



WASHINGTON COUNTY  
JUVENILE DEPARTMENT

# A PARENT'S GUIDE TO UNDERSTANDING COURT



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<https://www.washingtoncountyor.gov/juvenile>



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## Welcome families!

I am happy to welcome you to our department. It can be a very distressing and confusing time for parents, guardians, family members and friends when their young person becomes involved with the juvenile justice court. In addition to managing many emotions, you are likely navigating many things for the first time: knowing where to park, understanding the roles of each of the person that interacts with you, the meaning of the different terms that are used, and knowing what is expected from you in a hearing. In an effort to share information with you and hopefully reduce your stress, we have put together this booklet to help guide you through the court process. While it most likely will not answer all of your questions, we hope that it gives you a good base so you can successfully navigate the system and know where to go to get help for your unanswered questions.

The department prides itself in working with families to facilitate equitable solutions for our clients and victims. The Juvenile Department staff will use a comprehensive approach when engaging with our clients to support positive behavior change and work with victims using best practices to mitigate trauma. Our staff work hard to serve the public, be accessible for our victims, clients and families and work to provide the highest standard of quality of services to you and the young people involved. Please know that you are welcome to reach out to any of our staff if you have any questions.

Sincerely,

Jennifer Cearley  
Juvenile Department Director

503-846-8861  
<https://www.washingtoncountyor.gov/juvenile>

## Parents Quick Guide to Court

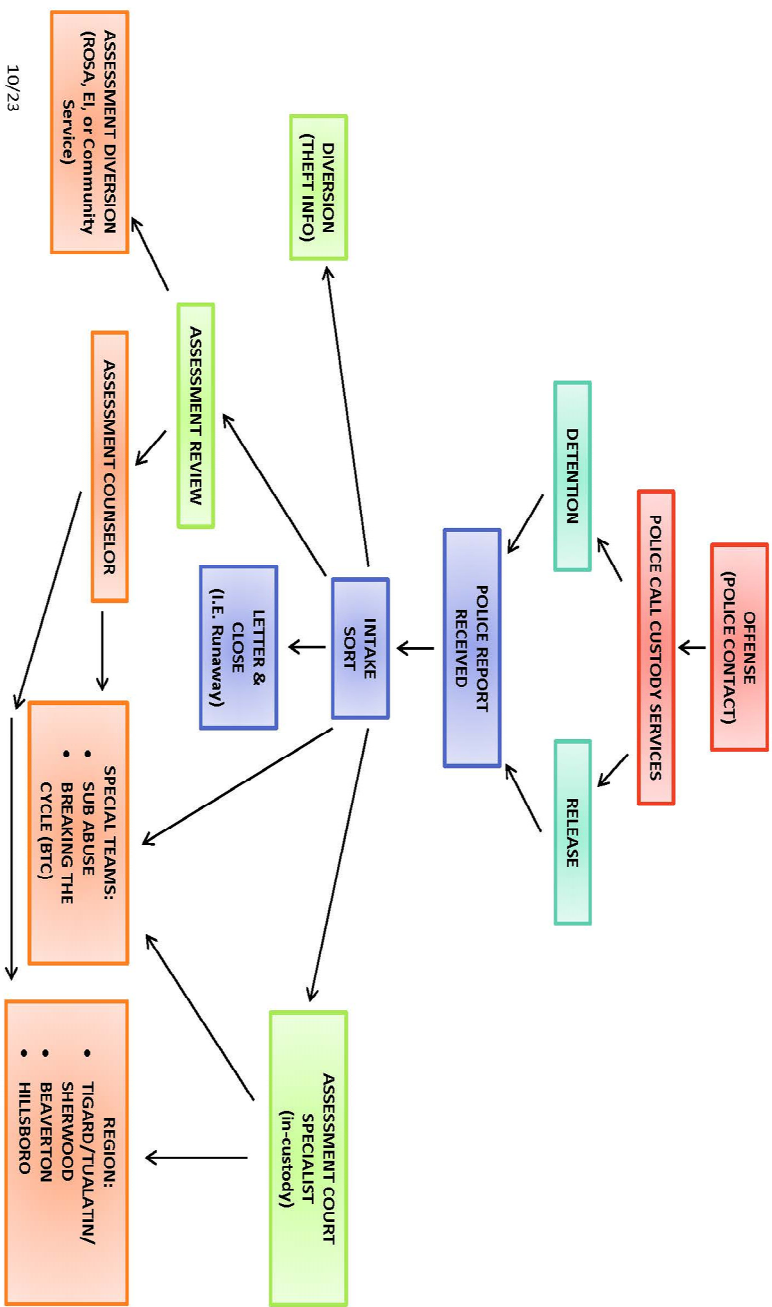
- ⇒ Dress appropriately for court or you may be excluded from the courtroom
- ⇒ Please stand when the judge enters the room or when speaking to the judge
- ⇒ The judge may call on parents to speak about how your child is doing at home
- ⇒ The victims have a right to attend hearings and be heard by the judge
- ⇒ Use appropriate language
- ⇒ No food or drinks in the courtroom
- ⇒ No touching or communicating with your child if they are in custody
- ⇒ Your child may go into custody at the end of the hearing. If this happens they will be handcuffed in the courtroom and escorted out by staff.
- ⇒ Check out our website using the QR code below or at <https://www.washingtoncountyor.gov/juvenile>



## Table of Contents

Arriving at Our Department	4
Our Lobby	5
Language Needs	5
Your Child’s Attorney	5
Role of Parties	6
What Time to Show Up	7
The Courtroom	8
What to Expect at the Hearing	9
Timelines	11
Possible Outcomes of Court Process	11
Requesting a Therapy Animal Team	13
Expungement	13
Basic Hearing Descriptions	15
Court Terminology/Glossary	17
Other Important Legal Differences	20
Notes	21
Parent’s Quick Guide to Court	23

## REFERRAL PROCESS – UNASSIGNED CASES



## Arriving at Our Department

Parking here can be an issue. You might want to give yourself a little extra time to find a spot. Most lot and street parking is just two hours. The City of Hillsboro is very diligent about monitoring this so please move your car within two hours to avoid a ticket. If you think you will be here longer and would rather avoid the stress, the parking structure on the corner of 1<sup>st</sup> and Adams is available with all day parking on the 3<sup>rd</sup> floor and above.

Upon arriving at the Juvenile Department please be aware you will have to come through security and a metal detector when you arrive. **Do not bring mace, pocket knives, sharp objects (including metal hair picks and pointed tweezers) or perfume** with you or you will have to take them out to your vehicle. You will have to remove belts and anything with metal. This will most likely mean removing your shoes. You will place all metal items (including metal hair clips) as well as bags and purses on the conveyer belt to go through the scanner. (It is similar to going through security at the airport, only our lobby is a lot smaller and the line is a lot shorter!) If you have a beverage with you, security will ask you to take a drink out of it. Once you place all items on the conveyer you will slowly walk through the metal detector. If the metal detector beeps you will need to return to the entrance, remove any missed metal items, and try again. Security may elect to wand you if you are having a hard time. Please be aware the metal detector emits a fairly loud beep that can be annoying or alarming.

Once you clear security and have replaced your shoes and belt, please sign in with the receptionist. The receptionist will inform your Juvenile Counselor that you have arrived and can answer questions you may have about your court hearing.

Bags, purses, wheelchairs and strollers may be searched by security staff.

## Notes:

Use this page to record attorney's contact info, JCC info, court dates, etc.

**OYA:** Oregon Youth Authority: The State agency that deals with youth when they are criminally involved and in need of placement outside the home. They offer 2 types of placements:

**Residential:** These are treatment based programs. Youth are allowed some freedom in the community while they live in the program and receive services.

**Correctional:** These are more like juvenile prisons such as MaClaren or Oak Creek. A youth may start in one of these programs and then be paroled to a residential program.

**Petition:** A petition is the legal document officially charging your child with a crime.



## Other Important Legal Differences

Other items to note are that within our system there are no jury trials and no bail. The Judge makes all decisions regarding outcomes of a case.

It is also important to know that technically youth are not “arrested”. Legally, youth are “taken into custody”. This is important to remember when your child is filling out job applications. They can honestly answer “No, I have never been arrested”.

## Our Lobby

Our lobby is small and can get loud. You may see armed law enforcement officers. You may also see a therapy animal and its handler. If you have a fear of, or an allergy to, dogs please either alert the handler or the receptionist and we will make sure the team moves to a different area.

It is possible you will see co-defendant's, victims, witnesses, and opposing counsel in the lobby. We do our best to avoid this, but be aware it can happen. Please avoid interacting with them as it could be a violation of your court order.

We have two courtrooms directly off the lobby. Please try to avoid waiting outside the courtroom doors as voices travel easily into the courtrooms and can be disruptive.

## Language Needs

The department will make efforts to assign cases with Spanish speaking parents to a Spanish speaking Juvenile Counselor. When a Spanish speaking counselor is not available, and/or for other language needs, an interpreter will be provided either in person or over the phone at all court hearings and appointments.

## Your Child's Attorney

Your child will be appointed an attorney at no cost to you. Defense Attorneys work for various firms and are not employees of the Juvenile Department or the State of Oregon. You are also welcome to hire your own. Please be aware due to issues around attorney/client privilege and confidentiality you will likely not be involved in the conversations between your child and their attorney. Please feel free to communicate with your child's attorney, but know your participation will be limited to protect their legal rights. You may have more involvement in cases where you hire your own attorney.

## Role of Parties

The District Attorney represents the State of Oregon in delinquency proceedings. The District Attorney's role in the process focuses on public safety, juvenile accountability and rehabilitation, and victim's rights. **Deputy District Attorneys (DDA's)** decide what charges should be filed in a petition based on the evidence presented to them by law enforcement agencies, witnesses, and victims. Sometimes these charges may be different than what the police believed they had probable cause to arrest/issue a citation for during their investigation. During the case DDA's will engage in plea negotiations with your child's attorney. This will typically involve your child admitting to some of the charges and having others dismissed. Finally, DDA's will make recommendations to the court regarding your child's placement and the services that should be ordered to address the concerns that brought your child before the juvenile court.

Your child's **Defense Attorney** represents your child and what your child wants. They will advise your child on whether to accept a plea offer or to take their case to trial. They will examine the evidence to decide if they think the DA can prove their case and if your child should accept the plea offer or not.



The **Juvenile Counselor** is tasked with gathering as much information about your child as they can. This will include asking you and your child a lot of questions and completing an assessment. The Juvenile Counselor takes all the information and uses this to make a recommendation to the courts. The goal is to keep the community safe, hold your child accountable, and work to change their behavior.

**Classes:** Class A: highest level of misdemeanor or felony  
Class B: mid-level of misdemeanor or felony  
Class C: lowest level of misdemeanor or felony

**Formal Court Proceeding:** Formal court proceeding including a petition are started against a youth

**Harkins House:** Harkins House is a Basic Residential Program for juveniles involved with the Washington County Juvenile Department who are awaiting court proceedings on alleged law or probation violations. Youth can volunteer to participate in the program in lieu of detention after they are made eligible by the Judge. Case managers work closely with parents/guardians and Juvenile Counselors to develop individualized goals for the youth and coordinate necessary treatment services. Comprehensive evaluations are completed to assess the youth's response to structure and youth are provided with opportunities for education and positive recreational, artistic and cultural activities.

**Informal:** Youth work with the Juvenile Department and do not go to court. Most youth are handled this way.

**Juvenile Counselor:** This is the Juvenile Department staff person assigned to work with you and your child. The success of your child is their goal and they are responsible to report any concerns to the courts.

**Juvenile Justice Information System (JJIS):** The State wide data base tracking all youth information including crimes, outcomes, assessments, case notes, reports, and all other important information about the youth and their case. All youth receive an individual JJIS number.

**ORS:** Oregon Revised Statutes: Laws affecting youth and adults. This dictates possible consequences for each crime and what the rules are for placing a youth in detention and timelines for court.

**Detention:** The detention facility is located in Salem and run by Marion County. Please make sure you are given the visiting guide.

**Electronic Monitoring Program:** Your child may be court ordered to participate in this program. It is designed to place a high level of structure and supervision around your child while allowing them to return home as an alternative to juvenile detention. Your child will wear an electronic monitoring device on their ankle. This is an opportunity for you as a parent to receive assistance in ensuring your child follows both the rules of the court and the rules of your household. Staff members will provide active supervision 24/7 to youth on the program and make weekly contacts with your child.

**EPICS:** Effective Practices in Community Supervision is a way of working with youth that teaches skills. These skills are based in cognitive behavioral therapy. This way of working with youth is evidence-based and provides structured ways of meeting with youth and teaching them skills like problem solving.

**FAA:** Formal Accountability Agreement: a contract a youth is placed on in lieu of going to court.

**Felony:** Higher level of crime

**Misdemeanor:** Lower levels of crime



The listed victims in your child's case have a right to attend all hearings held in open court. If the listed victim is a minor, the victim's parents are also considered victims under the law. If the victims attend, they will be assisted by a **Victim Services Counselor**. The role of the Victim Services Counselor is to provide information, support and resources to victims of juvenile crime and to ensure the victim has a meaningful role in the juvenile justice process. The victims also have a right to reasonable protection. They can be heard in court regarding release from secure custody and at the time of disposition (sentencing), or at other hearings. While this case is pending, your child will most likely be ordered to have no contact with the victim. Victims have a right to prompt restitution through the juvenile justice process and also have the option to pursue a civil suit against you (the parent) in small claims court for damages caused by your child. Sometimes you as a parent may be the listed victim. In this case, you have the same rights and will be contacted and assisted by a Victim Services Counselor.

## What Time to Show Up

### *In custody*

If your child is in custody, meaning they spent last night in detention, try and show up by 10:45am for court at 11am, or earlier if either the Juvenile Counselor or your child's attorney has requested this.

### *Out of custody*

You and your child likely received a summons or a previous court order telling you to show up at a certain date or time. Show up when the summons or court order tells you to. In general, out of custody preliminary hearings are scheduled with the courts to start at 11:30am. This is "court time" which means any hearings

set at 11am go first. Once those are completed the courts will move to all hearings scheduled for 11:30am. There may be multiple hearings scheduled for 11am or for 11:30am. You may want to bring a book, phone, or electronic tablet to keep you occupied while you wait. Do not, however, assume court will start late and then show up late. If your child is late or does not show up for court a warrant may be issued for their arrest.

## The Courtroom

### Rules

The courtrooms have several important rules for you to follow. These include no hats, gum, food, beverages, tank tops, shorts, or miniskirts. You must also silence phones and other devices.

If your child is in custody (spent the last night in detention) they will likely attend the hearing by video from the detention facility, as may their attorney. If they are present, you are not allowed to touch or hug them while they are in the courtroom.

### Where to sit

If they are in person, the youth and their attorney will sit at the table to the left towards the front of the courtroom. Typically the family of the youth will sit in the chairs or benches behind the youth, or wherever you feel comfortable. *Please do not sit in the first bench towards the left front. This is reserved for our custody services staff.* The Juvenile Counselor and the District Attorney will sit at the table to the right.

Our courtrooms are small and crowded so it may not be a good idea to bring a large audience to support your child. You may also see other people in the courtroom during your child's hearing. These may include the Victim Services staff, the victim, a therapy animal team, other observers, or parties waiting for their turn in court. Our courtrooms are open to the public.

**Emancipation hearings:** This is series of hearings in which the court determines whether or not a youth is appropriate for emancipation. The court evaluates whether or not the minor is capable of supporting themselves apart from their guardian's resources. Emancipation grants minors many of the same rights as eighteen- year- olds with adult status: to enter into contracts, make living arrangements, buy a car, obtain medical services, sue and be sued, etc.

**Fitness to proceed:** This is a series of hearings and evaluations used to determine whether or not a youth is capable of aiding and assisting in their own defense. Your Juvenile Counselor and child's Defense Attorney can explain this process in more detail.

## Court Terminology/Glossary

The juvenile justice system has different terminology than the adult system. This was designed deliberately to protect the rights of youth.

**Adjudication:** The term is used when a youth is found within the jurisdiction of the court, which means found "guilty" in adult language.

**Deputy District Attorney (DDA):** The DDA represents the State and is responsible for prosecuting the case. They decide which charges to file and what plea offer to make.

**Defense Attorney:** This free, court appointed attorney represents your child to protect their rights and represent their wishes in court.

**Disposition:** The sentencing hearing where the youth is typically placed on probation. It can also refer to the final sentencing hearing after addressing a Probation Violation.

**Restitution hearing:** This hearing provides an opportunity for the youth and their defense attorney to contest the restitution amount and items included therein. The DDA and defense attorney may call witnesses to support their argument. The court makes the final determination and completes money judgments.

**Probation violation hearings:** Probation Violations begin with a preliminary hearing which involve a youth being “charged with” violating one or more conditions of their probation. Conditions of release are determined at that time. During that hearing or a subsequent hearing, the youth can elect to admit or deny the allegations. . If an admission is made, the case proceeds to disposition on the probation violation. If the violation is contested, it will be set for a contested probation violation hearing. The burden of proof in these hearings is a “preponderance of the evidence” which is much lower than that at a trial. Victims may attend any probation violation hearings, even if the violation is unrelated to the original act.

**Review hearing:** These hearings are held when it is necessary to review previously determined temporary custody or probation status decisions. A Judge may or may not end up making any changes after reviewing the case. Hearings may also be set for pretrial motions, emancipation, miranda rights, expunction, relief from registration, and other miscellaneous reasons.

**Waiver hearing:** These hearings are held following a request by the deputy district attorney to transfer a juvenile to the adult criminal court.

**Expunction hearing:** This is a hearing in which the court determines whether a record is destroyed. Expunction hearings are set when a person requests expunction on a case that is not eligible by law due to the charges, subsequent criminal history, or the timeframe since charges were filed.



## What to Expect at the Hearing

You will be asked to stand when the Judge enters the courtroom (if they are not already there). The Judge will inform you when you may sit down.

Your child’s Juvenile Counselor will introduce everyone who is a party to the case to the judge and then will explain to the Judge why a hearing is being held. This may include information regarding new charges, behavior issues at home or in the community, or other relevant issues. The Juvenile Counselor will also make a recommendation to the Judge about what should happen to your child. This could include recommending they go to or remain in detention, be placed on the wait list for Harkins House, go home on the Electronic Monitoring Program, or perhaps another plan. Ideally this will have been discussed with you prior to the court hearing.

The District Attorney will inform the Judge of what they recommend for your child. Remember, their role is to prioritize community safety so their perspective on your child may be

different than yours. The judge will also hear from the victim(s) or Victim Services staff.

Your child's Defense Attorney will also speak to address any legal issues and provide the courts with information that your child wants the judge to be aware of. They will advocate for the plan your child wants.

The Judge will also give you a chance to speak and express your thoughts and opinions about your child and their behavior. This is a good opportunity to honestly tell the Judge how your child is doing and how their behaviors may be impacting your home. Please try to keep your comments short and to the point as the time allotted to each hearing is not long. Do not discuss the details of the case. If the judge asks you to do things as a parent that you are unable to do, please let them know. A common example is supervising your child 24 hours a day, or transporting them to multiple appointments. You may want to, but realistically cannot. It is okay to tell the Judge you are unable to do it. It is better to be honest and let the Juvenile Department come up with another plan than to not follow through and have your child receive negative consequences as a result. The Judge values your opinion and will want to know what your thoughts are about the Juvenile Department's plan. For example, do you feel safe allowing your child to return home?

It is the Judge's job to take in all the facts of the case and make a decision about what will happen to your child that day. The Judge may have received different recommendations from the Juvenile Counselor, DDA, Defense Attorney, and you. It is their job to make the decision. Please note- if your child is sent to detention they will be handcuffed in the courtroom.

Once the hearing is over, please wait in the lobby so the Juvenile Counselor can get you copies of the court order. They may also want to check in with you or provide you with more information.

## Basic Hearing Descriptions

**Preliminary hearing:** Similar to an arraignment in adult court, this hearing typically serves as the first court appearance. During this hearing, charges are communicated, the Defense Attorney is appointed, and (if permitted based on the charges) conditions of release, alternative placements, or custody placements are ordered. Conditions of Release are the rules a juvenile is required to follow as a condition of not being in detention.

**Detention review hearing:** These hearings are held every 10 business days while a youth is in custody. The court evaluates custody status and determines whether detention continues to be the least restrictive placement.

**Pretrial conference:** The youth may elect to admit to the charge/s (including accepting the State's plea offer if there is one) or contest (aka deny) the charges during this hearing. Conditions of Release, alternative placements, and custody status are reviewed.

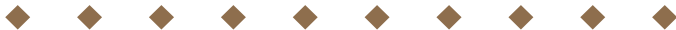
**Contested jurisdiction:** Similar to a trial in adult court, this is a hearing in which the District Attorney (aka the prosecutor) presents the State's evidence. The youth's defense will be presented by their Defense Attorney. The Judge determines whether the charges were proven beyond a reasonable doubt. There are no juries in juvenile court.

**Disposition hearing:** Similar to a sentencing hearing in adult court, the purpose of the disposition is to determine the appropriate level of supervision and to identify the services and sanctions that will promote youth reformation, victim restoration, and community safety.

If your child did go to court and was found within the jurisdiction of the court (guilty) on a *non-felony charge*, their record will be automatically expunged when they turn 18. If they were adjudicated on a felony they will have to wait for four years after their case was closed to apply for expungement. They also must have no additional convictions as an adult for either a Felony or Class A Misdemeanor, have no new pending charges, all restitution must be fully paid, and all juvenile cases must be closed, including some types of ODHS petitions.

There is a process in place for requesting the record be expunged early if your child does not meet all these criteria. Your child must first complete the application. Their request will likely be objected to and a hearing will automatically be set. At the hearing your child will be appointed an attorney to help advocate to have their record expunged. Typically the judge will want to see a period of time where your child avoided getting into trouble and was showing success in their life. The judge will also be looking for a good reason to make an exception to the law for your child. Some reasons may include an inability to get a job or into an educational program because of the criminal record.

You can find the expunction application on our web site, or stop by the Juvenile Department during business hours. The receptionist at the Juvenile Department can assist you with this. It takes a few months to go through the entire process. You will receive notification in the mail when it is approved.



The court process can be overwhelming for parents. You may feel relieved to have support holding your child accountable. You may be angry that the courts are involved at all. It can feel like a frustrating process, especially if you do not agree with the decisions being made. You may have to listen to statements about your child, your family, and/or what happened that are incorrect. Your child may also be angry with you, or be very emotional about the process and blame you. This is normal. Please communicate openly with your child's Juvenile Counselor to share your thoughts.

## Timelines

The Juvenile system has strict and short timelines for when court hearings are required to happen. Once your child is initially placed into detention for a new crime or violation they must appear before the Judge on the next business day. If your child is in detention the court must have a hearing on their case every ten business days. If they remain in detention they must have a trial on their charges within 28 days. If their Defense Attorney chooses to they can waive this to 56 days.

## Possible Outcomes of Court Process

Going through the court process is stressful. There are several possible outcomes, all of which depend in large part on your child's behavior and response to court interventions.

### *Youth is placed on formal probation*

Your child may be placed on formal probation. They will be court ordered to complete certain conditions such as counseling, community service, restitution, or drug and alcohol treatment. If they fail to complete these, or violate their probation, a probation

violation may be filed. This could result in them being placed in detention. The average length of time a youth spends on probation is one year. This is the most likely outcome of your child's case.

### *Youth is committed to the Oregon Youth Authority (OYA)*

Youth who are unsuccessful at the county level, who need more services than the county can provide, or who commit very serious crimes may be transferred to OYA, the juvenile justice system at the State level, for supervision and services. These youth may be placed out of the home into either a longer-term residential or correctional placement through OYA. Their case would then be transferred to a worker with OYA.

### *Youth is placed into care of Oregon Department of Human Services*

In cases where there is no appropriate parent placement option for a youth, such as cases of abuse or neglect, ODHS may be assigned to act as the parent for the child. In these cases the Juvenile Department and ODHS will coordinate services.

### *Charges are dismissed*

If your child is found not guilty at the trial, the charges will be dismissed and the case closed.



## Requesting a Therapy Animal Team

Certified therapy dog teams are available upon request to support you or your child during the court hearings. If you would like one, please let your child's juvenile counselor know as soon as possible so we can do our best to have one available for you.



## Expungement

Expungement means that your child's criminal record is destroyed. Paper copies are shredded, including records held by the law enforcement agency that contacted your child. Electronic copies are deleted. Any records held by either the Oregon Department of Human Services or Oregon Youth Authority are placed into a sealed folder (unless in court) that cannot be accessed without a court order.

If your child never went to court, meaning their case remained informal, and their case is closed, their record will be automatically expunged when they turn 18.