

## Frequently Asked Questions in Youth Justice

**What is youth justice supervision?** The vision for the Wisconsin youth justice system is that it focuses on prevention and diversion and provides accountability and services to youth and families in the system that prepares them to thrive. Youth justice supervision is managed by social workers through the Department of Human Services-Youth Justice Unit. It involves the protection of citizens from crime, holding youth accountable for their behavior and provision of treatment/services to build competencies. Social Workers oversee the behavior of youth in their home, school and community environments.

**Why do I have to come to Human Services for being alleged delinquent?** Per Wisconsin State Statutes Human Services agencies are required to provide Intake and Disposition services to youth and families involved in the youth justice system. For more information on the process of juvenile court intake and disposition please refer to the Youth Justice Referral Process.

**What is on-call intake?** La Crosse County Juvenile Justice provides intake services 24 hours a day, 7 days a week, for the purpose of screening youth taken into custody and not released. Intake Workers determine whether a youth should be held in juvenile detention (secure or non-secure). Law enforcement does not have direct authority in the placement of youth in detention as they have with adults in jail determination. Juvenile detention must be authorized by an intake worker.

**What can I do if my child is out of control?** If a child is out of control, and a parent(s) is in need of assistance, they have several options. Parent(s) may look into services through various agencies throughout the community including but not limited to, individual counseling, family counseling, group programs, psychiatry (medication), etc. Should outside professional help prove not effective, parent(s) may contact Human Services and request assistance in seeing a social worker to determine if their situation meets state law and County requirements/criteria for JIPS (Juvenile in Need of Protection and Services) jurisdiction. Court proceedings could take place and a parent(s) would need to be willing to sign a petition to the facts that meet the requirements/criteria for JIPS jurisdiction. Should a Judge find that the youth is in need of protection or services, the youth will be placed on JIPS Supervision, and a social worker will manage the case and arrange services for the youth and family to best meet their needs. The social worker will also have the ability to assist the family in holding the youth accountable for not following the court's JIPS order.

**How can my child be charged with a crime, if no one talked to me?** Law enforcement does have the ability to meet with and discuss a youth's possible involvement in a criminal act without a parent being present. As a result, it is possible that a youth can be alleged delinquent for a criminal offense and referred to the Department without a parent's knowledge until notified of an Intake Inquiry.

**How does adjudication in juvenile court affect my record/future?** A youth's criminal record is considered confidential. In applying for employment it is not required that a youth indicate on a job application that they have been adjudicated (convicted) for a felony or any other offense. Youth should be aware that their youth justice record can be used for court matters when the youth becomes an adult and there are certain circumstances in which the youth's criminal record may be attainable by the United States Government/Military. The United States Military typically requires signed releases of information to inquire about youth justice records.

**Why does my child have to have an attorney?** Children under the age of 15 are required by state law to be represented by an attorney in juvenile court proceedings. Children 15 years of age and older may decline assignment of an attorney.

**Do I need an attorney for an Intake Inquiry?** No. You may have an attorney at an Intake Inquiry Interview, but it is not required.

**What happens if we decline to be involved in an Intake Inquiry Interview and/or Pre-Trial Conference?** Should a youth decline involvement in an Intake Inquiry Interview, the juvenile referral (police report), will be submitted to the District Attorney's office for review, determination of and/or possible prosecution in juvenile court. A Pre-Trial Conference is an opportunity for the alleged youth and his/her attorney to discuss the case with the District Attorney's office and determine the route in which the case will be handled. Failure to attend a Pre-Trial Conference only forfeits the youth's opportunity to discuss the possibility of other options.

**Can I represent my child in court instead of an attorney?** Parents are allowed at and may take the opportunity to address the court with information or concerns they have regarding the interest of their child at juvenile court proceedings, but are not allowed to be legal representation for their child.

**Why can't I control what happens with my child and his/her attorney?** Youth have the right to an attorney. The attorney assigned to a youth justice case is there to represent the youth and not the youth's parent(s). Should a youth not want their parent(s) involved with his/her juvenile court defense, the attorney has to abide by their client's request. Parent(s), on their own, may inform the court of their opinions, concerns, or other information they have regarding the case, including what they would like to see happen with their child. A parent can retain their own attorney at their own expense.

**Can I say anything at a court hearing?** Parent(s) are allowed at juvenile court hearings and may address the court with information and concerns they have regarding the welfare and disposition of their child.

**As a parent, should I have an attorney?** Parent(s) are not required to have an attorney for juvenile court matters. The decision as a parent to attain an attorney is a personal decision.

**Can you get my child treatment for drug use?** La Crosse County Youth Justice Unit can require youth on delinquency supervision or JIPS supervision to participate and cooperate with Alcohol and Other Drug Abuse (AODA) treatment if such issues are related to the delinquent/uncontrollable behavior of a youth. The Department can refer youth and parents to AODA treatment providers should the youth not be on supervision with the Department, yet the Department would be unable to hold the youth accountable for not following through with treatment. AODA treatment can include outpatient individual counseling, outpatient family counseling, outpatient group programming, support groups such as Alcoholics Anonymous (AA), short-term in-patient treatment, and long-term in-patient treatment when appropriate.

**Can I get my child into AODA in-patient treatment without his/her agreeing?** Yes, although the process can be difficult. Parents may attempt to have their youth placed in AODA In-Patient Treatment on an involuntary basis through AODA In-Patient facilities, yet it is the facility's decision based on their own evaluation as to whether a youth is admitted into such a placement. Also, parents may attempt to have their youth committed involuntarily into AODA In-Patient Treatment through the court system. A commitment typically relies on what is called a Three Party Petition submitted to La Crosse County Court/Intervention Services, who in turn determines whether the petition meets State law criteria for AODA In-Patient Commitment. Should the petition be determined appropriate the Court/Intervention Department submits the petition to La Crosse County Corporation Counsel for court arrangements. A Judge must determine if there is sufficient information to suggest that a commitment is necessary.

**Do we still have to pay juvenile detention bills or public defender fees if our child is not found delinquent? Why?** Yes. Whether your child is adjudicated delinquent or not within the juvenile court system, if your child had the services of an attorney, such services require payment. If your child spent time in juvenile detention, being placed in such a facility and the services require payment.

**How can I as a parent be held responsible/liable for damages, when it has already been established that I cannot control my kid?** Per state law parent(s) may be liable for damages to property or loss of property, as well as personal injury to a victim due to the actions of their child. The amount of recovery from parent(s) depends upon which statute applies to the delinquent act. Whether a parent(s) has control over a child or not, the parent(s) is still considered responsible for their child, and the actions of their child.

**How do I get my child placed outside my home?** La Crosse County Youth Justice Unit will not recommend that a child be placed outside of their parental home unless certain criteria are established, and it is in the best interest of the child. Children are not placed in alternate care without substantial attempts at retaining a child in their parental home through the use of available services, resources, and treatment. Additionally state law requires the Department to first consider the home of a relative when considering out-of-home placement of a child. La Crosse County Youth Justice promotes a community-based approach to youth justice supervision.

**How can I get my kid into Boot-Camp?** Currently, there are no "boot camps" in the State of Wisconsin that La Crosse County Youth Justice Unit can require a youth to attend. On a voluntary basis, youth can enter the Wisconsin Challenge Academy in Wisconsin, which is located at Fort McCoy.

**Why can't my kid be detained if I want him/her to be?** An Intake Worker must follow State Statutes and have jurisdiction to place a youth in juvenile detention upon the request of law enforcement. Parents do not have authority to put their children in juvenile detention per Wisconsin Law.

**Why can't my kid be placed in secure juvenile detention rather than non-secure juvenile detention?**

Juvenile detention is not considered a place of punishment in the delinquency system, other than, for the use of short-term detentions (72-hour holds) administered by a Social Worker for a youth violating a court ordered condition, or through the use of sanctions ordered by a judge for a youth violating a court ordered condition. When a youth is placed in juvenile detention as a result of a criminal offense (being alleged delinquent), an Intake Worker assesses the situation, taking into account court policy, as to whether a youth has committed a serious enough offense to hold in secure juvenile detention for the protection of the community. Minor offenses result in non-secure juvenile detention placement, or the youth is not detained at all.

**At what age can my child be emancipated?** In the state of Wisconsin, emancipation is not available at any age.

**How do I get restitution as a victim in a youth justice case?** Victims should receive notice of juvenile hearings and they have the right to make a statement to the court regarding their circumstances. Victims receive a Victim Impact Statement form in the mail. Through the use of the form, victims indicate how this situation has affected them, and they can indicate a restitution amount for any personal injury, property damage or loss. Through youth justice supervision, whether informal or formal, youth will be required to pay restitution to the victim(s). Parents may also be required to pay restitution for the actions of their child. Youth have the length of their supervision to pay the requested restitution. Victims do have the right to pursue the restitution in Civil Court. Youth are required to pay restitution to the County, and the County sends the restitution money to the victim. Also available to assist crime victims is Crime Victim Compensation that can be reached by calling 1-800-446-6564, you can also find more information on their website (Please make the web address below a link labeled "WI Crime Victim Compensation Program") <https://www.doj.state.wi.us/ocvs/compensation/crime-victim-compensation-program-compensation-your-financial-losses>.