Juvenile Courts 101

JBA CLE by the Sea
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WHAT JUVENILE COURTS DO

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What Is Juvenile Court?

- Juvenile court handles legal cases involving **children and teenagers under the age of 18, except delinquency cases which is under the age of 17**.
- The main goal is **rehabilitation and helping youth**, not just punishment.
- Judges focus on helping young people learn from mistakes and protecting children's safety while also protecting the member of our community.
- Laws follow the Louisiana Children's Code, and if such is silent then under Civil Code
- Proceedings are CONFIDENTIAL. You cannot come look at the record.

Main Categories of Juvenile Court Cases

Juvenile courts in Louisiana typically hear several types of cases:

- Juvenile Delinquency
- Families in Need of Services (FINS)
- Child in Need of Care (CINC)
- Adoption cases
- Juvenile traffic offenses
- Voluntary transfer of custody cases
- Motions for disclosures involving juvenile records
- Non-support cases

Juvenile Delinquency Cases

These cases involve minors under the age of 17 who commit acts that would be crimes if done by adults.

Examples include:

- Theft or shoplifting
- Drug possession
- Battery/ Assault
- Vandalism
- Rape
- Murder
- Yep anything that an adult can be charged with, and yep it happens

The juvenile court decides consequences such as:

- Probation – Schooling; Counseling; Community service; Curfew; Substance Abuse Treatment; Job training; …. Active/inactive
- Juvenile detention/ Office of Juvenile Justice Custody

– Maximum is 21st birthday (juvenile life)

-child only removed from the home if necessary for the safety of the public

-secured or unsecured

-required review by court at least every 6 months

Families in Need of Services (FINS)

FINS cases involve children whose behavior causes problems but **is not considered a crime for adults**. These are "status offenses."

Examples include:

- Running away from home
- Truancy (skipping school)
- Ungovernable behavior
- Alcohol or drug use
- Cyberbullying

The court may put the child, and his family, on probation requiring:

- School attendance; mental health treatment for the child and/or parents; curfew; abide by lawful demands of parents…
- Can remove child from home granting custody to another capable adult or to OJJ for non-secure placement

Child in Need of Care (CINC)

These are cases brought by the State against the parent(s) alleging child abuse or neglect endanger the safety of the child.

- Parents are entitled to public defenders, if found to be indigent
- Children have court appointed attorneys
- State is represented by the District Attorneys office or DCFS attorneys (BGC
- Case moves VERY VERY Fast and there is not much room to slow down so be ready to get moving if you are enrolling.
- If services can be placed to keep the child safe in the home, the child will remain in his home with Court Ordered Safety Plan.
- Child will be removed from home if unsafe, but court will first look to give custody to a family member before placing in foster care.
- Parents will be required to work a case plan successfully to regain custody of the child.
- Parents will have ONE YEAR from the date of removal to significantly complete caseplan. Goal is always REUNIFICATION at first. Timely failure – can cause termination of parental rights and adoption.

Adoption Cases

Juvenile courts also handle **legal adoptions involving children under 18**. These processes can be very complex and the results can be disastrous if done incorrectly. So, seek help from someone knowledgeable in the area.

- Three types of adoptions – Intrafamily, Agency and Private.
- Non-opposed (everyone agrees) or Opposed (a father does not agree)
- Court ensure that laws are followed and adoption is in the **best interest of the child**
- Finalizes the adoption if approved – changing name – this is PERMANENT.

Juvenile Traffic Cases

These involve minors who violate traffic laws.

Bill pending to send tickets of 17 year olds to adult court.

Examples:

- Speeding
- Driving without a license
- Reckless driving

Possible outcomes include:

- Fines
- Driving classes
- License restrictions

Some other types of cases we handle

- **Voluntary transfer of child custody**
  - Beware- cannot have a judgment of custody in another court!
  - From a parent to a non-parent
  - Not contested!
- **Disclosures - i**f you or a client needs a record involving a juvenile, you must file a motion for disclosure
  - Child marriage
  - **Protective orders involving children**
  - Special Immigrant/Juvenile Status

Forms!

Jefferson Parish Juvenile Court has nifty forms that you can use! You can find them at jpjc.org under the resources tab.

https://www.jpjc.org/Forms/Expungement.pdf

https://www.jpjc.org/Forms/Motion%20for%20Disclosure.pdf

https://www.jpjc.org/Forms/Voluntary%20Transfer%20without%20guardianship.pdf