

## Delinquency Case Roadmap

### **Origination of Case:**

- Detention
  - If the youth is detained on a delinquency charge their case will be heard the next available morning for arraignment.
- Plea Hearing
  - If the youth is not detained on a delinquency charge their case will be scheduled for an initial plea hearing before the court.

### **Things to consider at the outset of a case:**

- Competency
  - Does the youth appear to have an understanding of the court process, the ability to reason and make decisions in their case, and the ability to assist in their own defense?
  - If not raise competency. Juvenile Rule 32.
- Bond Status
  - In juvenile court the youth may be detained or released on conditions of bond such as electronic monitoring, house arrest, or parental control.
- Initial Plea
  - Plea options in juvenile court are Admit or Deny.
    - Admit is equivalent to Guilty and Deny is equivalent to Not Guilty.
    - (There is not a No Contest plea in juvenile delinquency except in limited circumstances.)
  - Same considerations go into this initial plea as in any typical criminal case.
    - Consider immediate admission if facts could amount to a more serious charge or if there could be prevention of additional charges.
    - Decision always rests with the youth.
    - Most cases a plea of deny will be entered initially.
- Filing Motions
  - See the Local Juvenile Court Rules for Fax Filing Details
  - The copy that is scanned by the clerk is not provided to the magistrate/judge, so if it is a substantive issue (such as a motion to suppress), drop a stamped copy off to the magistrate/judge or their case manager.

- Bind Over
  - Has the State filed a motion for relinquishment of jurisdiction?
  - If so the case proceeds to a probable cause hearing and potential amenability hearing.

**Next Court Hearings:**

- DSC
  - If the youth remains detained the case will be set for DSC (Discovery Scheduling). This is a pre-trial hearing to check the status of the case, has the state provided discovery, is any discovery outstanding, and to review bond status.
- Trial or Plea Agreement
  - If the youth is not detained or after the DSC setting the case will be set for Trial or Plea Agreement.
  - This setting is designed to allow the State and defense attorney to engage in plea negotiations. If a plea bargain is not reached the case is set for trial.
    - The State should have had contact with necessary prosecuting witnesses prior to this hearing or have issued a subpoena for their appearance at this court hearing.
- Trial
  - Case proceeds to trial as in a typical criminal case.
  - If the State is unable to go forward at this hearing the case should be dismissed.
- Objections/Motions to Set Aside
  - Parties have the opportunity to object to magistrate decisions or orders and have a hearing on the matter before the assigned judge (cases ending in Z are Judge Powers, cases ending in X are Judge Williams)
  - Timelines:
    - Magistrate Orders: 10 days to file initial motion to set aside
    - Magistrate Decisions: 14 days to file initial objection

**Disposition:**

- If the youth is ultimately adjudicated delinquent for an offense either by entering a plea of admit or a loss at trial the case proceeds to disposition.
  - Disposition is similar to sentencing in adult court.
- The goal of the juvenile court is to ...
  - 2152.01 A) The overriding purposes for dispositions under this chapter are to provide for the care, protection, and mental and

physical development of children subject to this chapter, protect the public interest and safety, hold the offender accountable for the offender's actions, restore the victim, and rehabilitate the offender. These purposes shall be achieved by a system of graduated sanctions and services.

- (B) Dispositions under this chapter shall be reasonably calculated to achieve the overriding purposes set forth in this section, commensurate with and not demeaning to the seriousness of the delinquent child's or the juvenile traffic offender's conduct and its impact on the victim, and consistent with dispositions for similar acts committed by similar delinquent children and juvenile traffic offenders. The court shall not base the disposition on the race, ethnic background, gender, or religion of the delinquent child or juvenile traffic offender.
- Within the spirit of rehabilitation here is a list of consequences the court can typically impose on a youth. Of course there can be differences for particular cases.
  - Department of Youth Services (DYS) Commitment – Juvenile Prison
  - Up to 90 days in detention (2020)
  - Probation Supervision
  - Placement Outside the Home (Residential Treatment Facilities such as Hillcrest and Abraxas.)
  - Counseling Services
  - Work Detail
  - Community Service
  - Court Costs
  - Fines
  - Restitution
  - Stay Away Orders

**Resources:**

- Office of the Ohio Public Defender Juvenile Division: <https://opd.ohio.gov/Appellate-Services/Juvenile-Department/For-Attorneys>
- National Juvenile Defender Center: <https://njdc.info/juvenile-defense-basics/>