENT



# WE DREAM!

*your tool to fight for your rights and your freedom  
in the juvenile justice system*



# KNOW

# JUSTICE



## Contributors

The Young Women in San Francisco Juvenile Hall

Rebekah Evenson: Attorney-at-Law

Aisha Bilal

Alana Barnes

Ashley Graham

Brandi Norwood: Operations Director

Danielle Montgomery

Ebony Carter

Elisa Talavera: Girl's Detention Advocacy Project Organizer

Elizabeth Holley

Esmeralda Urquilla

Gellet Tobert

Georgina Jenkins

Jawanna Victoria

Joanna Franco

Roopa Singh: Girl's Detention Advocacy Project Coordinator

Karla Pena

Lamika Ferdinand

Lateefah Simon

Markea Little

Marlene Sanchez: Executive Director

Maya Dillard-Smith

Melanie Willingham-Jaggers: Sister's Rising Program Coordinator

Misha Smith

Norma

Patricia Rinoc

Rosie Colbert

Shirlese Garrick: Office Manager

Stephanie Sabini: Development Associate

Susana Majano

Tailua Mapu

Tiara Johnson

Tiffany McElroy

Tiffany Trammell: Sister's Rising Organizer

Special thanks to: Kamala Harris, D.A.

Jeff Hadachi, P.D. Office

Patricia Lee: San Francisco Public Defenders Office

Legal Services for Children

Lawyers Committee for Civil Rights

The Parents Advocacy Project

The San Francisco Juvenile Probation Department

Ross Periodicals

National Center for Lesbian Rights

A special thanks to: Jesse Fernandez

We appreciate the generous gifts from the Youth Justice Funding Collaborative and the River Rock Foundation that made *Know Justice* a reality.

CHAPTER	PAGE	TITLE
	2	About this handbook
1	3	What if I get arrested?
2	7	Who's who in the juvenile justice system
3	11	What are the charges?
4	13	What can happen to me?
5	17	Proposition 21
6	18	Information for non-citizens
7	20	Going to court
7-1	28	What effect will this have on my future?
8	29	What are my rights when I am locked up?
9	35	What do all the legal words mean?
10	42	Who do I call if I need help?
11	45	Props to the people who made this book

## ABOUT THIS HANDBOOK

### **Defining new solutions to old problems**

**problems** The Center for Young Women's Development (CYWD) is one of the first non-profits in the United States run and led entirely by young women. Based in San Francisco, CYWD is defining new solutions to old problems by organizing the most marginalized young women to design and deliver peer-to-peer education and support. With a mission to empower and inspire young women who have been involved with the juvenile justice system and/or the underground street economy to create positive change in their lives and communities, the Center works to promote self sufficiency, community safety and youth organizing by providing jobs and employment training as well as teaching life survival and leadership skills to young women who are affected by poverty, racism, the war on drugs, and the prison state.

After years of working with young women from the streets and locked facilities and hearing their cries for more information about their legal rights, The Center developed this first of its kind handbook to provide youth and their families much needed information on how to navigate through the juvenile justice system. We understand how crucial this information is. Hopefully, this handbook will answer your questions and help guide you in dealing with the system.



**This handbook covers California law only.** It was published in 2003 and revised in 2005. The law may have been changed after the handbook was published.

**Using this handbook.** The term **“disposition”** used by the juvenile justice system is comparable to the word **“sentence”** used in the adult system. Because **“sentence”** is more commonly understood, we have used **“sentence”** throughout this handbook in place of **“disposition.”** Similarly, where a pronoun is needed in the text, we have chosen to use **“she”** even though this handbook is intended to be used by youth of all genders. Wherever the pronoun **“she”** is used, you can substitute **“he”** or anything in between.

We have done our best to make sure that this handbook is correct, but you should always talk to your lawyer if you have questions about any of the information in the handbook, or if you want to talk about how the information in the handbook applies to your case. This handbook is meant to inform you, but not to give you legal advice.





## WHAT IF I GET ARRESTED?

### WHAT DO I SAY IF I GET ARRESTED?

**Tell the police officer your name and address.** Also, if you are under 18, tell the police your age. *Do not say anything else to the police officer. Don't make any excuses, explanations or stories* – what they say in the warning is true: anything you say to a police officer *will* be used against you. Also, don't ever lie about your name or age – you could be charged with giving false information to the police.

**Be polite and respectful,** even though you might be innocent or you might be angry. Respect can get you a lot closer to freedom. Also, try to remember the officer's name and badge number. You can ask the officer for her name and badge number.

**“I want to talk to a lawyer and I don't want to answer any questions.”**

**Nothing else!** If a police officer arrests you, she must read you your rights: the right to remain silent and the right to a lawyer. *Ask to see a lawyer immediately.* You can say: “I want to talk to a lawyer and I don't want to answer any questions.” If you ask for a lawyer, or if you ask for your parents or guardians, the police must stop asking you questions. If you can't afford to pay for a lawyer, you have a right to a free one.

### **Don't Say Anything!**

**If a police officer arrests you,** the officer can let you go with a warning, let you go with a citation or take you to juvenile hall.



- Don't say anything to the police, except to identify yourself.
- Ask to talk to a lawyer.
- Stay calm and be polite.
- Keep your hands where the police can see them.
- Do not run away, resist, or even touch a police officer.

## DO I HAVE TO LET THE POLICE SEARCH ME?

**Ask the police officer if you are under arrest.** If you are under arrest, the police officer has a right to search you. If you are not under arrest, say “No” to the search.

**If you were in a car** the police can search the car. The police cannot arrest you if you are inside a house unless they have a warrant, and they cannot search the house unless they have a warrant for that too.

**If the police ask you** if they can search the house, say “No” (unless you are on probation and you already agreed to a “search condition” that allows the police to search without a warrant).

Say “No” to a search, unless:

- You are under arrest.
- The police have a warrant.

## WHAT IF I AM RELEASED WITH A CITATION?

**If a police officer gives you a citation,** you will get a ticket that tells you that you must go to juvenile hall to meet a probation officer on a specific day.



**Always talk to a lawyer** before you go to your citation date. This is important as you don't want to say something that may hurt your case. Call the Public Defender's office for a free lawyer.

**Show up for your citation date.** If you don't, there can be a warrant issued for your arrest, and if you are caught you might get a harsher sentence because you did not show up.

- Always show up for your citation date.
- Talk to a lawyer before your citation date.

## IF I GET ARRESTED, WHERE WILL THE POLICE TAKE ME?

**If you are under 18** years old, the police might take you to the juvenile hall in the county where the alleged crime was committed. (This is true even if you live in another county.) If you are arrested in one county and there is a warrant out for your arrest in your home county, then you will be sent back to your home county within 7 days.

## WHAT HAPPENS WHEN I GET TO JUVENILE HALL?

- **You will be searched.**
- **You will have to hand-in your clothes** and all your possessions, and you will be given new juvenile hall clothing. Your things will be put in a locker, and you will get them back when you leave.



- **You get TWO phone calls.** You get two FREE calls within one hour of your arrest – one to your parents or guardians, and one to a lawyer. If you don't get through, it doesn't count as a call. You don't have a right to privacy when you make these calls. Be careful what you say – someone from juvenile hall is probably listening.

- **Talk to your lawyer before** you tell anyone else what happened – even your probation officer (PO). Your PO can use anything you say against you. After you talk to your lawyer, you might decide to talk freely with your PO because your PO has a lot of power over what happens to you. Even after your trial, you should talk to your lawyer about what things you should and should not say to your PO.

### In San Francisco

If the police pick you up in San Francisco, they are supposed to take you to the Community Assessment and Referral Center (CARC) instead of juvenile hall, unless you were arrested for a serious crime. CARC is designed to support you instead of punishing you. At CARC, you will see a probation officer and a case manager who will decide what kind of help you need. You can talk freely with your case manager.

- **Say “No” to a drug test.** You have the right to say “No” to a drug test (unless you are already on probation and agreed to a “drug test” condition). If your drug test comes up dirty, the judge can give you a harsher sentence even if you weren’t arrested for a drug crime. Also, if you have a dirty test, the judge will probably give you a “search condition” – this means that even if you are out on probation, the police or your PO can search you, your living area, or your car, at any time, without any reason and without any warning. The judge might also make you do mandatory drug testing during your probation.

- **You might get to go home soon.** If you are charged with a misdemeanor, your PO can close the case and deal with you informally, and you might not have to go to court. (In San Francisco, this can also happen at CARC). Your PO also has the power to recommend that you go free until your trial.

- **If you are allowed to go home** before your trial, you could be put on “home detention” or “home supervision” – this means you get to go home, but you will have to sign a paper that says you will follow certain rules (like a curfew and attending school).

- **You might be detained.** If your PO does not close your case, she will send your case to the District Attorney (DA). The DA will decide whether to charge you with a crime. If the DA files charges, your PO may recommend that you stay in juvenile hall until your trial. If you stay in juvenile hall, you will have a detention hearing within 72 hours (not counting weekends & holidays). For more information, go to the section in this handbook on “Going to Court.”

#### Your Rights If You Are Locked-up In Juvenile Hall

- Two free phone calls.
- Remain silent — don’t talk to anyone until you talk to your lawyer.
- Say “NO” to a drug test.
- In the first three days, a judge will decide if you should go free.





## WHO'S WHO IN THE JUVENILE JUSTICE SYSTEM



### POLICE OFFICER

It is a police officer's job to protect the public – this means they are supposed to protect you, too. It is also the officer's job to catch people who break the law. When an officer picks you up, they can let you go, give you a warning or a "citation" (a ticket that tells you to report to the Probation Department) and let you go, or take you to juvenile hall. Some rules to remember when you talk to a police officer:

- Never say anything except to identify yourself. Anything you say will be used against you.
- Ask to talk to your lawyer.
- Be polite and respectful.
- Stay calm and in control. Do not argue.
- Keep your hands where the police can see them.
- Do not run away, resist, or even touch a police officer.

Also, try to remember the officer's name and badge number. You can ask the officer for her name and badge number.

### DISTRICT ATTORNEY (DA) – ALSO CALLED THE PROSECUTOR

The DA is a lawyer who is supposed to represent "the people." The DA's main goal is to prove that you did the crime, and often the DA will try to get the most serious sentence for you. In some cases, the DA has the power to decide if you should be tried as an adult. Also, the DA has the power to drop or reduce the charges against you.

### JUDGE

The judge makes most of the final decisions in your case. For example, the judge will decide if you did what you are accused of; the judge will decide what your sentence will be; and the judge will decide when you will go free. No matter what, always show the judge respect. Call the judge "your honor." Sit up straight. Wear nice clothes. Look the judge in the eye.

Even though you might be innocent, or you might be angry, or you might think that doing these things is embarrassing, this kind of respect can get you a lot closer to freedom.

- No matter what, always show the judge respect.
- Call the judge "your honor."
- Sit up straight.
- Wear nice clothes.
- Look the judge in the eye.

“Talk to your lawyer to decide what you should and should not say to your probation officer.”

## PROBATION OFFICER (PO)

The PO plays a lot of different roles in the juvenile justice system. You might want to talk to your PO differently depending on what is happening with your case.

You have a right to say nothing to your PO, and you also have a right to ask questions: ask whether charges will be filed, ask what will happen next. Also, take notes whenever you talk to a PO.

**PO's role right after arrest.** When you are first arrested, you will be taken to talk to a PO. The PO will decide if you should be kept in juvenile hall, or if you should be let go. The PO will question you about what you did. Just like a police officer, you should talk to your lawyer before you say anything to a PO, because anything you say to the PO may be used against you.

After talking to your lawyer, you might agree that you should tell certain things to your PO, because your PO has a lot of power over what happens to you. If your PO thinks you are a good person, you are more likely to get a lighter sentence. If your PO thinks you are a hardened criminal, or if she thinks that you have problems at home, she may recommend that you be taken out of your home.

### **PO's role when you are locked up.**

Whenever you are in the system – whether you are locked up or not – your PO is supposed to counsel you and provide support to you and your family. This includes regular visits and regular conversations.

**PO's role after a plea or trial.** Your PO will recommend a sentence or a placement to the judge. You can tell the PO things that may help you get the sentence that you want.

**PO's role after your sentence.** After you have had your sentencing hearing, you may get a new PO. Your PO should meet with you regularly. She should also talk to your family about your progress.

Your PO will continue to have a lot of power over you. If you break any rules, or if you commit a crime, your PO's recommendation will be considered by the judge. For example, your PO can recommend that you be sent to a Youth Authority (YA), or to a placement. Your PO should also help you find services that you need. For example, if you need a job, a tutor, or counseling, your PO should help you.

**Getting a new PO.** If you have a bad relationship with your PO, and you are afraid that your PO isn't helping you, you can request a change. Keep detailed notes about the problems you are having. Tell your PO's supervisor about the problems, and ask for a new PO. You may have to do this more than once. If the supervisor doesn't help you, ask your lawyer for help, or tell the judge about it.

## YOUR LAWYER

Your lawyer – whether a public defender or a private lawyer – works for you and only you. Usually, the judge will appoint a public defender to represent you. If the public defender can't represent you, the judge will appoint another lawyer for you (sometimes called a “contract lawyer”). If you can't afford a lawyer, but your parents or guardians can afford one, the judge might order your parents or guardians to repay the cost of the lawyer.

**Your lawyer must be loyal to you.** Your lawyer does not represent your family, the government or anyone else. Your lawyer must be loyal only to you, and everything you say is confidential. When you talk to your lawyer, no one else should be in the room — not your parents or guardians, and not your PO. If your lawyer is not doing what you want, but is doing what your parents or guardians want, deal with this problem right away. First, try to talk to your lawyer about it. If that doesn't work, you may need to get a new lawyer.

**Your lawyer must talk to you.** Your lawyer must return your calls, and work with you on your case. If your lawyer doesn't return your calls, deal with this problem right away. First, try to talk to your lawyer about it. You might want to ask your PO or your parents to call the lawyer. If nothing else works, tell the judge.

**What are my rights regarding hiring or firing my attorney?** Young people have the same right to hire and fire their lawyer as adults. If you have a private attorney, you can fire your lawyer whenever you want to. If you are represented by a public defender, you cannot pick and choose a lawyer that you want. At the same time, if you are having trouble with your lawyer, whether you are having difficulty relating to her or you feel that she is not doing a good job; ask to speak to the supervising attorney at the public defender's office. You may ask your probation officer how to get in contact with the supervising attorney. Explain the problem to the supervising attorney and be sure to mention if you had a better relationship with a previous attorney. You have the right to request a new attorney. You may also talk to your parents about the problem and then call the supervising attorney.

In a delinquency proceeding (where you are charged with an offense) you have some rights with regard to your attorney. Your attorney must defend you against the allegations against you and advocate for the care, treatment, and guidance that is in your best interest. You are entitled to be represented at every stage of the proceedings, including post dispositional hearings. Your attorney is not required to provide non-legal services to you or represented you outside of the delinquency proceeding.

In a dependency hearing, (held to determine whether you were abused or neglected), you have a right to competent counsel. Competent counsel means an attorney who is a member in good standing of the State Bar of California, who has participated in training in the law of juvenile dependency, demonstrates knowledge and comprehension of the law, understands the purposes and laws of dependency proceedings, and the procedures for filing petitions. Attorneys are expected to meet regularly with you, to contact social workers and other professionals associated with your case, to work with other counsel and the court to resolve disputed aspects of a case, and to follow timelines. Your attorney must have enough contact with you to establish and maintain a professional attorney-client relationship. Your attorney is not required to act as a social worker or provide non-legal services.

**How and why to change your lawyer.** Is your lawyer talking to you about the case? How many times have you spoken with the lawyer? Is the lawyer doing what you want? Is the lawyer doing what someone else wants? Is the lawyer telling other people confidential information about you? Are there other problems?

You can fire your lawyer if you are having a serious problem. First try to work things out with your lawyer. If that doesn't work, tell the judge you want a new lawyer. You must explain to the judge why the problem is so serious.

If the judge agrees that there is a serious problem, you can fire your lawyer and the judge will appoint a new one.

## COUNSELOR/GUARD

Counselors or guards are responsible for supervising youth in juvenile hall. They must make sure that locked-up youth are safe and get what they need. Also, counselors may discipline youth.

## OMBUDSPERSON

This is a person you can talk to when you have a complaint (called a grievance) about something that happened to you. For example, you might want to complain if you did not get healthcare, if you were disciplined unfairly, if you were not allowed to use the phones or visit your family, if you were discriminated against, or if you were physically hurt. If you want to talk to the ombudsperson, you should ask a counselor or other staff person to call the ombudsperson, and you should write a grievance.

### In San Francisco

You have a right to meet privately with the ombudsperson. If you tell the ombudsperson something confidential, she must not tell anyone else about it. The ombudsperson is supposed to be neutral – this means she should not take your side, and should not take the side of the person you are complaining against. The ombudsperson has the power to investigate grievances. But, the ombudsperson has no power to make actual changes – instead, she can only make recommendations to the people in charge.

## JUVENILE JUSTICE COMMISSION

Every county has a Juvenile Justice Commission, which oversees the way the system is run and inspects juvenile halls and other juvenile detention facilities and out-of-home placements (including group homes). The Commissioners are responsible for making sure the rights of youth are protected. The Commission has the right to hold hearings on the conditions of the juvenile justice system, and to subpoena witnesses. At least two of the people on the Commission must be between 14 and 21 years old.

If you cannot solve a problem through the normal grievance process, you may want to ask the Juvenile Justice Commission for help.

## YOUTHFUL OFFENDER PAROLE BOARD

If you are locked up in the Youth Authority, the Parole Board decides if and when you are allowed to go home on parole. If you are on parole, the Parole Board has the power to “revoke” your parole (this means you have to go back to lock-up).





## WHAT ARE THE CHARGES?



### IN THE JUVENILE COURT SYSTEM

You are classified as a “dependent,” “status offender,” or “delinquent.” Sometimes, instead of using these words, the lawyers and judges use a set of numbers — they say you are a “300”, a “601”, a “602” or a “707.” These numbers refer to the sections of the California law, called the “Welfare and Institutions Code,” that cover the juvenile justice system.

### DEPENDENT

(WELFARE AND INSTITUTIONS  
CODE SECTION 300)

A “dependent” youth is in the juvenile system because her parents or guardians have abused or neglected her.

You might become a dependent if someone – for example, a teacher or police officer – thinks you will not be safe if you stay at home where you were living.

If you come into the system as a dependent, you could be taken from your home and placed with a relative, or the judge could put you in foster care, a group home, or a residential treatment facility. Instead of a PO, a social worker will be assigned to help you. If you are a dependent, you cannot be locked up in juvenile hall or be held with delinquent youths.

### STATUS OFFENSE

(WELFARE AND INSTITUTIONS  
CODE SECTION 601)

A status offender is a youth who is charged with breaking laws that only apply to youth – for example, running away from home, skipping school, or breaking curfew.

If you are a 601, you are not supposed to be kept in lock-up, and you are not supposed to be held with people who have done crimes. The judge can send you home on probation (or informal probation), or she can send you from your home to foster care, a group home, or a residential treatment program such as psychiatric counseling or drug rehab. Also, you can be placed in an emergency shelter or a child crisis center.

**Youth in the juvenile justice system are classified as one of the following.**

- Dependent = a youth who has been abused or neglected.
- Status Offender = a youth who has broken youth-specific laws.
- Delinquent = a youth who has been charged with breaking a criminal law.

Yo estoy muy triste porque no puedo salir de este lugar. Ya no quiero estar aqui. Yo extraño mi familia. I am really sad because I can't go outside of this place. **I no longer want to be here. I miss my family.** (young woman detained)

## DELINQUENT

(WELFARE AND INSTITUTIONS  
CODE SECTION 602)

A delinquent is a youth who is charged with breaking a criminal law.

You can be arrested if you are charged with breaking the law – any law. When you are first brought in front of a judge, the DA has to state the charges against you. The DA should state the name of the crime and its number of the section in the Penal Code, the Health and Safety Code, or the Vehicle Code.

If someone uses a number you don't understand, ask what it means. Crimes are either felonies, misdemeanors or infractions. The most serious crimes are felonies. For an adult a felony conviction can result in a sentence of a year or more in prison. For example, murder and rape are felonies; also, some drug crimes are felonies.

**if someone uses a  
number you don't  
understand, ask what  
it means!**

Misdemeanors are crimes for which an adult sentence can be up to one year. For example, prostitution, petty theft, and some drug crimes can be misdemeanors. Infractions are the least serious; traffic offenses are usually infractions. Usually, you won't be locked up for an infraction, but you may have to pay a fine.

Ask your lawyer to tell you all the “elements” of the crime. Ask your lawyer what the DA must prove for a conviction. You can work with your lawyer to try to show that the DA is wrong about one or more of those elements.



If you are charged as a delinquent, the DA may want to try you as an adult. If you are tried as a juvenile, you may be facing time in lock-up like the Youth Authority or a county camp, in a “placement” like a group home or foster care, or you might be sent home on probation and told to follow some strict rules. The “sentencing” section of this handbook explains what each of these are, and how you can advocate for yourself.

## SERIOUS CRIMES

(WELFARE AND INSTITUTIONS  
CODE SECTION 707)

If you are charged with a serious crime (even if it is your first time being charged) the DA can use Section 707 to charge you as an adult. Serious crimes include crimes of violence, crimes where someone could have been hurt badly, and some drug crimes.



## WHAT CAN HAPPEN TO ME?

### THE JUDGE HAS THESE OPTIONS WHEN GIVING YOU A SENTENCE:

**Home.** The judge can let you live at home, but will establish some rules and requirements. You will need to show the judge that your home is safe and stable, and that you will improve your conduct (for example, you will go to school). Read the section in this handbook on the “detention hearing,” because the same things that will help you at your detention hearing will help you advocate for home probation.

**Non-Wardship or Voluntary Probation.** (Sometimes called Section 725A or Section 654). This is the lowest disposition you can get. Your PO will supervise you for six months. If you don’t break any rules, you will be out of the system in 6 months. If you commit a new crime or break the rules, you can get “wardship” probation.

### **Probation or Wardship Probation.**

(Sometimes called 602 wardship or 602 W/S). You can be on probation at home, in a group home, or in a county camp. When you are on probation, you are called a ward of the court, and you have to follow the rules that the judge gives you. Usually, the rules say you have to go to school, come home at a certain time (curfew), and stop spending time with people who get into a lot of trouble.

Often, when you are on probation you have a “search condition” — that means that the police or your PO can search you, or your house, or your car, at any time, without any reason and without any warning. It might also mean that people who are with you can be searched, too. If you have a search condition, the police don’t need a warrant to do a search.

When you are on probation you may also have to take drug tests, or go to counseling. These rules are supposed to help you and not hurt you, but if you break any of the rules you can be punished. This might mean that you will have to spend time in juvenile hall, or go to an out-of-home placement or even a county camp, ranch, or YA. You cannot be kept on juvenile probation past your 21st birthday.



**Intensive Home Supervision or Day Care. (this is also called 602 wardship or 602 w/s).** This is like intensive probation. You get education and counseling, you have to report to your PO often, your PO or a “case manager” will check your curfew a lot, and you get to go home at night.

**Community Service.** Judges will sometimes give you community service, which means that you will have to do some work for a non-profit organization or for the government. To get community service, show the judge that you will have a job or volunteer position with an organization that does good work. If you don't know where you might be able to work, ask your PO or your lawyer to help you find a job or a volunteer position. If you get community service you might also have to follow other rules.

#### **In San Francisco**

In San Francisco, the drug court is called Y-TEC (Youth Treatment and Education Center). You can enter Y-TEC “pre plea”. This means that you can get the treatment from drug court without admitting that you did any crime.

**Treatment.** The judge might send you to a treatment program if she thinks that one of the reasons you broke the law was that you have a problem – drug addiction, physical or sexual abuse, or a mental or physical disability. Treatment programs try to rehabilitate you. Some treatment programs are “residential” – that means that you live at the treatment program. Other treatment programs are not residential – you might go to treatment during the day or evening, but go home or to a group home at night.

If you want to go to a treatment program, tell your lawyer what kind of treatment you want, and why you think it will help you. Also, tell your lawyer if you have ever had treatment of any kind before, and where and when you had it.

**Drug Court.** If you have a drug problem, and you were charged with a non-violent crime, you might be able to go to drug court instead of going to the regular juvenile court. Not all counties in California have drug courts. Each drug court has rules about who can get in. You may be able to go to drug court even if your crime did not involve drugs.

Drug courts usually try to treat drug addiction. Some drug courts send youth to live at home. Others are out-of-home placements. Usually, the drug court programs are very intensive, and they can be difficult. Like any program, if you fail out of the drug court you can be sent to an out-of-home placement or to a county camp or ranch.

I don't know when I'm getting home, I hate sporting purple and Khaki and other people's underwear. I can never be happy as long as I remain here. I don't know when I am leaving. (young woman detained)



## OUT OF HOME PLACEMENT

**Foster Homes.** If the judge thinks you have problems that won't be helped at home, she might send you to a foster home. This is the home of a person who is not your parent. Usually, only children in the dependency system (300s) or status offenders (601s) go to foster homes. If you have a problem with your foster home, call your lawyer, the public defender, or another adult who can help you. If you run away from your foster home, a warrant could be issued for your arrest. If you are caught, you may be brought to juvenile hall, you might get sent to a group home or you might be put on probation.

**Group Homes.** Group homes are residences for many youths. All group homes are different. Some have a lot of strict rules that you must follow. Some have a program where you have to work to get privileges. Some may be more like a home. Even though you are not allowed to leave, group homes are not considered "locked facilities" and so the time you spend there does not count against your maximum sentence.

If you are locked up, and a judge gives you a disposition to a group home, your PO is supposed to find a group home that will accept you. If you have special needs – for example, if you are a parent, if you have mental health needs, or if you are taking medication – your group home should have services for these special needs.

Sometimes, it may take your PO a long time to find you a group home. If your PO does not find you a place, or if you spend a long time waiting, talk to your PO and your lawyer. You may need to file a grievance or do some other advocacy to make the process work faster.

**How much time will you spend in a group home?** No one can answer that question for sure, because you will be allowed to go home when your PO and the judge decide that you have been rehabilitated. Most group homes have a "program" that all youth must complete, and they can tell you how long it usually takes for a youth to finish the "program." The sooner you finish the program, the sooner you get to go home. When you go to an interview with a group home, ask them how their program works, and how long it takes to finish it.

**What if I have a problem with my group home?** It is very important to try to fix the problem and not to run away. If you run away, the judge will probably issue a warrant for your arrest, and the police will take you back to juvenile hall. You will probably spend a lot of time locked up in juvenile hall waiting for another group home – or, you could be sent to a more serious placement, like a county camp or ranch, or YA.

To start fixing your problem, you should get help from an adult – call your probation officer, your lawyer, your family, or an outside advocate to help you. Also, every time you have a problem, you should write down everything that happens. Include the date and time of each incident, what happened, and who was involved.

If other youth saw what happened, or if they are affected, they may want to help you solve the problem. If your problem has to do with your health or safety, or basic rights like food, you can call the Juvenile Justice Commission. You can also call group home licensing and file a report.

**Probation.** You might be on probation when you are in an out-of-home placement – this means that you still have to follow the rules of probation in addition to any rules at your placement.

**if you are on a 90-day assessment, you should work very hard to do well.**

## SECURE FACILITIES

**County Camps and Ranches** **Camps and Ranches.** are facilities where the judge can send youth to live. Usually, camps are “secure facilities” where youth are not allowed to come and go freely, and there are a lot of rules that you must follow. Still, county camps and ranches give you more freedom than you would get at YA.

If the judge sends you to a ranch or a camp, she must tell you the maximum time you can be locked up. The time you spent in juvenile hall counts as lock-up time.

**Youth Authority (YA).** This is prison for youth. Usually, a youth will get sent to YA for violent crimes, but sometimes a judge will send you to YA if you have committed a lot of smaller crimes. You want to do everything you can to stay out of YA – try to get any other disposition than this. If you are sent to YA, the longest that you can be kept there is until you turn 25. At the dispositional hearing, the judge must say what is the maximum time you can be locked up for your crime.

**You could be sent to YA for a 90-day assessment.** During the 90-day assessment, you will talk to psychiatrists and others who will decide if you should be locked up at YA, or if you should get a lighter disposition. If you are on a 90-day assessment, you should work very hard to do well, so you can leave YA.

## RESTITUTION

You might have to pay money to the victim of your crime. The money you pay is called “restitution”. If you don’t pay the restitution, the victim can sue your parents or guardians to get them to pay. Also, if you don’t pay on time, you might have to stay on probation longer.



## PROPOSITION 21

**Proposition 21** is a law that made the penalties in the juvenile justice system much longer. Talk to your lawyer about how Prop 21 affects you. Some of the big changes under Prop 21 are:

**Tougher Sentences.** The punishment for breaking laws are tougher under Prop 21. For example, vandalism with damage over \$500 is a felony.

**Transfer to Adult Court.** Prop 21 made it easier for the DA to send you to adult court for things you did when you were under 18 years old. This usually happens if you are charged with a serious crime that involves violence, such as rape, robbery, murder, assaults where someone is badly hurt, or assaults with a weapon.

You could also be tried as an adult on a non-violent offense if you have more than two sustained charges on your record from when you were 14 or older. To keep yourself from being tried as an adult, it is important not to get any sustained charges on your record.

If you are convicted in adult court, and you are sentenced to a State Prison term, you would be placed in a juvenile facility until you are 18 (sometimes 17), and if you still have more time to serve on that sentence, you can be sent to State Prison.

### Young People Entering Adult System

There are two ways that young people can enter the adult system:

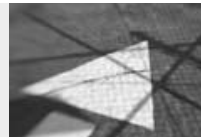
**1. Direct Filing:** The prosecutor can file against any young person who is 14-years old or older in Adult Court if the offense is a 707(b) offense. 707(b) offenses include murder, robbery, rape, kidnapping, assault with a firearm, arson, and others.

**2. Prosecutor's Petition:** The prosecutor may request that the youth be remanded to adult court. The probation officer then investigates and provides a "fitness report" to the court on the behavior and background of the youth. The young person, her parent or guardian, and her attorney must receive this report at least 24 hours before her fitness hearing. The fitness hearing is conducted to determine whether the young person is fit for treatment as a juvenile. Both the prosecutor and the defense attorney put on evidence and the judge decides whether the young person will go to adult court. The court must base this determination on an evaluation of the following five criteria:

- a. Degree of criminal sophistication of the youth.
- b. Whether she can be rehabilitated before she ages out of the juvenile court's jurisdiction.
- c. Her previous delinquent history.
- d. Results of previous attempts to rehabilitate her.
- e. Circumstances and gravity of the offense charged.

**Gangs.** It is now much easier for the DA to charge you with a "gang-related" offense, and to prove that you were involved in a gang. If you have a gang charge, your sentence might be much longer, and you might have to register with the police, so that the police can always find you. You can get a gang charge just for hanging out with your friends, so it is very important to talk to your lawyer about your activities and friendships, so that you can prove your innocence.

**Sealing your records.** If you are 14 or older and a juvenile court judge found that you committed a serious felony, you might not be able to get your records sealed. If you want to seal your records, read the last page of the section in this handbook on "Going to Court."



## INFORMATION FOR NON-CITIZENS



### IF YOU ARE NOT A CITIZEN

Getting caught up in the juvenile justice system can have serious immigration consequences. Tell your lawyer about your immigration status, and ask for advice. You should also talk to an immigration lawyer.

### CAN I BE DEPORTED?

If you are undocumented (not legally in the U.S.) and the INS finds you, they can deport you. Also, if you are found to have done some drug crimes, prostitution, or sexual offenses, this can make it harder for you to get a green card in the future. It can also cause you to lose a green card if you have one, or, if you leave, the INS might not let you back in the U.S. Still, it is much better to have your case in juvenile court than in adult court, because the INS is much more likely to find you and deport you if you are in the adult system. Talk to your lawyer about this – you might be able to make a deal with the DA to avoid deportation.

### HOW TO AVOID DEPORTATION.

Even if you are undocumented (not legally in the U.S.), you might be able to get a green card. Talk to an immigration lawyer about this. You might be able to get a green card or some other type of “immigration relief” if:

- You were abandoned or abused by your parents or guardians (you could get “Special Immigrant Juvenile Status” or “VAWA protections”).
- Your country has had a natural disaster or a civil war (you could get “Temporary Protected Status”).
- You or your family are afraid to go to your home country because you think the government or another group might harm you (you could get “asylum”).
- Someone in your family is a U.S. citizen or has a green card.

**DON’T talk to the INS.** The INS might visit you in the juvenile hall. Don’t talk to them – they are like the police, and you have a right to refuse to talk to them.

**DON’T sign any papers.** Don’t agree to “voluntary departure” or deportation unless you have talked to an immigration expert to make sure that you don’t have some way to stay in the U.S.

### WHAT IF I HAVE AN “IMMIGRATION HOLD”?

If you are in a juvenile facility and you are not a U.S. citizen, you can be held for an extra 48 hours after you would normally have been released. But if the INS does not show up within 48 hours, the juvenile facility must let you go. If you are held for more than 48 extra hours, talk to a lawyer.

So now my mind is changed. **I can't wait to get out to start my new life.** My goal is to stay on a straight path because I know now that all the money in my pockets won't make me happy like I thought. (anonymous)

## LEGAL STATUS AND CITIZENSHIP FOR JUVENILES

Special Immigrant Juvenile Status provides immediate ability to stay in the United States and is available to all young people in juvenile court proceedings. In order to qualify, the court must issue an order finding that you are "eligible for long-term foster care" due to abuse, neglect or abandonment, and that it is not in your best interest to be deported. This means that going back to your family is not an option and that you would go on to foster care or adoption. Certain offenses make you ineligible for SIJS, including selling or possession of drugs, prostitution, and some sex offenses. Most offenses, however, including some involving violence and theft, do not make you ineligible. Make sure you start the process as soon as possible because it takes a long time and must be completed before you leave the juvenile court system.

To get the full benefits of SIJS status, you may also want to apply for Permanent Residence Status. If your application for SIJS and Permanent Resident Status are approved, you can stay in the United States permanently, work here, qualify for in-state tuition at colleges, and apply for US citizenship in five years. If your SIJS application is denied, however, you may be deported.

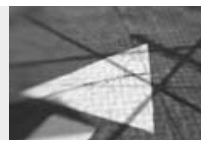
To apply for SIJS, these things must be true:

1. You are under 21,
2. You are not married,
3. You have been declared a dependent of the juvenile court and remain under juvenile court jurisdiction,

4. Your juvenile court judge has decided you are eligible for a long term foster care, and that parental unification is not possible,
5. The judge's decision to place you in long term foster care was because of a specific finding of abuse, neglect or abandonment,
6. You have been placed in long term foster,
7. The judge has decided it is in your best interest not to be returned to your home country,
8. The juvenile court judge has signed an order confirming all of the above.

Unfortunately, even if you meet all of these requirements, your application may still be denied. For more information, please call:

- Immigrant Legal Resources Center  
(415) 255-9499
- Pacific Juvenile Defenders Center  
(415) 863-3762 X 314
- Translators  
Browne Global Solutions  
Contact: Eva Schein  
(310) 445-8834
- Ross Periodicals, Tom Toldrian  
Ross Periodicals Inc.  
42 Digital Drive, Suite 5  
Novato, CA 94949  
(415) 382-0580, fax: (415) 382-0587



## GOING TO COURT

### WHAT DOES PROP 36 MEAN?

Proposition 36, the Substance Abuse and Crime Prevention Act of 2000, requires probation and drug treatment, instead of incarceration, if you are convicted of possession, use, transportation for personal use, or being under the influence of drugs, and related parole violations. The Act went into effect across the state July 1, 2001.

Proposition 36 applies to 3 groups of people: 1) those with new convictions for drug possession or being under the influence, 2) those on probation for drug possession or under the influence offenses, 3) those on parole with no prior convictions for a serious or violent felony.

**New Convictions:** If you have a new conviction for a drug offense, you may qualify for treatment if you were not also convicted of sale or manufacture or any non-drug crimes at the same time.

**People on Probation:** If you were convicted of a drug offense before July 1, 2001, you may qualify for treatment if you violated a “drug-related” condition of your probation.

**Non-violent Parole Violators:** After July 1, 2001, if you commit a non-violent drug possession offense or if you violated a drug-related condition of parole, you may qualify for treatment. You must have no prior convictions for a serious or violent felony.

If you meet the above guidelines, you are eligible for treatment upon conviction. Make sure to talk with your attorney about your eligibility for this program. After conviction or after you have entered a guilty plea, you will receive an assessment within 7 days. Your treatment may include basic drug abuse education, mentoring, life skills training, narcotic replacement therapy (such as methadone), detoxification programs, day treatment, halfway house treatment, or residential treatment.



You will not qualify for treatment under Proposition 36 if:

1. You have completed a sentence for a felony (unless the offense is a non-violent drug related felony) or a misdemeanor involving physical injury or the threat of physical injury within the past 5 years;
2. You have been convicted of a misdemeanor not related to the use of drugs, or any felony in addition to the non-violent drug possession charge;
3. Your current offense involved the use of a firearm;
4. You have already been convicted twice of a non-violent drug possession offense, received two separate courses of treatment under Proposition 26, and have been found by clear evidence to be unresponsive to any and all forms of treatment.

You may find out more information by calling the Treatment Access Program at (415) 522-7100.

**Detention Hearing and Arraignment.** If you are arrested and taken to juvenile hall, the court must have a “detention hearing” within 72 hours (not counting weekends or holidays) to decide if it should send you home. You should have a lawyer represent you, and your parents or guardians and other adult friends or mentors should come to support you.

At this hearing, the judge will state the charges against you, and your lawyer will help you decide whether you agree the charges are true, or whether to dispute the charges and explain your reasons.

**How Will The Judge Decide If I Should Go Free?** The judge will consider whether:

- You have a parent, guardian, or responsible relative who can take care of you and “exercise control” over you.
- Your family or guardian can give you the basic necessities (like food and a home).
- Your home is a stable place, and you aren’t neglected or abused.
- You don’t need to be locked up for your own protection, and you don’t need to be locked up to protect someone else.
- If they let you out, you will appear for your court dates. It helps if you have a good record of going to school, or going to a job, or following orders. Also, let the judge know if you have never run away from home, from a group home, or from juvenile hall.
- You haven’t violated any other court orders.
- You aren’t dangerous to the public.

**How Should I Prepare For My Detention Hearing?** The judge is more likely to let you go home if she believes you, thinks you are trying to do the right thing, thinks your home is stable, and believes that you will get the services you need at home.

Talk with your lawyer about how to show the judge that you should be released from juvenile hall. Be very honest with your lawyer. Tell your lawyer about any adults who can help you. These can be teachers, coaches, employers, religious leaders, or anyone else who can help by writing letters or coming to court and telling the judge nice things about you. Tell your lawyer if you have ever won awards or certificates, and get copies to show the judge.

**The common types of court dates are:**

- Detention Hearing
- Arraignment
- Fitness Hearing (transfer to adult court)
- Pretrial Hearing
- Adjudicatory Hearing (Trial)
- Dispositional Hearing (Sentencing)

**Just say no to the streets.** Say no to the drugs. Say no to the man that aint given yo no love. (anonymous)

**Tell your lawyer:**

- **About School.** Tell your lawyer what grade you are in, who are your teachers, what is your attendance record, whether you have any learning disabilities, or if you are in special education. Ask your teachers or your parents or guardians to give your lawyer a copy of your grades.
- **About Your Family.** Tell your lawyer all about your family – if you have a loving home, if you were ever hurt by anyone in your family, and if your family wants you at home. If you have any children, tell your lawyer about them and where they are. If your parents or guardians are working, tell your lawyer about their jobs. If you have sisters or brothers, tell your lawyers what they are doing – if they are in school or college, or if they are working. Tell your lawyer if anyone in your family has been convicted of a crime.
- **About Your Work.** If you are working now, or if you have ever had a job, or if you are applying for a job, tell your lawyer all about it. If you had a good employer, tell your lawyer her or his name – the employer might be a witness for you or write a letter to the judge.
- **About Your Other Activities.** Tell your lawyer about any sports teams you were on, or any music or art you have done, or any other clubs or activities you have participated in. If you had good teachers or coaches or advisors, tell your lawyer about them. Also, tell your lawyer if you go to a church, synagogue or a mosque, and if there are any religious leaders who might be witnesses for you.
- **If You Have Gone To Counseling.** If you have seen a psychologist, a drug counselor, a domestic violence counselor, a sexual abuse counselor, or any other type of counselor or therapist, tell your lawyer that person’s name. Your lawyer may want you and your parent or guardian to sign a form that will allow your counselor or therapist to talk to your lawyer.
- **About Any Medical Conditions You Have.** Tell your lawyer the name of your doctors.
- **If you have ever gone to a foster home, group home or other placement.** Tell your lawyer about any of your past placements. Also, tell your lawyer if you have been arrested before, and what happened.

**If You Go Home After Your Detention Hearing.** If the judge lets you go home after your detention hearing, you must return for all of your court dates. You might also have to follow some other rules, like going to school, taking a drug test, and making it home before a curfew. It is very important that you follow these rules. If you don’t follow the rules, or if you don’t go to all your court dates, you could be arrested and held in juvenile hall.

**If You Stay In Juvenile Hall.** If the judge keeps you in juvenile hall until your trial, the trial will be held 15 days after your detention hearing (not counting holidays or weekends), unless you and your lawyer ask for the hearing to be later. You can also ask the judge to reconsider the detention hearing.

If you are over 18 but you are locked up for a crime committed when you were under 18, you might be placed in the adult county jail. You can ask the judge or your lawyer to keep you in a juvenile detention facility until you are 19.

**Transfer to Adult Court (Also called a 707 fitness hearing).** For some crimes, you can be sent to adult court without a hearing. For example, if you are charged with murder or rape, if you have been tried in adult court before, or if you have two or more sustained felonies on your record that occurred after you were 14 years old, you might be sent to adult court without any hearing at all. This means you won't have the chance to tell a juvenile court judge why you should stay in the juvenile system.

In other cases, if the prosecutor wants to charge you as an adult, you will have a "fitness hearing" (the judge will decide if you are "fit" to be tried as a juvenile). In most cases, you will want to argue that you are "fit" to be tried as a juvenile. You have a right to a lawyer in your fitness hearing, and it is very important that you have one.

**How Will The Judge Decide If I Should Stay In Juvenile Court?** The judge will make her decision based on these five things:

- Your "criminal sophistication." In other words, if the judge thinks you are a hardened criminal or that you planned your crime carefully she is more likely to send you to an adult court. Try to show the court that, if you committed a crime, it was an accident or a big mistake, or done under the influence of drugs or your friends, and you won't do it again.
- Whether you can be "rehabilitated" before you reach 25. When you reach 25, the juvenile system can no longer control you. You want to show the judge that if you get help – like counseling, drug rehab, or tutoring – you won't go back to doing crimes.



- Your criminal (or "delinquent") history. The more crimes or bad things you did in the past, the more likely the judge is to treat you as an adult criminal.
- If you've been in the juvenile justice system before, the judge will want to know whether the system helped straighten you out. For example, if you were in the system and got counseling, you will want to show the judge that the counseling helped you in some way. Or, you may want to show the judge that the Probation Department did not give you the right services to help you.
- How serious your crime is. The more serious the crime you committed, the more likely you are to be sent to adult court.

I realize that this life I'm living on (back and forth out the system) ain't cool. **Now this is the last time I'm gonna be in here.** If I'm out, I gotta do what I gotta do, go to school everyday, listen to my mom and stay out of trouble. YO' FEEL MEEH. (anonymous)

### **What Is The Difference Between Adult And Juvenile Court?**

There are many differences between the two courts. Here are some of the more important differences:

- In juvenile court, your sentence generally cannot last beyond your 25th birthday. In adult court, you can be sentenced to much longer terms — including life without parole. The death penalty applies in adult court, but there is no death penalty for youth, even if you are tried as an adult.
- In juvenile court, your sentence is supposed to rehabilitate you – you should get services and education to make you a better person. Adult courts are mainly meant to punish you, so if you are convicted in adult court you might not get the same education, counseling or services.
- In adult court you have a right to a jury, but in juvenile court the judge makes the final decision.
- In adult court you have a right to apply to be released on bail, but there is no bail in juvenile court.
- Juvenile court is generally closed to the public, while adult courts are open to the public.
- If you are not a U.S. citizen, an adult court conviction might have more serious consequences on your immigration status.
- In juvenile court you will serve time in facilities for juveniles, but in adult court you could serve time in adult jails or prisons.



### **How Should I Prepare For My Fitness/Advocate Hearing?**

Work closely with your lawyer to plan how to show the judge that you are “fit” for the juvenile system. Look at the list from the “Detention hearing” section in this handbook. These things will be helpful in a fitness hearing too.

Try to get other adults to be witnesses for you. Ask your teachers, counselors, coaches, employers, religious leaders, therapists, family, friends or other people who know you and who can say good things about you, to be a witness or write letters to support you. Tell the people who will be witnesses or who will write letters for you to stress the five things the judge considers when making the “fitness” decision. Their letters and testimony will be most helpful if they speak about these things.

Usually, your lawyer will hire a psychologist to evaluate you, and to explain to the judge that you should be tried as a youth and not as an adult. Your lawyer should also hire a California Youth Authority expert, who will tell the judge why you should be kept in the juvenile system, and explain how the juvenile system can help you.

## PRETRIAL HEARING

Your pretrial hearing comes after your detention hearing, but before your trial (adjudicatory hearing). At the pretrial hearing, your lawyer may talk to the DA and sometimes to the judge and may try to get the best deal for you. Your lawyer might try to argue that you should go into a diversion program, and receive informal probation (this is sometimes called 654 voluntary probation — 654 is the section of the Welfare and Institutions Code that defines informal probation). Under a diversion program, you must agree to certain rules and talk to your PO on a regular basis. If you follow those rules for six months, all the charges are dismissed and your record stays clean.

At the pretrial hearing, your lawyer might offer to admit to a charge (plead guilty) if the DA drops another charge. Of course, your lawyer works for you, and can't make any offer – or accept any offer from the DA – unless you agree. Before you agree to any deal, make sure you know what all the terms are. If you are going into a diversion program, informal probation, or home on probation, will you be able to follow the rules they set for you?

## TRIAL (ADJUDICATORY HEARING)

In juvenile court, a trial is sometimes called an adjudicatory hearing or a jurisdictional hearing. If you are locked up, the judge has to hold the trial within 15 working days of your arrest (weekends and holidays are not counted). If your lawyer “waives time,” you give up the right to have the trial in 15 days, and it will take place later. If you are locked up, and your lawyer wants to waive time, ask your lawyer why he thinks the waiver is in your best interest.

### **How Do I Prepare/Advocate For My Trial?**

Before your trial, you must discuss all aspects of your case with your lawyer. Answer your lawyer's questions truthfully. Your lawyer works for you, and everything that you tell your lawyer is confidential. Your lawyer knows what will help you and what can be used against you. Usually, you should talk to your lawyer alone so that nobody else can hear what you talk about – this includes your parents, guardians, PO or anyone else.

The more information your lawyer has, the better job she will do. Many times, the lawyer won't tell the judge all the things that you have said – but your lawyer needs to have complete information to be sure that she is making the right arguments.

### **What Will Happen At The Trial?**

Juvenile trials usually start with the DA giving all the evidence against you. Next, your lawyer will give your evidence. This means that you can testify (but you don't have to) and you can have any witnesses testify. At the end of the trial, the DA will make a closing statement, and then your lawyer will make a closing statement.

There is no jury in juvenile court. The judge will decide whether the charges have been proved. The judge will not say you are “guilty” or “innocent” – instead, the judge will say the “charges are true” (this means you are guilty) or “false” (this means you are innocent). The judge will say the “petition is sustained” (guilty) or “not sustained” (innocent). The judge can only say the charges are true if the DA has proven the case “beyond a reasonable doubt.”

**What Happens After The Trial?** If the judge finds you innocent, the case will be dismissed. If you were already on probation, you will stay on probation, and if you were at a group home or a county camp or YA, you will probably have to go back.

If the judge determines that the charges are true, the next step is your sentencing (called a “disposition”). Sometimes, the judge will decide the disposition on the same day as the trial. Usually, there will be a separate “dispositional hearing.”

If you are locked up, your dispositional hearing must be within 10 days. If you are not locked up, your dispositional hearing must be within 30 days. Your lawyer might ask to “waive time” – this will allow the dispositional hearing to be held later than the law requires, and will give you more time to show the judge that you can do well at home or in programs.

## DISPOSITIONAL HEARING (SENTENCING)

If the judge finds that the charges are true, or if you admit to a charge (plead guilty), the last stage of your trial is the “dispositional hearing,”

At your dispositional hearing, the judge will first decide whether to make you a ward of the court. If you are a ward of the court, the court (and not your parents or guardians) will have the power to make decisions about your life for a period of time. Next, the judge will decide what sentence or disposition to give you.



**How Do I Prepare/Advocate For My Dispositional Hearing?** As with each court hearing, work with your lawyer to make a plan for your dispositional hearing.

Your PO will write a report or recommendation to give to the judge. The report will talk about your crime, and also about you – your history, your family, your home, your school, and anything you have done in the past. You have a right to see this report before your dispositional hearing. If you have not seen the report, tell your lawyer that you want to see it. Go over the report in detail with your lawyer before the dispositional hearing — you have the right to tell the judge if anything in the report is wrong. You also have the right to say what you think your sentence should be, and you should talk about this with your lawyer before going into court.

**What should I do if I want to advocate for myself to go home?** If you want to live with your parents or guardians instead of going to an out-of-home placement, you must show the judge that you can be rehabilitated at home. To do this, you should make the same points to your lawyer and the judge that you would in a “detention” hearing. Look at the section in this handbook that describes how to advocate for yourself in a detention hearing.

If you are at home while you are waiting for your dispositional hearing, use your time wisely by making your curfew, going to all your PO visits, getting to school on time, and obeying your parents or guardians – this will help convince the judge that you should be allowed to go home permanently.

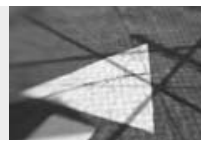
**What should I do if I want to advocate for treatment?** If you want to enter a treatment program – either a residential treatment program or a non-residential treatment program – explain to your lawyer why you want treatment. If you have a drug problem, or if you have ever been caught with drugs, tell your lawyer about that. If you were abused as a child, tell your lawyer this. If there are any medical records or school records that show you were abused or if there is someone who knows about your abuse, that can be helpful information. If you have a disability, tell your lawyer. She will probably want to see your school records and any other papers that show your disability.

**How much time will I do?** If the judge decides to make you a ward of the court, she must tell you the maximum sentence for your crime. This maximum sentence will include the maximum sentence for any past crimes if you are still on probation. The maximum sentence is the most time that any adult could serve for your crime. The maximum sentence only applies if the judge sends you to a secure facility (like YA or a county camp or ranch), or if you get locked up for a probation violation. The time you spend in juvenile hall waiting for your trial and disposition counts toward the maximum sentence.

If the judge sends you to a non-secure facility (like a group home or foster care or a residential treatment facility), you are not considered to be in “lock-up” so you don’t get credit for time served against your maximum sentence, and you will be a ward of the court until the judge decides to send you home.

No matter how long your maximum sentence, the juvenile system must set you free when you turn 25 years old (except in very rare circumstances).

Whether you are in lock-up or in a placement, your PO has a lot of power over the amount of time you do. If your PO thinks you should get out sooner, you probably will. If your PO thinks you should stay in longer, you probably will. Of course, the judge always has the last say. If you feel you are rehabilitated and you are ready to go home, but your PO doesn’t agree, ask your lawyer for help. If you don’t think your PO wants to work with you, or if you think your PO isn’t following the rules, you may want to try to change your PO. The section on “Who’s Who in the Juvenile Justice System” explains how to change your PO.



## WHAT EFFECT WILL THIS HAVE ON MY FUTURE?

**If a juvenile court judge finds** you are a delinquent, this finding can come back to haunt you in a number of ways. Remember, though, that you are not “convicted” in juvenile court – so if a job application asks if you have ever been convicted of a felony, and your only felony is in juvenile court, you can say “no.”

**Sealing your records.** You can clean up your record by getting your juvenile court records sealed — including records of arrests, citations and dispositions. To get your records sealed, you need to be 18 years old and have no pending charges, AND you need to fit into one of these categories:

- You were arrested but not charged.
- You were given a citation but not charged.
- It has been 5 or more years since the juvenile court had any power over you.
- You were arrested more than 5 years ago, but you were never tried.

Even if you seal your records, the FBI, police and the military will still have access to your juvenile record.



Records for some very serious crimes cannot be sealed. Call your lawyer or the probation department to help you seal your records.

**call your lawyer or  
the probation  
department to help  
you seal your  
records.**



## WHAT ARE MY RIGHTS WHEN I AM LOCKED-UP?

### RIGHTS OF LOCKED-UP YOUTH

**Right to remain silent.** You do not have to talk to your PO, the counselors, or anyone else. Just like the warning says, anything you say can and will be used against you in court. This means that if you confess your crime to your counselor or your PO, or even to other youth in your unit, that confession might be used against you in court. You should never talk to anyone about your crime without first talking to your lawyer.

**Right to a lawyer.** You have a constitutional right to a lawyer. If you can't afford a lawyer, the judge will appoint one. If anyone questions you about your crime, or about anything that might get you in trouble, ask to talk to your lawyer. If you ask to talk to your lawyer, the person must stop asking questions immediately.

You have a right to meet with your lawyer at any time while you are locked up. You will need to talk to your lawyer to prepare for each of your hearings. Sometimes, your lawyer will be too busy to talk to you. If you are having a problem with your lawyer, look at the section in this handbook on "Who's Who in the Juvenile Justice System" for some ideas about how to deal with problems with your lawyer.

**Right to talk to your parents and guardians.** You have the right to visit with your parents or guardians, to talk to them on the phone, and to write and receive mail to and from them.

You also have the right to talk to your parents or guardians before answering any questions from the police or a PO, or anyone else. If anyone starts to ask questions about your crime, or about anything that might get you in trouble, you can demand to talk to your parents or guardians. Once you ask to talk to your parents or guardians, the questioning must stop immediately.

**Right to phone calls.** You always have a right to call your lawyer, your parents or guardians and your PO. In San Francisco, you also have a right to call the ombudsperson (the person who hears grievances). The juvenile hall staff can limit or prohibit phone calls to other people.



#### Important Phone Numbers

- Youth Law Center (415) 543-3379
- San Francisco county child Abuse reporting unit (415) 206-8772
- San Francisco Juvenile Justice commission (415) 753-7791

**Right to visits.** You always have the right to visit with your lawyers, your parents or guardians and your PO. In San Francisco, you also have a right to visit with the ombudsperson (the person who hears grievances). Your PO or the juvenile hall staff can limit or prohibit visits with other people. To convince your PO that you should be allowed to visit with other people, explain how the visit will help to rehabilitate you and make you a better person.

Usually, visitors must show picture ID and go through a metal detector. The guards might not allow them to bring in purses or bags. Also, the guards may not allow visitors who appear to be under the influence of drugs or alcohol.

**Rights of Incarcerated Mothers.** If you are pregnant and in custody tell your attorney or counselor immediately. You have the right to have a doctor of your choice examine and treat you if you are pregnant, but you must pay for those services if the doctor is not provided by the facility. You are entitled to prenatal care in custody and to the cost of having your baby in an outside hospital. If you do give birth in custody, a family member must come within a certain amount of time (48 hours for births in CYA) and claim the child. If a family member does not claim the child in time, she will be sent to Child Protective Services. If you want an abortion, you must be permitted to obtain one.

There is no absolute right that incarcerated mothers can stay with their children. There are some group homes and community treatment programs where young people can live with their children. Ask your attorney if and how you can be placed in such a program. For mothers in adult prison, California has the Pregnant and Parenting Women's Alternative Sentencing Program Act. This program was developed to treat incarcerated mothers and mothers-to-be who suffer from alcohol and drug addictions. To be eligible, you can never have been

convicted of a violent crime and you cannot be serving over a three-year sentence. If a woman is eligible and accepted into this program (decided by the Director of the Department of Corrections), she is allowed to have one child live with her in an alternative sentencing setting that is run by the Department of Corrections.

The law does not require the arresting officer to make arrangements for your child at the time of your arrest, although he may allow you to make a phone call. If you are not allowed to make a call, ask your attorney to get a court order to allow you to make emergency phone calls to locate your child and arrange for her care.

If your child is not picked up, she will probably be placed in an emergency shelter through Child Protective Services (CPS). If your child is placed in CPS, have a relative go to CPS immediately and bring proof of their relationship with the child (birth certificate, signed letter from you or the other parent, etc.). CPS will release your child to a parent, guardian, or responsible relative who poses no risk or danger to your child. They will conduct an emergency assessment of the child's relative that includes a criminal background check, verification of relationship to child and a visit to the home.

If CPS does not place your child with a relative within 48 hours, they must file papers to make your child a dependent of the court.

Call or write CPS and let them know where you are. Make sure CPS knows the names of all relatives on both sides of the family who may be able to care for your child. This way if your child's placement changes, she can still be placed with a family member.

Ask your attorney to help you be present at every court hearing regarding your child. Ask your relatives and friends to be present as well. Try to stay in communication with your child's social worker and let her know what you think is in the best interest of your child. If your child is placed outside of the family, begin to take steps so you can reunite with your child after your release. Attend any parenting, anger management, counseling, and substance abuse programs that are offered so that you have proof that you are a fit parent. Maintain regular contact with your child through phone calls, letters, and visits. Make sure to document this contact. Document contact with the child's caregiver, requests for report cards, and conversations with your child's social worker. Ask the program leaders of any classes you took to write positive letters for you. This information will be helpful in the process of getting your child back after your release.

**Probation Officer visits.** Your PO is supposed to visit you regularly when you are locked up, when you are out on probation, and when you are at an out-of-home placement. If your PO doesn't visit you, first try to talk to your PO. If that doesn't work, you can call your PO's supervisor, and you can file a grievance (put it in writing). Usually, when you are on probation, you are required to keep in touch with your PO.

**Right to write and receive letters.** The juvenile hall staff should provide you with a pencil, paper and envelope. Also, they must give you free postage for two letters each week. Be careful what you write — the staff probably will read the letters you write and the letters you receive. They cannot read anything to or from your lawyer.

**Right to medical care.** You have a right to adequate medical and dental care. This means any time you have a medical condition, whether or not it is an emergency, you have a right to be treated by a professional. Your right to medical care includes the right to get an abortion, and to continue taking birth control pills if prescribed by your doctor. This also includes the right to a counselor, psychologist or other mental health professional as well as physical health care.

**Right to food.** You have a right to an adequate amount of food that is healthy, nutritious, and sanitary.

**Right to clothing and toiletries.** You have a right to clean clothing, a toothbrush, toothpaste, soap, comb and shaving equipment when you are locked up. If you can't afford these things, the juvenile hall must provide them to you for free.

**Right to school.** Within three days of your arrival at juvenile hall, you have a right to go to school. You also have a right to get credit for the school work you do while you are locked-up. If you have a learning disability or you get special education services at your school, you have a right to the same level of help while you are locked-up.

**Right to be free from harassment and discrimination.** You have a right to be free from harassment and discrimination based on real or perceived race, color, religion, national origin, marital status, sex, sexual orientation, gender identity or disability. The staff at juvenile hall must not harass or discriminate against you, and they must protect you if other youths harass you or discriminate against you.

**Right to be free from harassing searches.** When you are in juvenile hall, staff can search you when it is necessary. This includes strip searches. But, the staff can't use a search as a way to harass, discipline, or punish you.

**Right to recreation and exercise.** You have a right to recreation for three hours on each weekday and 5 hours on each weekend. This includes at least one hour per day of exercise (outdoors if it is a good day, indoors if not). Even youth who are being disciplined have a right to the hour of exercise each day.

**Right to religious programs.** You have a right to participate – or not to participate – in any religious programs available at juvenile hall.

**Right to be safe.** You have a right to be safe and to be protected from violence while you are locked up. This means that the staff must protect you from violent youth or staff.

**Right to be free from excessive force (by staff or police).** The staff and the police must not use excessive force on you. This means that the staff can only use as much force as is “reasonable” under the circumstances. Also, the staff can never use force to punish you, to discipline you, or as a form of treatment.

**Paying the cost of you being locked-up.**

If you are locked-up, the judge might make your parents or guardians pay the juvenile justice system. Your parents or guardians may have to pay:

- The cost of your supervision. This usually happens if you are in out-of-home placement (like a group home), but not YA or county camps or ranches. It can also happen if you are living at home on informal probation.
- The cost of your room and food while you are locked up or in a group home.
- If your parents or guardians are able to pay, the judge might order them to pay for your lawyer, even if you use a public defender.

**Forced work.** When you are a ward of the court, you can be forced to work for free. However, you can't be forced to fight fires unless you are at least 16 years old, and your parent or guardian gives permission and you get 80 hours of training. The judge will decide whether you get paid for the work you are forced to do — she might decide the money should go to your victim (reparations), to your parents or guardians, or to your children.

**Right to an interpreter in all court proceedings.** The purpose of this provision is to help your lawyer and you prepare for your hearings.

**Right to free speech.** You have some free speech rights while locked-up, but the juvenile hall staff can punish you for using swear words, or for threatening another person, or inciting violence.

Well I don't really know what to say, but **to all the people locked-up, don't come back when you get out.** YGC is not the place to be. You might think this shit is cute or cool but it ain't. I used to think the same shit. But later on I found out how it really is. Just be cool and lay-low so you don't get locked up.



**Discipline.** All juvenile halls and other youth facilities have different disciplinary procedures. Some things that the staff can never do to discipline you are:

- physically hurt you.
- degrade (humiliate) you.
- take away your bed or bedding.
- take away food or clean clothing.
- take away your access to a shower, a drinking fountain, toilets, or other basic clean living conditions.
- take away your right to see your parents or guardians.
- take away your right to daily exercise.
- take away medical services.
- take away your right to go to school.
- take away your right to send or receive mail.

Any time you are disciplined, your PO can report this to the judge. If the judge thinks you are acting up, she might give you a harsher sentence.

If you are given 24 hours or more of segregation, you have a right to a hearing, where you can plead your case.

### FILING A GRIEVANCE (A COMPLAINT)

You have a right to file a grievance if you think your rights were violated. Ask an adult you trust how to file a grievance.

If you have an emergency, contact a lawyer or another person outside of juvenile hall who can help you. But, if you think you want to file a lawsuit, you should always file a grievance first. Your public defender or your parents or guardians may be able to find a lawyer who will help you.

#### In San Francisco

Every unit in San Francisco's Juvenile Hall has grievance forms and locked-boxes for grievances. There is also an ombudsman who is responsible for looking into all the grievances. If you want to file a grievance, ask a counselor for a grievance paper. Under the law, they must give you one. If they do not give you a grievance form, you can write a grievance on another piece of paper, and put it into the grievance box. As always, be specific and write the date.

**Always write your grievance.** Write the complaint in as much detail as you can. If you don't, the complaint could get distorted, ignored, or even used against you.

**Always put the date on your grievance.** This way, you can prove when you complained, and how long it took the juvenile hall staff to respond.

**Keep a written record of every grievance you make.** Make a photocopy, or write all the information about your grievance on another piece of paper.

**Write down the name of the person who you gave the grievance to.** If you get an answer to your grievance orally, write down the answer, who gave it to you, and the date. If nothing happens on your grievance, you might have to use your notes to show that you made a complaint and that it was ignored.

If you're not satisfied with the answer, you can appeal.

## WHAT IS A 779 MOTION?

The California Youth Authority is required to provide rehabilitative services, but often does not do so. California's Welfare and Institutions Code § 779 allows judges to modify a young person's commitment to the CYA if the CYA is failing to provide her with required treatment. You may file a 779 motion in order to get released early or be placed in another program if CYA is not getting you the education and rehabilitative services you need.

You may file a 779 motion as soon as you realize that you are not getting the services you need. Contact the public defender or attorney who represented you immediately and send them a letter documenting that you are not getting services. In this letter, list the classes, training, and counseling services that you feel that you are not getting. Include services that you are on the waiting list for.

Urge your public defender to help you file a 779 motion. If you are having difficulty doing this, ask to speak to the supervising attorney.

In the meantime, ask a family member to begin collecting your records. The CYA keeps information about you including an education file, a medical file, a case file, etc. Ask a family member to get copies of all of these records. If you are over 18, you must give the family member written permission to make copies of your records.

For more information on the CYA and your rights, please contact Books Not Bars at (415) 951-4844 X 234.



## WHAT DO ALL THE LEGAL WORDS MEAN?



### WHAT DO ALL THE LEGAL WORDS MEAN?

#### **Accomplice**

A person who helps another person commit a crime.

#### **Adjudication or adjudicatory hearing**

This is like the trial in adult court – it is the process used to determine the facts in a juvenile case. The section in this handbook on “Going to Court” explains more about the hearing and how to prepare for it.

#### **Aggravating factors**

Facts that can make a crime more serious, or reasons why a judge might give you a harsher sentence.

#### **Allegation**

A statement of fact that hasn’t been proved. When the DA brings a charge against you, that is an allegation. She must prove the allegation is correct to get a conviction.

#### **Advocate**

A person with clout who has your back during your journey through the criminal juvenile justice system. An advocate should be familiar with issues and agencies relevant to your case. An advocate should also be familiar with your life story and support your fight for freedom.

#### **Advocacy**

The process or act when you or a person publicly supports or recommends a particular cause or policy on your behalf.

#### **Arraignment**

A court hearing where the charges against the defendant are stated. The defendant can plead guilty (admitting the charge is correct) or not guilty (requesting a trial to determine guilt).

#### **Bail**

An amount of money that the person charged must provide to insure they will appear at subsequent court hearings. If a person is unable to post bail or the judge does not agree to bail, the defendant will be held in jail. Bail is available in adult court at the judge’s discretion, but not in juvenile court.

#### **Beyond a reasonable doubt**

In a juvenile case, the judge can only find that the charges against you are true if the DA has proven the case “beyond a reasonable doubt.” This is the same standard that is used in adult court. This is a very high standard – the DA must completely convince the judge that the charges are true, and the judge must not have any “reasonable doubt” that you did the crime you are charged with.

#### **Burden of proof**

When you are charged with a crime, the prosecutor has the “burden of proof” – in other words, the prosecutor has to prove to the judge that you did the crime rather than you proving you didn’t commit the crime.

**Charge**

This is the crime that you are formally accused of committing.

**Citation**

A “ticket” given to a youth telling the youth to report to the Probation Department.

**Civil (as opposed to criminal) court**

The juvenile court is called a “civil” court, not a “criminal” court. This means there is no finding of “guilt,” no “conviction” and no “sentence.” It also means you don’t have many of the protections you would have if you were in adult court – for example, you can’t get “bail” and there is no jury trial. On the other hand, because juvenile court is “civil,” the punishment you get is, technically, supposed to help you and rehabilitate you. You can use this to your advantage by arguing that your sentence should rehabilitate you. If your sentence does not rehabilitate you, you should ask your lawyer to help you to get the services you need or go to another placement.



**Continuance**

A delay in a court proceeding to a later date.

**Counsel**

Another name for a lawyer or an attorney.

**Curfew**

A rule stating you must be home at a set hour.

**Custody**

Custody means “care and keeping.” The person who has the legal right to control what you do and the responsibility to make sure your basic needs are met (like food, a home and clothes) has “custody” over you. Your parents or guardians can have custody over you, or the court can take custody of you and place you in an out-of-home placement or lock-up.

**Defendant**

The person accused of committing a crime.

**Delinquent (delinquency)**

A delinquent is a person under 18 who violates a law by committing a crime (like burglary, etc.). This does not include status offenses (missing school, breaking the curfew, etc.).

**Dennis H. hearing (or prima facie hearing)**

A court hearing in which the DA has to prove there is enough evidence against you to hold you in lock-up before your trial. The DA will put on evidence, and your lawyer can cross-examine the DA’s witnesses. Through your lawyer you can ask for a Dennis H. hearing.

**Dependent child or dependency**

This can have two meanings. Usually, in juvenile court, a “dependent child” is a youth under 18 years old who was neglected or abused by her or his parents or guardians, and who is under the control of the court (a “ward of the court”). Sometimes, people call youth who still depend on their parents or guardians “dependent children.”



### **Detention**

You are in detention when you are being held temporarily at a facility such as a police station or juvenile hall.

### **Detention hearing**

You must be given a detention hearing within 72 hours of the time when you are first picked-up by the police (weekends and holidays don't count). At this hearing the judge will decide if you should be kept in juvenile hall, or if you will be set free until your next hearing. The section in this handbook on "Going to Court" explains more about the hearing and what you can do to prepare for it.

### **Direct file**

This is a new rule under Proposition 21 that allows the DA to file your case in adult court for certain serious felonies, even if you are under 18.

### **Discovery**

The process, before trial, of finding out the facts of the case.

### **Disposition or disposition hearing**

The term used by the juvenile system instead of the term "sentence" used by the adult system. At a disposition hearing, the judge decides what disposition or sentence to impose.

### **Diversion program**

Sometimes, instead of prosecuting you for a crime, a PO or DA will put you in a "diversion program." This is sometimes called a "654" which is the section of the Welfare and Institutions code that describes diversion programs. Under a diversion program, you won't go to trial, but you will have to follow certain rules. If you complete the diversion program, you will be out of the juvenile justice system. Usually, diversion is only for people who have never committed crimes before.

### **Due process**

A set of rules and procedures specified by law that the court must follow in a court proceeding. "Due process" is intended to protect your rights as a defendant and make sure you get a fair trial.

### **Emancipation**

An emancipated youth is free from the care and responsibility of her parents or guardians. Conversely the parents or guardians no longer have responsibility for an emancipated youth. This means your parents or guardians don't have to provide you a home, food, medical care, or anything else. It also means you can live wherever you want, and make your own decisions. Even if you are emancipated, you can still be treated as a "juvenile" by the juvenile justice system.

You are automatically emancipated when you turn 18. You can also ask the court for emancipation before you turn 18.

It's messed up in here! It seems like forever and all I want to do is go home. But that's not my choice no more . You will someday stop and realize that sometimes what you do like to do is selling dope, stealin' cars, robbin' people. That doesn't do you no good! And I know that from experience. **So think before you move because if you can't do the time don't do the crime.** (young woman in juvenile hall)

### **Felony**

A felony is a serious crime that has a maximum sentence of more than one year in adult court. Murder, assault with a deadly weapon, grand theft, and some drug offenses are all examples of felonies. If you are found to have done a crime that was a felony, it may affect your life in a number of ways. But remember, a juvenile adjudication is not a conviction — if you have a juvenile adjudication and you later apply for a job, you can still say you have never been convicted of a felony.

### **Fitness hearing**

A hearing where the judge decides if you are “fit” to be tried as a juvenile, or if you should be tried as an adult. The section in this handbook on “Fitness Hearings” explains what happens at a fitness hearing, and what you should do to prepare for it.

### **Foster home**

A place to live that is not with your parents or guardians, and where you will live for a short time only.

### **Furlough (Work furlough)**

This is when a ward of the court, who is locked up in a county camp, ranch or YA, is allowed to leave the locked facility to go to work.

### **Group home**

A place where the juvenile system sends youth who have gotten in trouble with the law or who were abused or neglected. Group homes should offer services like counseling or drug treatment.

### **Guardian or Guardian ad litem**

An adult who has the right to make decisions for a child.

### **Hearing**

Any time you or your lawyer go to court and talk to a judge.

### **Home Supervision**

When a youth is allowed to go home, but is required to sign a form agreeing to follow certain rules that the judge made (such as a curfew and attending school).

### **House Arrest**

You are allowed to live at your home, but you must follow very strict rules. When you are on house arrest, you usually can't leave your home unless your PO says it's ok, and you may have to wear a bracelet or anklet that allows your PO to track you wherever you go. You will have an early curfew, and your PO will be checking on you daily.

### **Informal Probation**

Informal probation usually means that you live at home, but you have to follow some rules for six months. If you follow all the rules, your charges will be dismissed in six months, and your record stays clean. Your PO can send you to informal probation without ever going to court, or a judge can order you to do informal probation after you have gone to court.

### **Infraction**

The least serious type of a crime. For example, a traffic ticket is an infraction. Usually, you will get a fine, not lock-up time, for an infraction.

### **Initial Hearing**

Your first hearing before a judge. If you are locked-up, your initial hearing will usually include your detention hearing and an arraignment. The judge will decide whether you should be kept locked up, and will ask you whether or not you did the crime.

### **Interrogate/Interrogation**

Questioning of a suspect or a witness.

### **Jurisdiction**

The court's power to hear and decide a case.



### **Jurisdictional hearing (the trial)**

Procedure where the court decides if it has power over a youth. This is sometimes called a trial, sometimes called an adjudicatory hearing, and sometimes called a jurisdictional hearing.

### **Juvenile**

A person under 18 years old.

### **Juvenile court**

The court that hears cases involving youth under 18 years old who have been abused or neglected, or have been found to be outside the control of their parents or guardians, or are accused of committing a crime.

### **Lock-up**

A place where youth are held where the doors are locked and you are not free to leave — also called a “secure facility.”

### **Minor**

A person under 18 years old – the same as a juvenile.

### **Miranda Warnings**

A warning that you must be told when you are arrested. The arresting officer must state: “You have the right to remain silent. Anything you say can and will be used against you in a court of law. You have the right to speak to an attorney (lawyer), and to have an attorney (lawyer) present during any questioning. If you cannot afford a lawyer, one will be provided for you at government expense. Do you understand these rights? Do you wish to speak to me?”

### **Misdemeanor**

A crime that has a maximum sentence of less than one year. In other words, if you did a crime, and the longest amount of time that the judge could sentence you for that crime is less than one year, then the crime is a misdemeanor. Prostitution, petty theft, and minor drug offenses are examples of misdemeanors.

### **Mitigating factors**

Factors that might make a crime seem less serious which might influence the judge to give you a lighter sentence.

### **Motion**

A request by your lawyer to the judge to make an order in your case.

### **Parens Patriai**

The right of the government or the judge to act in the place of your parents or guardians.

### **Penal code**

The section of the California law that describes crimes and sentences.

### **Petition**

The legal paper that says what the charges are. If the petition is “sustained,” it means that the judge found that the charges against you are true.

**Preventive detention**

When you are held against your will because the court thinks you are likely to commit a crime.

**Plea bargain**

An agreement between your lawyer and the DA by which you agree to plead guilty to certain of the charges filed against you. The agreement is usually accompanied by the DA dropping other charges. Your lawyer cannot make a plea bargain without talking to you and getting your agreement. Usually, when your lawyer and the DA make a deal, the judge will approve it. In rare cases, a judge can reject a plea bargain.

**Plead**

A statement by the defendant indicating whether she is “guilty” or “not guilty” of the charges filed.

**Prima Facie hearing**

A court hearing where the DA must present a case to the judge, which if proven, shows that a crime has been committed. The DA must still prove the facts are true in a regular proceeding to gain a conviction.

**Probable cause**

Reasonable belief that a person has committed a crime. There are lots of technical legal requirements for “probable cause” to exist. There must be proof that a crime was committed and that the person charged was somehow involved in doing that crime.

**Probation**

A person on probation is outside of juvenile hall – living alone, with parents or guardians, or in an out-of-home placement – but is still supervised by a probation officer, and still must follow the PO’s rules.

**Prosecution**

The process of bringing a person to trial for criminal charges.

**Prosecutor**

The DA — the government’s lawyer who tries to prove you did the crime.

**Rehabilitation**

Process by which a person convicted of a crime is reformed or changed, so she is unlikely to commit more crimes.

**Remand**

Sending a case to another court. When a youth is to be tried as an adult, the juvenile court must “remand” the case to adult court.

**Restitution**

Money paid by a person who did a crime to the victim to make up for the harm done. If a youth doesn’t pay, the victims can sue the youth’s parents or guardians for payment.

**Self-defense**

The right to defend yourself with reasonable force against physical violence or a threat of violence.

**Self-incrimination**

Statements made by you which can be used in court to incriminate you. The Miranda warning advises you of your right to remain silent. This right against self-incrimination is one of your most important legal protections. It means you don’t have to talk to the police, to your PO, or to anyone else who might want to charge you or convict you of a crime (except that you have to tell them your name). You also have the right not to speak at your own trial.

**Statute**

A law enacted by the legislature.

**Status offender**

A youth charged with doing something – like running away from home or missing school – that is only a crime if you are under 18. Adults cannot be charged with status offenses.



**Stipulation**

When both sides to a case agree to something.

**Sustained (as in “the petition was sustained” or the charges were found to be true)**

When the judge agrees with something, she will say it is “sustained.” The judge may say the “petition was sustained” to mean that she finds that you did the thing you were accused of. In a criminal court, they would say you were found “guilty” or you were “convicted.”

**Transcript**

Written record of a court hearing.

**Truant**

A youth who frequently misses school without an excuse.

**Unfit parent**

A parent who has been proven to be unable to take care of her child.

**Waive (or waiver)**

An agreement to give up certain rights.

**Waive time**

An agreement to give up the right to a speedy trial or a speedy sentence. In juvenile court, your trial must be held within 15 days of your arrest and your sentence must be within 10 days of your trial unless you waive time.

**Ward of the court**

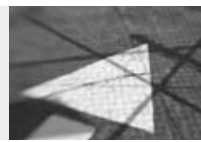
The court is your legal guardian instead of your parents or other persons. A judge decides where you will live, what kind of school, programs or other services you need, what rules you need to follow, and so on.

**Welfare and Institutions Code**

The section of the California law that covers youth and the juvenile justice system. Some of the common terms you might hear are Welfare and Institutions Code Section 300, 601, 602 or 707. These sections are described in this handbook in the section on “What Are the Charges.”

**Work furlough**

When a ward of the court who is locked up in a county ranch, camp or YA is allowed to leave the locked facility to go to work.



## WHO DO I CALL IF I NEED HELP?

### RESOURCES FOR YOUTH AND THEIR FAMILIES

#### Statewide Resources

##### Runaway Hotline: 1-800-448-3000

If you are running away from home, a group home, or anywhere else, or if you are already a run-away you can call this hotline to get information about shelters, counseling, Greyhound bus-tickets, or assistance in going back home. You will talk to a highly trained counselor who offers “right now” answers to your situation. This is a 24-hour hotline.

##### California Coalition for youth

24/7 crisis counseling and support program that is available all the time, from anywhere in the state. For young people between the ages of 12-24.

California Youth Crisis Line

Hotline: (800)-843-5200

Website: [www.youthcrisisline.org](http://www.youthcrisisline.org)

##### Youthline

Youthline is a 4-10, 7 day a week, toll-free confidential telephone service. Youthline gives youth, parents, and caregivers one number to call for information about children and youth services and programs throughout the Bay Area.

Phone: 1 (888) 977-3399

Website: [www.youthline.org](http://www.youthline.org)

Email: [info@chalk.org](mailto:info@chalk.org)

##### Child Abuse Prevention

San Francisco County Abuse Reporting Unit  
CPS is the agency that respond to reports of child abuse.

Address: P.O. Box 7988 San Francisco, CA 94122

Phone: (415) 206-8772

Hotline: (800) 856-5553

TDD: 557-5214

Fax: 558-2211

### SAN FRANCISCO RESOURCES

#### Criminal Defense

##### San Francisco Public Defender-Juvenile Division

Public Defenders are lawyers who defend people who cannot afford a private lawyer. If you have any case against you and you cannot afford a lawyer, you can get a Public defender for free.

Address: 375 Woodside avenue, Room 118 and  
San Francisco, CA 94127

Phone: (415) 753-7600

Hours: 9:00 am – 5:00 pm (Monday – Friday)

##### Adult Division

Phone: (415) 753-7600

Address: 555 7th Street San Francisco, CA 94106

Hours: 9:00 am – 5:00 pm (Monday – Friday)

#### Family Law

##### Bay Area Legal Aid

Assist with child custody issues, filling out papers, assistance in getting kids back, etc. You have to be low-income and you have to live in San Francisco.

Phone: (415) 982-1300

Address: 50 Fell Street San Francisco, CA 94102

Website: [www.baylegal.org](http://www.baylegal.org)

Hours: Intake hours are Tuesday and Thursday  
1:30 pm – 3:00 pm

#### Emancipation

##### Legal Services for Children

Represents youth under the age of 18 around issues of foster care, guardianship, emancipation, and special education.

Phone: (415) 863-3762

Address: 1254 Market Street, 3rd Floor  
San Francisco, CA 94102

Hours: (for an intake) Monday – Friday  
1:30pm -5:00pm

Website: [www.lsc-sf.org](http://www.lsc-sf.org)

## CULTURALLY SPECIFIC

### **Asian Law Caucus**

Provides legal services to the Asian community around issues of Housing, Employment, and Immigration issues.

Phone: (415) 896-1701  
 Fax: (415) 896-1702  
 Address: 939 Market Street, Suite 201  
 San Francisco, CA 94102  
 Website: [www.asianlawcaucus.org](http://www.asianlawcaucus.org)  
 Hours: Monday – Friday 9:00am- 5:00 pm

### **La Raza Centro Legal**

Assists young people in the juvenile justice system and in school in dealing with suspension and expulsion and special education needs. Provides direct legal service education, leadership development and opportunities to organize around community issues.

Phone: (415) 575-3500  
 Fax: (415) 255-7593  
 Address: 474 Valencia Street, Suite 295  
 San Francisco, CA 94103  
 Website: [www.lrcl.org](http://www.lrcl.org)  
 Hours: Monday – Friday

## IMMIGRATION ISSUES

### **Immigration Clinic**

Free legal help on immigration issues.

Address: Steuart Street, Suite 400  
 San Francisco, CA 94105  
 Phone: (415) 543-9444  
 Contact : Sylvia Contreras, Lawyers' Committee For Civil Rights.  
 Website: [www.lccr.org](http://www.lccr.org)

On-line Resource: The Immigrant Legal Resource Center has published a “ Special Immigrant Juvenile Status Manual” That is free online. Go to [www.ilrc.org/online\\_pubs.htm](http://www.ilrc.org/online_pubs.htm)

## TO COMPLAIN ABOUT HOW THE SYSTEM TREATED YOU

### **Juvenile Justice Commission**

Oversees San Francisco's juvenile facilities, including juvenile hall group home, and log cabin ranch. Works to make sure no young person's rights are being violated while they are locked up and that all laws are followed. They also review grievances.

Contact: Yolanda Mcgeary-Beitia  
 Phone: (415) 753-7756  
 Address: 375 Woodside Avenue  
 San Francisco, CA 94131

### **Youth Law Center**

The Youth Law Center is a non-profit public interest law office. The Center works nationally to serve children, focusing particularly upon the problems of children living apart from their families in child welfare and juvenile system.

Contact: Mamie Yee  
 Phone: (415) 543-3379  
 Address: 417 Montgomery Street  
 San Francisco, CA 94104  
 Website: [www.ylc.org](http://www.ylc.org)

## PARENT SUPPORT GROUPS

### **Coleman Advocates for Youth**

Coleman Advocates for Children and Youth is a one-of-a-kind local community organization that works to transform San Francisco's services and policies for children, youth and their families in order to create more family-friendly community. Programs in progress are: leadership training Project, The Youth Justice Project, and The Parent Advocacy Project.

Contact: NTanya Lee  
 Phone: (415) 239-0161d Fax: (415) 239-0584  
 Address: 459 Vienna Street  
 San Francisco, CA 94112  
 Website: [www.colemanadvocates.org](http://www.colemanadvocates.org)  
 Email: [nlee@colemanadvocates.org](mailto:nlee@colemanadvocates.org)

**Juvenile probation Parenting Skills**

Parenting Workshops in Spanish, English, and Cantonese.

Contact: Ester Kung  
Phone: (415) 753-7594  
Address: 375 Woodside Avenue  
San Francisco, CA 94131

**Homeless Prenatal**

The Homeless Prenatal Program has been providing homeless parents and pregnant women with the support and access to care necessary to have a healthy baby. This includes everything from perinatal care, counseling and advocacy to referrals for housing, substance abuse problems and legal aid.

Phone: (415) 546-6756  
Address: 995 Market Street, Suite 1010  
San Francisco, CA 94103

HELP WITH OTHER LEGAL ISSUES

**Lawyers' Committee For Civil Rights**

Provides Assistance with Evictions, Debt Collections, racial discrimination, civil law suits and immigration cases with political asylum.

Phone: (415) 543-9444  
Address: 131 Steuart Street, Suite 400  
San Francisco, CA 94105  
Website: [www.lccr.org](http://www.lccr.org)

**The American Civil Liberties Union of Northern California**

Contact us if you have legal questions concerning your rights as students, youth or teacher in northern California.

Address: 1663 Mission Street  
Suite 460 San Francisco, CA 94103  
Phone: (415) 621-2493  
Hotline: (415) 621-2488  
Hours: Monday through Friday

**Bay Area Police Watch**

**c/o Ella Baker Center for Human Rights**

The Bay Area Police Watch Hotline allows anyone to call for information about your rights or to report police abuse. Hotline counselors document reported abuse and explain how to push for officer discipline.

Phone: (415) 951-4844 X 224  
Fax: (415) 951-4813  
Address: 1230 Market Street PMB 409  
San Francisco, Ca 94102  
Website: [www.ellabakercenter.org](http://www.ellabakercenter.org)  
Email: [malaika@ellabakercenter.org](mailto:malaika@ellabakercenter.org)  
Contact: Malaika Parker

**Books Not Bars Family Advocacy Project**

**c/o Ella Baker Center for Human Rights**

Provides legal education, advocacy assistance, and organizing support to families whose youth are involved in the juvenile justice system.

Phone: (415) 951-4844 x 230  
Fax: (415) 941-4813  
Address: 1230 Market Street, PMB 409  
San Francisco, CA 94102  
Website: [www.booknotbars.org](http://www.booknotbars.org)  
Email: [www.bnb@ellabaker.org](mailto:www.bnb@ellabaker.org)  
Contact: Lenore Anderson

**Court Appointed Special Advocate (CASA)**

Provides support for children while under court protection.

Phone: (415) 398-8001  
Fax: (415) 398-8068



## PROPS TO THE PEOPLE WHO MADE THIS BOOK



The Center for Young Women's Development would like to thank all the folks who did so much to make this handbook a reality. This book exists because young people from around San Francisco decided that it was a necessary tool.

The fabulous staff at the Center for Young Women's Development directed this effort. We surveyed thousands of young women from the streets and in the hall to figure out what info needed to go in the handbook. The whole staff has continued to ask hard questions to help turn our idea into a reality. They decided what needed to go in the handbook, and how it should be organized.

Our allies, too, have put in the time. Patti Lee from the Pacific Juvenile Defender Center has been absolutely invaluable in this process – from figuring out what needs to go in the handbook to making sure we got it right. Special thanks also go to Kathy Brady at the Immigrant Legal Resource Center.

All the young women who we met and worked with on the streets and in juvenile hall who gave us a real insight into what is going on and what information people need to know – a huge thank you to you all.

And last but definitely not least a huge thanks and a big hug for all of the hard work to Rebekah Evenson, Attorney at the Lawyers Committee for Civil Rights and Skadden Fellow working with the Center for Young Women's Development, for all of the hard work she put in. Without her long hours of research and writing, the handbook would not exist today. She has truly brought the idea that young people and their families deserve to know their rights into a reality.

