

# JUVENILE OFFENDERS: JUVENILE COURT TERMS

## **ARRAIGNMENT**

A hearing at which an offender is formally notified of his or her charge(s). This is the point at which the offender enters his or her first plea (almost always "not guilty" at this early stage of the proceedings), and the hearing is the initial trigger for the beginning of the "speedy trial" calculation.

## **AUTOMATIC ADULT JURISDICTION (AUTO-ADULT)**

Automatic transfer to adult court is done when the offender is 17 or 16 years old and the offense is a serious, violent offense (as defined by RCW 9.94A.030), or a violent offense (as defined by RCW 9.94A.030) that is committed by a juvenile with a criminal history involving serious or violent offenses. Guidelines for auto-adult cases can be found in RCW 13.04.030.

## **CAPACITY**

A mandatory hearing for any respondent who is under the age of 12. The State must show that the respondent had the "capacity" to understand that his or her actions were wrong before the respondent can be arraigned. In capacity hearings for sex offenses, the State must also prove that the respondent has an understanding of what constitutes inappropriate sexual behavior.

## **CASE SETTING**

This is the hearing that follows arraignment, where a respondent usually decides to plead guilty, or set the matter for a fact finding (trial). This first case setting hearing usually occurs one to two weeks after arraignment. In SAU cases, the case setting may be continued several times to allow time for a sexual deviancy evaluation to be completed.

## **DECKER ORDER**

A court order granting limited immunity to a respondent for statements made to a treatment provider. Such immunity is generally granted for purposes of a sexual deviancy evaluation.

## **DECLINE**

When a juvenile is removed from Juvenile Court and tried as an adult. Depending on the seriousness of the charge and the juvenile's age, this is either "automatic" or done after a court hearing. When the decision is within the discretion of the trial court, the court makes its conclusion, in part, by considering the eight "[Kent Factors](#)" ([see below](#)).

## **DEFERRED DISPOSITION**

A "deferred disposition" is a one-time sentencing alternative available to juveniles. The juvenile must plead guilty to an offense or stipulate to the police reports and allow the court to enter a finding of guilt. The court will then impose a period of probation and obligations for the respondent to fulfill. If the respondent successfully completes all the obligations imposed by the court by the end of probation, the court will withdraw the finding of guilty and dismiss the case. If the respondent fails to complete the conditions or violates the conditions that the court has imposed, the court can revoke the deferred disposition and immediately sentence the respondent. A juvenile is not eligible for a deferred disposition alternative if he or she has two prior "adjudications" (i.e., juvenile convictions) on his or her record, or if the offense with which the juvenile is charged is a sex offense or violent offense as defined in RCW 9.94A.030(41). The statute controlling deferred dispositions is found at RCW 13.40.127. (NOTE: Most felony sexual assault or abuse cases do fall under the definition of "sex offense" found in RCW 9.94A.030(41) and are NOT eligible for deferred disposition. However, sexually motivated misdemeanor offenses can be resolved by deferred disposition if the court deems it appropriate.)

## **DISPOSITION**

The juvenile equivalent of adult "sentencing" or a sentencing hearing. A disposition order is the court document that sets forth the sentencing conditions. The standard range for juvenile dispositions can be found in the Juvenile Justice Act at RCW 13.40.0357.

## **DIVERSION**

An opportunity for a respondent with little or no criminal history who has committed a misdemeanor offense to appear before a community committee rather than have his or her case filed in juvenile court. Successfully-completed diversions result in charges not being filed. Failed diversions (or cases that are deemed inappropriate for diversion by diversion staff) are returned to the prosecutor and the charges are filed in court.

## **FACT FINDING**

The term for a juvenile trial under the Juvenile Justice Act. This proceeding is also referred to as an "adjudicatory hearing", because it is the time when a juvenile's case is decided or "adjudicated." Unlike an adult criminal trial, a juvenile fact finding takes place in a fairly small court without a jury. The judge is the "trier of fact" and rules not only on legal issues, but also makes the ultimate decision on guilt. As in an adult trial, parties at the juvenile fact finding may make opening statements and closing arguments, the parties may call witnesses to testify, and the parties may offer exhibits. As with an adult defendant, a juvenile respondent is presumed innocent and may choose not to testify. The State bears the burden of proof at a juvenile fact finding-just as with an adult trial-and the prosecutor must prove all the elements of the crime beyond a reasonable doubt.

## **FIRST APPEARANCE HEARING**

The hearing within 48 hours of a juvenile's arrest, at which time the court will determine whether probable cause exists for the juvenile to be held in custody. This is also called the "investigation" or "probable cause" hearing. If a juvenile is held in custody, charges must be filed within 72 hours or the juvenile is released. If the youth is held in custody and charges are, in fact, filed, the youth will be arraigned shortly after the expiration of the 72 hours.

## **INSUFF OR INSUFFICIENT FINDING**

A case returned by the prosecuting attorney to the referring police agency because it has been found insufficient for the filing of a charge in court. This may be because of legal or factual challenges that cannot be overcome, missing witnesses, because the person is under 12 and the prosecutor does not believe capacity can be proven, or simply because the person has turned 18 and must now be filed on as an adult. An adult case that is not filed is called a "decline" - however, in juvenile court the term "decline" has a different meaning ([see above](#)), and thus the term "insufficient" is used.

## **JJA**

Abbreviation commonly used for the Juvenile Justice Act, found in RCW 13.40.

## **JRA**

The Juvenile Rehabilitation Administration, part of the Washington Department of Social and Health Services. JRA is responsible for long-term juvenile commitment beyond "local sanctions." The difference between "detention" in a local juvenile facility and a commitment to JRA would be similar to the difference between the King County Jail and a prison commitment for an adult. Echo Glen and Green Hill are two examples of JRA facilities.

## **JUVENILE PROBATION COUNSELOR OR JPC**

Juvenile Probation Counselors, or JPC's, work for the King County Superior Court and supervise youth who are charged with, or who have been found guilty of, an offense. Unlike with adult offenders, JPC's enter the process while charges are still pending. The juvenile will likely have one JPC while charges are pending and a different JPC after his or her conviction.

## **KENT FACTORS**

The eight guiding factors a court weighs during a decline hearing to determine whether a respondent should be tried as a juvenile or an adult (from the United States Supreme Court case of *Kent v. United States*, 383 U.S. 541, 17 L.Ed.2d 84, 86 S.Ct. 1045 (1966)). These factors include (1) the seriousness of the alleged offense and the need to protect the community; (2) whether the alleged offense was committed in an aggressive, violent, premeditated or willful manner; (3) whether the alleged offense was against persons or against property; (4) the prosecutive merit of the complaint; (5) whether there are adult co-defendants that should be tried with the juvenile in a single proceeding; (6) the sophistication and maturity of the juvenile; (7) the record and previous criminal history of the juvenile; and (8) the prospects for adequate protection of the public and the likelihood of reasonable rehabilitation of the juvenile by the use of procedures, services and facilities currently available to the Juvenile Court.

## **LOCAL SANCTION OFFENSE**

An offense for which the standard sentencing range--based on the seriousness of the crime and the juvenile's criminal history--is no greater than a commitment to the local detention facility for 30 days. When a juvenile offense is a local sanction offense, the court can impose a disposition anywhere within a range on four different categories: community supervision, or probation (0-12 months); community service hours (0-150 hours); a monetary fine (0-\$500); and/or detention (0-30 days). "Detention" can mean secured detention in the local juvenile facility, or may mean an alternative to secured detention (ASD), such as work crew, day reporting, electronic home monitoring, etc. A disposition over 30 days would require a commitment to the Juvenile Rehabilitation Administration (JRA), and places the respondent under the authority of the Department of Social and Health Services (DSHS).

## **MANIFEST INJUSTICE**

A disposition above or below the standard sentencing range for the offense as established by the Legislature. To impose such a sentence, the court must find from the record that substantial and compelling reasons support the conclusion that the standard range would effect a "manifest injustice," i.e., that the standard range would be too harsh or too lenient in the context of all the circumstances.

## **M.I.**

These initials are used in two different ways: when a referral is first reviewed by a prosecutor, the case is sometimes returned to the referring police agency for "more information." When used in a disposition context, "M.I." also can mean a "manifest injustice" sentence above or below the standard range for the offense ([see above](#)).

## **MODIFICATION HEARING**

When a youth violates the court-ordered terms of his or her community supervision (probation), a modification hearing will be held. The judge will often order the youth to do time in detention as a consequence of the violation of a court order.

## **RESPONDENT**

The term for a juvenile charged with an offense under the Juvenile Justice Act. Similar to the adult term "defendant."

**SPECIAL SEX OFFENDER DISPOSITION ALTERNATIVE (SSODA)**

A person who is convicted of a sex offense may ask the court for a SSODA, which is nearly identical to the adult SSOSA. When a SSODA is granted, the respondent's sentence is suspended pending a 24-month period of community-based treatment and supervision. If the respondent fails to abide by the conditions of his or her treatment and supervision, the SSODA can be revoked by the court, and the respondent is then required to serve time at a JRA institution or in juvenile detention.

**SPEEDY TRIAL**

The time period during which an offender must be brought to trial by the State. While "speedy trial" is a constitutional right, that precise time period is not defined in the Constitution and varies from state to state. For juvenile offenders in Washington, the speedy trial for an offender in custody is 30 days after arraignment; for a juvenile offender out of custody, the speedy trial for an offender is 60 days after arraignment. Continuance requests by the defense, "good cause" found by the court, and other factors often delay this period beyond the 30 or 60 day period.

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