

## Juvenile Justice Terms and Definitions

**Adjudication/Adjudicatory:** The judicial hearing wherein guilt or innocence is determined either by the child's admission or by trial to a court or jury.

**Adult:** A person eighteen (18) years of age or over, except when the Court's jurisdiction continues past the eighteenth birthday, in which case the term "child" shall still apply.

**Advisement:** A court procedure formally advising the accused of certain statutory and constitutional rights. The advisement is delivered during the first appearance in court.

**Advisement of Rights:** 1.) A court procedure formally advising a person of certain statutory and constitutional rights. Such advisement must be given at the first appearance in court. 2.) A set of warning which must be given to a person upon arrest (see Miranda Warning).

**Allege:** To assert to be true without proving.

**Appearance:** The formal proceeding by which an offender presents him/herself to the jurisdiction of the court.

**Apprehend:** To arrest, take into custody, or seize a person on a criminal charge.

**Arraignment:** A court hearing where the accused is brought before the court to plead to the criminal charge in the indictment or information. The accused is advised of the charges pending against him, as well as his constitutional rights to have a lawyer and a trial.

**Bail:** (see Bond) Security, in the form of money or property, deposited with the court to insure the appearance of the accused at a specific future time and place.

**Bail Bond:** An obligation signed by the accused, with sureties to secure his/her presence in court.

**Bench Warrant:** Process issued by the court itself, or "from the bench," for the apprehension or arrest of a person.

**Bond:** A type of security required by the court before an offender is released from custody. An accused may be released on his own promise (personal recognizance), by having a licensed bondsman post an agreement to pay a certain amount (bond) by personally depositing money in cash (bail), or by encumbering property (property bond). The court may allow the amount of bail posted in cash to be a percentage of the total amount of bail set; however, in the event of default, the entire amount of bail set is forfeited and becomes due to the state.

**Bond, personal recognizance (PR Bond):** An obligation of record entered into before a court requiring the performance of an act such as appearing in court as instructed or penalty of a money forfeiture. (Webster's 7<sup>th</sup> new collegiate dictionary.)

**CCIC:** Colorado Crime Information Center

**Change of venue:** The removal of a suite begun in one country or district, to another, for trial, or from one court to another in the same county or district.

**Child:** Any person under eighteen (18) years of age. (Statutory Definition)

**Colorado Children's Code:** Title 19, Colorado revised statute. This code sets forth the definitions, jurisdiction, procedures, and powers in juvenile cases.

**Complaint and summons:** The formal charge, which initiates a criminal proceedings in a court. It must contain the name of the defendant, the offense, and statute number, and direct the defendant to appear before a specified court at a given date, time and location.

**Contempt of Court:** The punishable act of showing disrespect for the authority of dignity of a court.

**Deferred Disposition/Prosecution, Deferred Sentence:** Some defendants are granted a deferred prosecution, which means that the judge and district attorney permit the accused person to delay going to trial for a period of time, usually one year. During this period, the accused is supervised by a probation officer, if the person complies with all the requirements of the deferred prosecution, the charges may be dismissed. A defendant who pleads guilty to a crime may be given a deferred sentence, which means that the judge does not impose a sentence immediately but continues the case up to two years, placing the defendant under the Probation Department's supervision. If the defendant complies with all of the requirements, the charges against him will be dismissed.

**Delinquency Petition:** A petition charging a child with a violation of the penal statute or municipal ordinances.

**Delinquent:** A child, ten (10) years of age or older, who violates any Federal or State Law, except State Traffic and Game and Fish Law, or any lawful order of the court made under the Colorado Children's Code.

**Detention:** Placing the child in a facility designed for minors. This is a secure facility designed to be a nonpunitive facility and located as close to the minor's home as possible.

**Detention Hearing:** A judicial hearing held within forty-eight (48) hours (excluding weekends and court holidays) after a child is taken into Temporary Custody to determine whether continued detention is necessary.

**Dispositional Hearing:** A judicial hearing at which time information is presented and reviewed along with recommendations for disposition. The conclusion is the court's official disposition order, (i.e. probation, commitment, etc.)

**District Attorney:** A lawyer elected or appointed in a specified district to serve as the chief or administrative prosecutor for the State in criminal cases.

**Diversion:** A decision made by a person with authority or a delegate of that person that results in specific official action of the legal system no being taken in regard to a specific juvenile or child and in lieu thereof providing individually designed services by a specific program. The goal of diversion is to prevent further involvement of the juvenile or child in the formal legal system. Diversion of a juvenile

or child may take place either at the prefiling level as an alternative to the probation services following an adjudicatory hearing pursuant to section 19-3-505 or a disposition as a part of sentencing pursuant to section 19-2-907. "Services", as used in this subsection (44), includes but is not limited to diagnostic needs assessment, restitution programs, community services, job training and placement, specialized tutoring, constructive recreational activities, general counseling and counseling during a crisis situation, and follow-up activities." 19-1-103 (44) C.R.S.

District Attorney Juvenile Diversion programs manage juveniles who have been granted a prefile diversion, informal adjustment or deferred adjudication. By successfully completing diversion, the juvenile is able to avoid an adjudication being entered on his/her record for the presenting offense.

**Expungment:** The legal process whereby a child's juvenile court record can be sealed upon request three (3) years after unconditional release from probation, Ten (10) years upon release from Department of Human Services or parole.

**Guardian Ad Litem (ad li'tem):** A person appointed by a court to look after the interests of a child in litigation.

**Guardianship:** The duty and authority vested in a person or agency by court action to make major decisions affecting a child, which may include: consent of marriage, military enlistment, medical or surgical treatment, adoption when parental rights have been terminated, or representation of a child in legal actions.

**Hebeas Corpus:** An order of the court to bring a person before the court to show cause why that person is being deprived of his/her liberty.

**Incarceration:** Imprisoned in a lockup/holding facility, jail, juvenile detention center, juvenile correctional facility, or prison.

**Indictment:** An accusation in writing found and presented by a grand jury, charging that a person therein named has done some act, or been guilty of some omission that by law is a crime.

**Informal Adjustment:** A type of disposition used primarily for first time offenders, which does not involve a court hearing. If the child admits the facts of the allegation (with parental consent), the child may be supervised for a period without being adjudicated.

**Jurisdiction:** The legal power to hear and decide cases; the territorial limits of such power.

**Juvenile Court:** The Division of the district court or, in Denver, the separate court, which exercises original jurisdiction over children and subject matter set forth in the Colorado Children's Code.

**Miranda Warning:** Four(4) statements which must be made to a suspect under interrogation before any evidence or confession elicited from that person can be admitted as evidence in court: 1. The person's right to remain silent, 2. Anything the person says may and will be used against him in a court. 3. The person's right to have the assistance of an attorney, and 4. The person's right to have an attorney appointed if he/she couldn't afford one.

**Mittimus:** An order of court directing the sheriff to transport a defendant to a specific place to serve a sentence of imprisonment.

**Municipal Court:** Courts whose territorial authority is confined to the city or community.

**National Crime Information Center:** (NCIC) A national computer system with information relative to any active warrants on individuals.

**Nolo Contendere (no'lo kno-ten'de-re):** A pleading usually used by defendants in criminal cases, which literally means, "I will not contest it," and is treated as a guilty plea when it comes for sentencing.

**Ordinance:** A law passed by a city or town lawmaking body.

**Personal Recognizance:** Security for the appearance of a criminal defendant, in the form of a personal promise without posting any bail or filing a formal bond.

**Petition:** A formal application in writing made to the Court, requesting judicial action concerning some matter therein set forth.

**Plea:** The defendant's formal response to criminal charges. If a defendant stands mute, the judge will enter a plea of not guilty for the defendant. Examples are: guilty, not guilty, nolo contendere, not guilty by reason of insanity.

**Plea Bargaining:** A compromise reached by the prosecution and defense after negotiation resulting in a plea of guilty or nolo contendere to a charge or one of the charges, or to a lesser charge, dismissal of remaining charges, elimination of the trial, and the possibility of a lesser sentence. Plea-bargaining is conducted between counsel, and not before the judge. The compromise reached is presented to the judge by the prosecution and must be agreed to by the judge before it can become effective. Plea-bargaining results from a number of factors: 1. The prosecution has sole discretion to file charges, 2. Open negotiation may disclose the strength or weakness of either side's case, 3. Heavy trial dockets necessitate reducing the trial load in large volume in prosecution offenses.

**Preliminary Hearing:** A discretionary hearing to determine if there is probable cause to believe that the facts alleged in the petition bring the child/defendant within the court's jurisdiction.

**Pre-Sentence Investigation:** Social diagnostic study, which is a report to the judge to help him determine an appropriate sentence.

**Probable Cause:** A legal term meaning that there is sufficient reason or belief to detain or cause a petition to be filed. This is based on a legal examination of the facts.

**Probation:** A sentence alternative to incarceration, whereby an adjudicated juvenile may be released under certain conditions and under the supervision of a probation officer for a specified time. In some cases, a short detention sentence or "work release" program is combined with the probation.

**Probationer:** Convicted law violator allowed to remain in free society while under a probation officer's supervision, in lieu of serving a detention sentence or being committed to the Division of Youth Corrections.

**Prosecution:** The procedure by which a person is charged and tried for a criminal offense. Also, the charging, as opposed to the defending, side of a criminal case.

**Public Defender:** An attorney, or system of attorneys, funded by the state, to represent indigent persons in criminal or juvenile cases.

**Recidivism:** The return to criminal activity after completion of a sentence following an earlier conviction. A statistical measure of “failure” of offenders previously convicted of a crime.

**Revocation:** A court order rescinding or withdrawing a previous court order. When a person on probation has violated one or more of the terms or conditions of probation, a petition to revoke probation or modify the term and conditions may be filed with the court. If the allegations are proven, the judge may modify the terms of probation or revoke probation and exercise any of the dispositional alternatives, including commitment to the Division of Youth Corrections.

**Risk Assessment Scale:** A tool to assist in predicting continued criminal activity. The primary factors considered are; criminal history, stability, substance abuse and employment.

**Summons:** A notice requiring a person to appear in court on a specific day at a specific time. The summons is returned to the court to reflect that the person was served with it.

**Venue:** The particular county, city or geographical area in which a court with jurisdiction may hear and determine a case.

**Verdict:** The decision the jury or judge makes at the conclusion of trial as to the accused guilt or innocence.

**Warrant:** An order of the court authorizing either the arrest of a specific person or the search of a specific place for the seizure of specific items named in the order.