

# You are being arraigned for a crime in juvenile court.

## What happens now?

### A GUIDE FOR CHILDREN AND PARENTS



Julianne M. Holt, Public Defender

#### What is an arraignment?

An arraignment is a court hearing where the judge lets you know the charges that have been filed against you. After talking with your lawyer, you will be asked to enter a plea of guilty or not guilty.

#### Do I have to do anything before my arraignment?

If you do not have the money to hire a lawyer, it is important you speak with an attorney at the Public Defender's Office. You should arrive at the Public Defender's Office Juvenile Interview Room no later than 8:30 a.m. on the day of your arraignment.

If you have difficulty finding the interview location, the Public Defender's Office Juvenile Interview Room is located on the 1st floor of 700 E. Twiggs Street.

#### How important is the interview with the public defender?

It is very important. If you do not meet with your lawyer in the morning, there is a good chance an attorney may not be available to provide you the time and attention to assist you in making a decision. The judge may order you to come back on another day. During the initial interview, your attorney will review the criminal charges, ask you about the facts of the case, and advise you of any possible defenses.

Your attorney will make a recommendation as to how you should plead, but the ultimate decision is yours.

#### What happens during the arraignment?

You will appear before the judge to enter a plea. You may plead "not guilty," "no contest," or "guilty." During the arraignment, your attorney will tell the judge your plea.

If you plead "guilty," or "no contest," the judge may ask you some questions about your plea. The judge may 1) sentence you at that time, or 2) set sentencing for a later date to allow time for gathering information about your background from the Department of Juvenile Justice.

If you plead "not guilty," the judge will set your case for a trial, which in the juvenile system is called an "adjudicatory hearing." A lawyer from the Public Defender's Office will represent you at this trial and prepare your defense.

#### What is an adjudicatory hearing?

A trial in juvenile court is called an adjudicatory hearing. During the hearing, the judge will listen to testimony from all of the witnesses. The prosecutor's witnesses testify first. Your witnesses testify when the prosecution is finished.

After all the witnesses have testified and the judge reviews any additional evidence, the prosecutor and your attorney will make arguments to the judge as to your guilt or innocence.

The judge will then decide if you are not guilty, guilty, or guilty of something less than you were originally charged.

## If the judge finds me guilty, what kind of punishment can I get?

If you are found guilty, the judge may place you on juvenile probation. If you have prior juvenile convictions, you may qualify for some form of residential treatment, called a “commitment program.” There are different levels of commitment programs: low-risk residential, moderate-risk residential, high-risk residential and “juvenile prison” called maximum-risk residential.

## If I have never been in trouble before, do I have options besides an adjudicatory hearing?

If you are a first-time offender and the present charge is not too serious, you may qualify for a diversion program such as the Walker Plan or arbitration. If you complete all program requirements, the judge will dismiss the charges against you.

## What happens to my juvenile record? Are juvenile court records kept confidential?

Juvenile records are no longer sealed when you turn 18. These court records become a part of your **permanent criminal history**. Any juvenile convictions will be included on your adult criminal record and can have a major impact on sentencing if you are ever convicted as an adult. With limited exception, juvenile records are open to the public including future employers, college admission officers, and military personnel.

## I am 17 years old and tired of the juvenile system. Am I better off in adult court?

Opting for adult court is almost always a big mistake. In juvenile court, the focus is on rehabilitation and treatment. To accomplish this, the judge has several options he can consider at sentencing -- ranging from probation to a commitment program or residential treatment. The adult system is designed for punishment. Juveniles appearing in adult court (for the first time) can receive prison time because of a juvenile criminal record.

## When I was sentenced, the Court ordered “Cost of Care” fees. What does “Cost of Care” mean?

Florida law requires parents to pay the cost of their child’s care while in a residential program or detention center. The charge ranges from \$20 per day up to the actual cost of care, depending on the parents’ ability to pay.

These fees can be waived if the parents are victims of the crime, the parents have cooperated with the investigation, or the parents have made a good-faith effort to prevent the child from engaging in delinquent acts. The parents may request a waiver of the fee in writing.

The assistant public defender cannot make this request for the parents; our representation is limited to advocating for the child.

## What is the “Jimmy Ryce” Act?

If you are found guilty of a sex crime, or a crime that was sexually motivated, the State may try to have you committed to a civil treatment program for sexual predators. If committed under the Jimmy Ryce Act, you can be held in a treatment center for an indefinite amount of time.

## What is “10-20-LIFE?”

Under certain circumstances, a 16 or 17 year old charged with carrying or using a weapon during the commission of certain felonies can be sentenced to prison for 10 years, 20 years or life.

This brochure has been provided by your Public Defender, Julianne M. Holt.

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