

Lucas County Juvenile Justice Center



**What you need to know about
going to court!**

September 2016



People come to the Juvenile Justice Center for many reasons: because they have been charged with an offense and are being held in our detention center; for various types of delinquency or traffic court hearings; trials as defendants, witnesses or jurors; to establish parentage; custody; and visitation rights; dependency; abuse and neglect; or for help with their unruly child. Lucas County and our court employs many people in different jobs and offices. You may see prosecutors, lawyers, probation officers, detention officers, clerks, court reporters, sheriff deputies and police officers.

You may be filled with questions about coming to court; where you'll go, what you'll see and hear, what you'll be asked and what you'll have to do and say. This guide is designed to help you learn more about the experience of coming to court.

Everyone feels a little anxious about going to court. Keep in mind that we are here to help you and to resolve the issues that brought you to this courthouse.

Denise Navarre Cubbon, Administrative Judge
Lucas County Court of Common Pleas, Juvenile Division

Connie F. Zimmelman, Judge
Lucas County Court of Common Pleas, Juvenile Division

Deborah K. Hodges, Court Administrator
Lucas County Juvenile Court

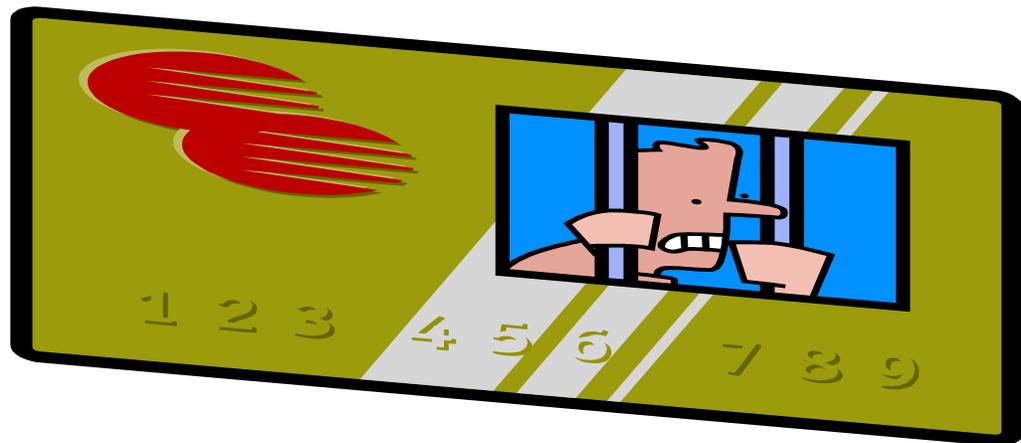
Dan R. Jones, Administrator
Lucas County Juvenile Detention Center

What is a Courthouse?

In most towns and cities, there is a building called a courthouse. In our city, Toledo, we have several courthouses. We have courthouses where adults go to court, and a courthouse (The Juvenile Justice Center) where children go to court. The Courthouse is a place where judges, and sometimes juries, decide if someone has broken the law. The Juvenile Justice Center building is also where the Juvenile Detention Center is located in our city.

What is a Detention Center?

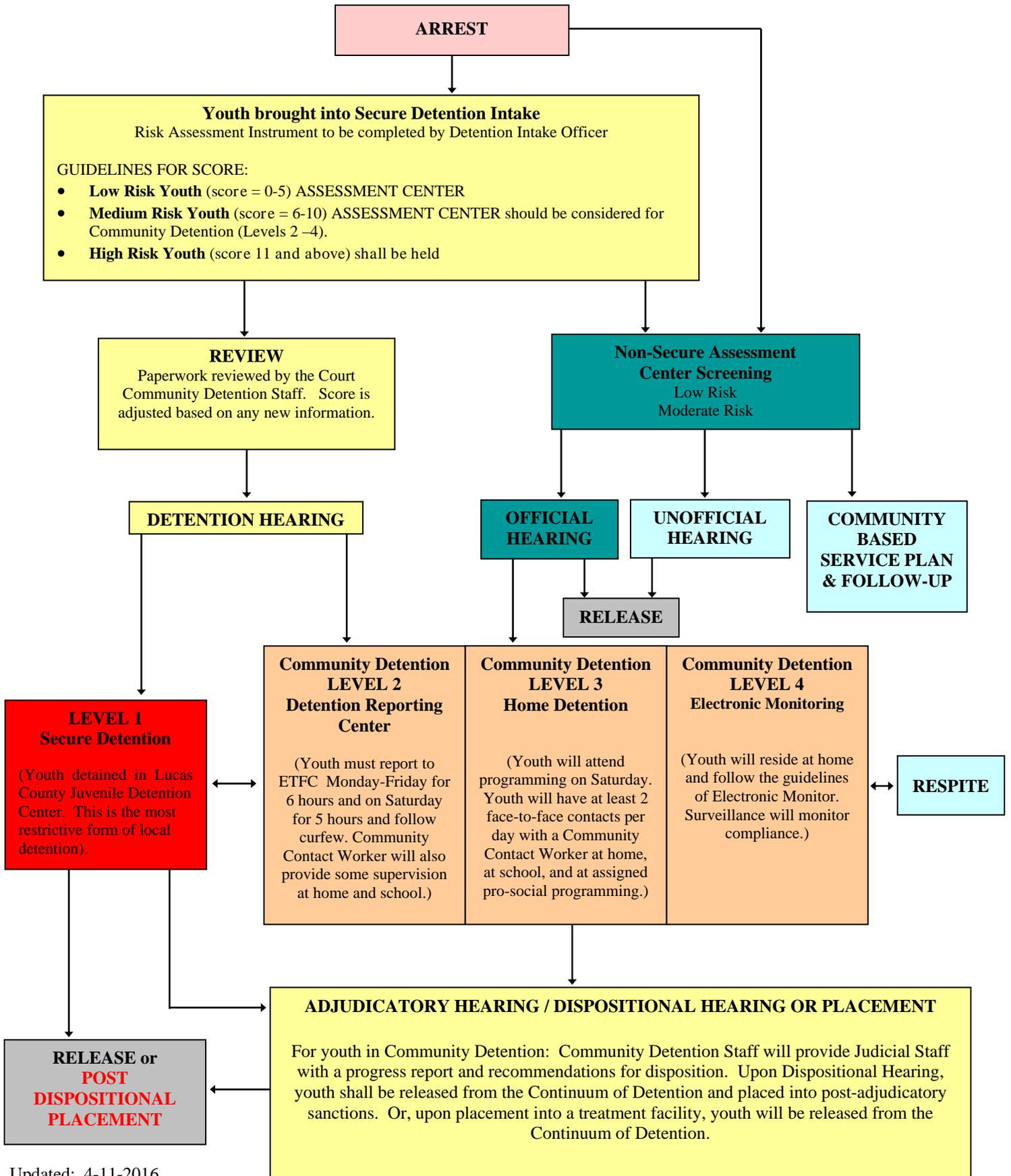
The Juvenile Detention Center is a place where juveniles who have been charged with criminal offenses are held. Sometimes, juveniles are also ordered to be held in our detention center, because they are not following the rules the Court ordered them to follow. The basic purpose of the detention center is to provide you with safe and secure custody while you are waiting to attend Court. The detention officers, psychologists, medical, mental health, teachers and other employees who work in the center are here to help you.



When will I have Court?

If you have not already had Court you will have a “Detention Hearing” within one working day (24 to 72 hours) of your admission into the Detention Center. Generally, you will go to court the day after you are brought to the Detention Center. The Court is closed on holidays and weekends, so if you come in just before or on a holiday or weekend you will go to Court the next day that Court is open. The purpose of the Detention Hearing is for the Court to determine if you need to remain in the Detention Center during your continuing court process. At your detention hearing, the Court may decide that you will remain in detention, that you can be transferred to Community Control, or that you can go home. On the next page is a flow chart that will show you the process that is followed by our staff, to determine when, and where, a youth in detention can be released or transferred into Community Control.

CASE FLOW THROUGH LEVELS OF DETENTION



What goes on before I get to Court?

A lot happens before people get to court. There are reports, interviews, charges filed, meetings between prosecuting attorneys and lawyers. Sometimes, adults are held in the county jail and children are held in our juvenile detention center, while they are waiting to go to court. This is for everyone's protection and to make sure that people show up at court, like they are supposed to do.

What Are My Rights If I am In Detention Right Now?

You have the right to remain silent. No unlawful means of any kind shall be used to obtain a statement, admission, or confession from any person. You have the right to be treated humanely and the right to be provided with proper food, shelter and, if necessary, medical treatment. You have the right to consult with an attorney, and you also have the right to communicate with your family.

What is the Judge's job?



It's the Judge's job to listen to everything that everyone else says in court. We can call the judge "Your Honor" when it's our turn to talk. It's also the judge's job to know the law and to decide whether there is enough evidence to prove the law was broken. In Toledo, Ohio, we have two elected Judges that hear cases in our juvenile courthouse. At the beginning of your court hearing, the judge or magistrate may ask you some questions like these:

- How old are you?
- What grade are you in?
- Do you know what an oath is?
- What does it mean when you "promise to tell the truth"?
- What do you think might happen if people do not tell the truth in court?

In Toledo, we also have magistrates that oversee court. We have ten magistrates at our juvenile court to help our judges because our judges cannot handle all the court hearings alone. Magistrates are not elected officials; they are hired by the Judges. In Court, Magistrates can also be called "Your Honor".

What does the Prosecuting Attorney Do?

The prosecuting attorney acts on behalf of all of us that live in our county. The prosecutor is responsible for preparing cases for court and determining who is charged with breaking the law. The prosecutor also helps people who are witnesses in court. The prosecuting attorney does this by asking questions so that the judges and magistrates and the jury can listen to the answers. All prosecuting attorneys are lawyers.



What is the Defense Lawyer's job?

The defense lawyer's job is to help the defendant. The defendant is the person charged with breaking the law. To do a good job, the defense lawyer tries to find out if someone made a mistake, or if anyone made something up. That's why the defense lawyer gets a chance to ask questions after the prosecuting attorney has finished asking questions. You've got to listen to everyone's questions carefully and understand them before you answer.

Sometimes when people are talking in court, one of the lawyers may stand up and interrupt, and ask to talk to the judge. Don't worry if this happens. You haven't done or said anything wrong. All you have to do is stop talking until the judge or the lawyer asks you to go on, or to continue with what you were saying.

Who's the Defendant?

The person who the prosecutor has charged with breaking the law is called the defendant.



If you are in detention and reading this courthouse guide, you are probably the defendant. It is important that you understand that you have the right to a lawyer, whenever you are in court. If you do not have the money to hire your own lawyer, one must be appointed for you by the court.

What does a Witness Do?

A witness is a very important person in court. The job of the witness is to listen to questions and to give answers for the judge to hear. This is called testifying. The most important thing about being a witness is Telling the Truth.

Sometimes when you do your job as a witness, you end up talking about the defendant. The prosecuting attorney may ask you if you see the person that you are talking about in court. If you do, you should point to the person and tell the judge where the person is sitting and what the person is wearing. A defendant may be punished because of what witnesses say. That is why it is so important to tell the truth in court.

In court sometimes the judge can order “separation” of the witnesses. This word means that when you testify, no other witnesses can be with you in the courtroom, and after you testify, you cannot stay and hear what other witnesses are saying. It also means that you cannot talk about what you said until the trial is over. If you have any questions about this, ask the prosecuting attorney.



What if...

- You're asked a question and you don't understand it?

If you don't understand what people are asking, say, "I don't understand". If they repeat it and you still don't know what they mean, ask them to say it in a different way, or an easier way.

- You're asked a question and you can't remember the answer?

You might be asked about things that you don't remember or about things that didn't happen. If you don't remember, say "I don't remember". Do not guess. If you know something never happened, say so. If you forget the order in which things happened, its okay. The most important thing is to tell the truth.

- You're asked an embarrassing question?

You might be asked to talk about things that are embarrassing. That's hard to do. Remember that judges, magistrates, lawyers, and everyone in Court have heard people talk about embarrassing things a lot of times. You can tell the judge you're embarrassed, but you should tell the judge what happened even if it is embarrassing.

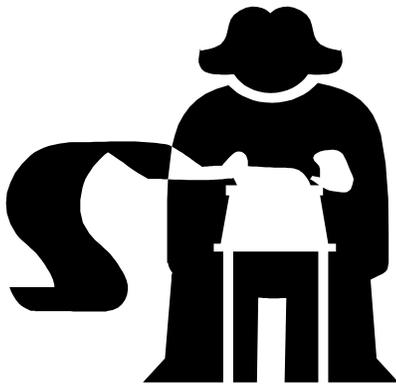
- You cry in court?

Lots of people cry in court. It's okay. If you think you might cry in court, tell someone. They can ask for tissues, or make sure that there are tissues in the courtroom. Let someone know if you need a break for a moment.

- You're asked more than one question at a time?

It is easy to get mixed up or to mix up people who are listening to you if you're asked too many questions at a time. You might tell the lawyer who is asking you questions to ask you only one thing at a time so that you can answer properly.

The Court Reporter



The Court Reporter's job is to take down everything that everyone says in court. The reporter uses a digital recorder and a special typing machine to do their job. We can make the court reporter's job easier if we speak loudly and slowly. It's okay to take our time. If we mean yes or no, we should always say the words, and not just shake our heads. It's better if only one person speaks at a time. It makes the reporter's job harder when people in court eat, chew gum, or cover their mouths when they talk. Food, beverages, candy or gum, are not allowed in our juvenile courthouse.

The Bailiff

The bailiff's job is to help the judges, magistrates and jury (if there is one). When the judge, magistrate or jury comes in, the bailiff says "all rise". That means everybody stands up. This shows respect for the Court. The judge will ask you to take an oath. When this happens the judge tells us to raise our right hand and asks, "Do you hereby solemnly swear or affirm under the penalties of perjury that what you say will be the whole truth and nothing but the truth?" An oath is a promise to tell the truth. If you agree to tell the truth, say "I do".

The Sheriff

The job of the sheriff is to keep everyone safe in court. The sheriff usually wears a uniform. In our Juvenile Justice Center Courthouse, Sheriff Deputies escort youth from detention to court and escort them back to detention after court. The Sheriff will probably stay in the courtroom during your hearing. Often, the police officer who arrested you, or who spoke to you may be in court. That police officer may also be a witness.

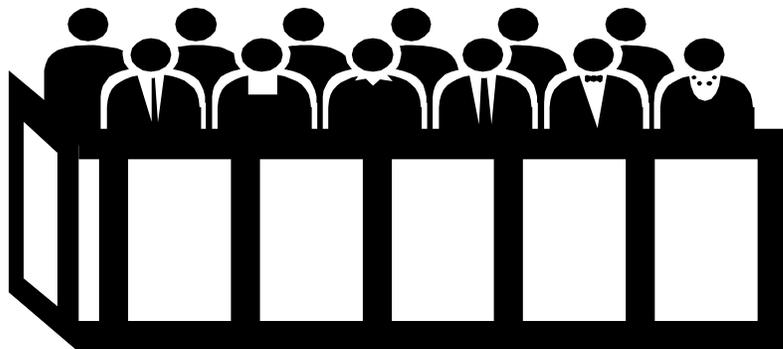
Rules of the Court

In our country, everybody tries to be very careful and fair when deciding whether people have broken the law or not. That's because if people are found guilty of breaking the law, they can be punished. It is not enough that the jury thinks the defendant probably broke the law. The law says that a jury cannot find a person guilty unless the jury has proof, beyond a reasonable doubt, that the person broke the law.

The Prosecuting Attorney's job is to prove to the jury, judge or magistrate that the defendant is guilty of breaking the law.

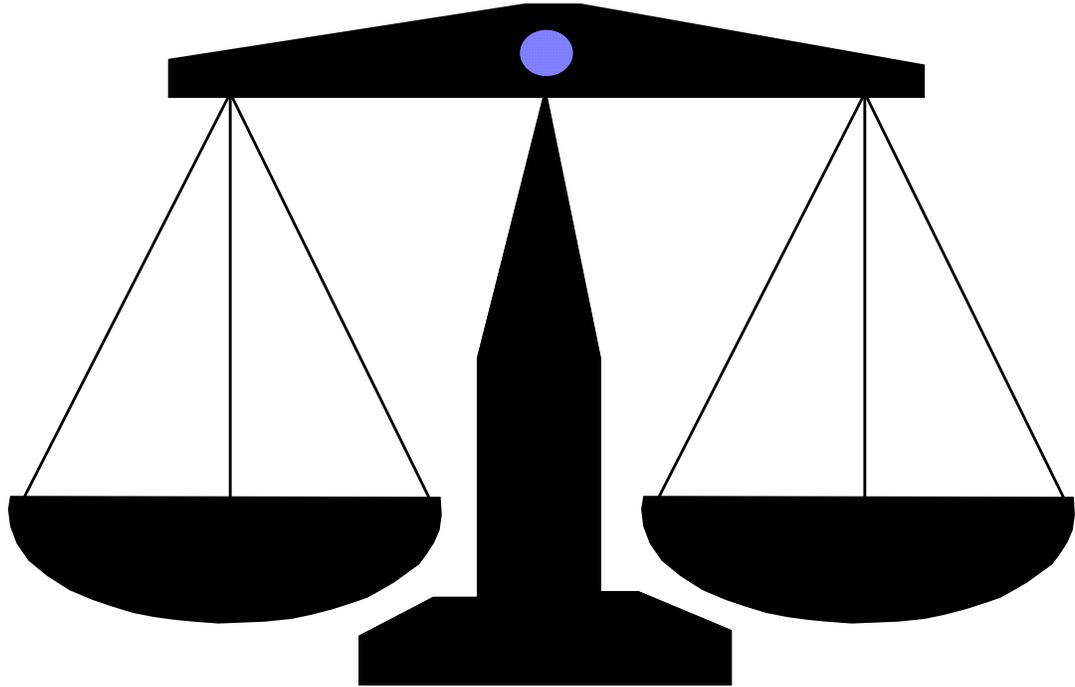
What about the Jury?

In Ohio, juries are rarely used in Juvenile Court, however, they can be. In most cases, the Judge or Magistrate overseeing or hearing your case in Court acts as the jury. However, just so you know, a jury is made up of 12 men and women. The people on the jury are called jurors. Jurors are picked by the prosecuting attorney and the defense lawyer. In court, the judge or magistrate hearing your case will act just like a jury would.



Guilty or Not Guilty?

Just like a jury, the judge or magistrate has to listen to all the witnesses and try to make a decision about what happened. This part of the judge's job is like putting the pieces of a puzzle together. Sometimes the judge may be confused because some of the pieces are missing and other pieces aren't clear, or don't fit. Unless the judge feels certain, beyond a reasonable doubt, that the defendant broke the law, the judge must find the defendant not guilty.



Rules To Follow In Court

- Tell the truth.
- If you can't remember something or don't understand what someone says, say so.
- If you don't know the answer to a question, say you don't know – don't ever guess.
- If you don't agree with what someone asks you, tell them that you don't agree.
- If you are sure about the answer to a question, you can say so. If you are not sure, you can tell the judge what parts you are not sure of.
- Talk to the judge if something is bothering you or if you have a question while you are in court.



What Does That Mean?

In Court, people use a lot of words that we may never have heard before. Here's a list of some of them:

Adjudication: Passing judgement, decide or settle by law.

Allegation: Something that someone says has happened.

Charge: The law that the police believe the defendant has broken.

Complaint: A statement to the police accusing someone of breaking the law.

Continuance: Put off trial until another time.

Cross-examine: Questioning of a witness by the lawyer for the other side.

Delinquent Child: What a child found guilty of breaking the law is called in juvenile court.

Disposition: The sentence (punishment) given to a child found guilty of breaking the law.

Evidence: Things that witnesses say in court and things (such as photographs, clothes or drawings) that are brought to court to show what happened.

Interview: A meeting with the police or Prosecuting Attorney.

Juror: A person who is on the jury (we do not have many jury trials in juvenile court).

Objection: A reason that a lawyer interrupts a witness to talk to the judge.

Perjury: Willfully giving false testimony or withholding evidence while under oath.

Plea: The answer the defendant gives (guilty or not guilty) to the charge.

Preliminary Hearing: A hearing held before the trial where the judge decides legal questions.

Sentence: The punishment the judge gives to someone found guilty of breaking the law.

Separation Order: A rule that says witnesses cannot talk to other witnesses or hear what other people say.

Statement: A description about what happened that a witness gives to the police and that police write down.

Status Offense: A charge against a child that would not be a crime if committed by an adult. Running away from home is one example of a status offense.

Subpoena: A piece of paper delivered by a sheriff that tells a person when and where to come to court.

Testify: Answer questions in court.

Testimony: What a witness says in court

Transcript: A typewritten record that is made by the court reporter of what is said in court

Trial: A hearing that takes place when the defendant pleads "not guilty" and witnesses are required to come to court to testify

Unruly Child: A child who has been found guilty of a status offense.



What happens After Court?

If the judge or magistrate finds the defendant not guilty of breaking the law, the defendant is free to go. If the defendant is found guilty, one of the things the judge must decide is how to keep the defendant from breaking the law again. To do this, sometimes the judge sets rules about what the defendant can and can't do.

In juvenile court, a child found guilty of breaking the law is called a "delinquent child". If you are found delinquent, there will probably be consequences for breaking the law. Children in juvenile court are not sentenced like adults are. In juvenile court, if you are found to be a delinquent child, the judge or magistrate will make what is called a "disposition" on your case. The disposition is your sentence.

Sometimes the judge will make the defendant pay money (costs and fines), place the defendant on probation, order the defendant to pay for damages caused during the crime (when they were breaking the law), sometimes the judge may order the defendant to get help, sometimes the judge has to decide to keep the defendant in detention longer and sometimes the judge has to sentence the defendant to juvenile prison.

In Ohio, being sent to Juvenile Prison is called - being committed to The Ohio Department of Youth Services. We know that when we have youth in our detention center that are sentenced to The Ohio Department of Youth Services, (O.D.Y.S.) that it is confusing.

Most youth who have been committed to O.D.Y.S. will also meet staff from the Lucas County Youth Treatment Center (Y.T.C.). The youth, family/caregivers, and Y.T.C. therapist decide together if they should ask the Judge to let the youth come to Y.T.C. instead of going to O.D.Y.S. The Judge always makes the final decision.

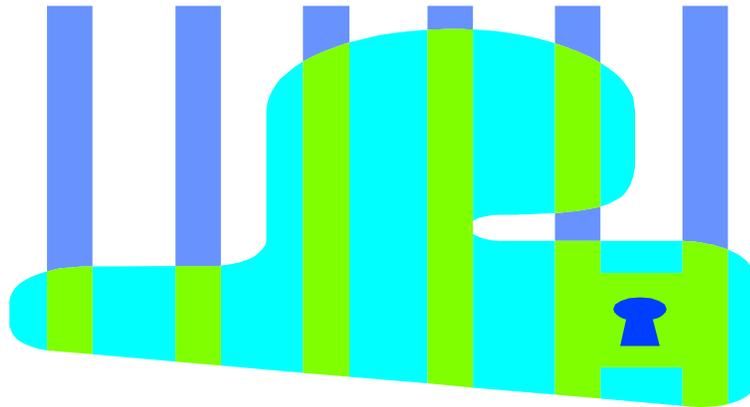
Y.T.C. does not meet with youth if the Judge has decided that the youth has to go directly to O.D.Y.S. That decision is called a Judicial Bypass. Y.T.C. also meets with some youth who are referred through the Probation Department but are not yet committed to O.D.Y.S.

Y.T.C. is a Juvenile Court program where youth live safely, attend school, and work in treatment with their family/caregivers and all staff. Y.T.C. is located at 225 Eleventh Street, a few blocks from the Lucas County Juvenile Court. Records show that most youth who successfully complete Y.T.C. live more legal lives and stay out of youth detention and adult jail. There is written Y.T.C. information in Detention for you to read.

Here are some answers to some of the questions we are most frequently asked by youth who are committed to ODYS:

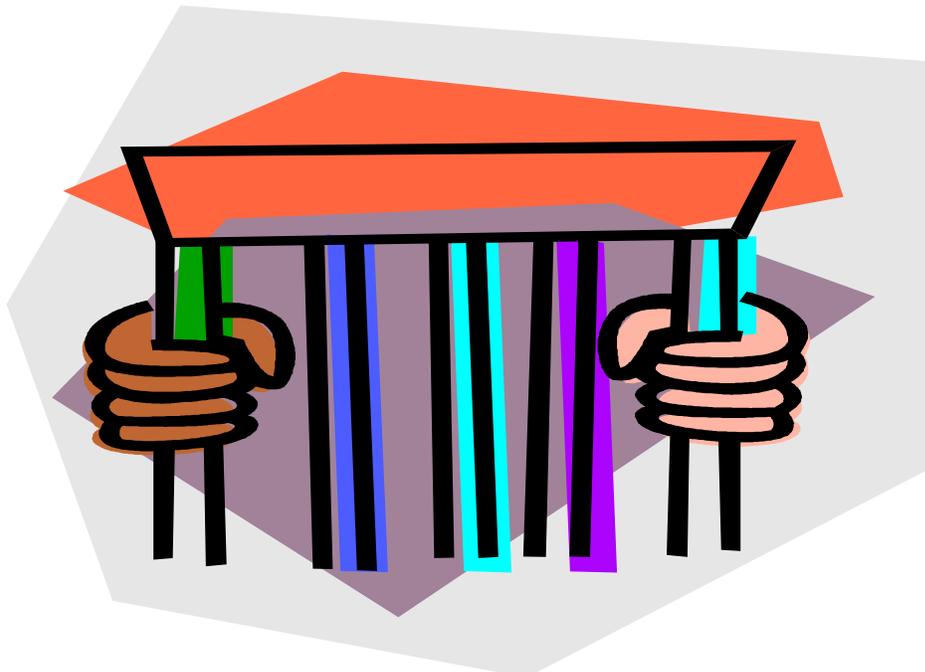
1. Explain what it means when a youth is told that he has been committed for six months to age 21.

To be committed to the Department of Youth Services, a juvenile must be found delinquent (guilty) of a felony offense. If a juvenile is found delinquent of a felony 3, 4 or 5 the minimum period of commitment is six (6) months, and the maximum period is not to exceed the age of 21 years. The minimum period means that this is the time that Juvenile Court retains control over the juvenile and can grant an early release.



2. Define time served.

A delinquent child committed to the Department of Youth Services is entitled to credit for the total number of days held in detention prior to the transfer of physical custody. As a result, the Court gives the youth credit for time served in the Juvenile Detention Center that count as days served on the youth's Department of Youth Services' sentence. There is no credit for time served should a juvenile be found delinquent of violating his/her parole and be ordered returned to the Department of Youth Services.



3. What does SYO or Serious Youthful Offender mean?

If a juvenile is accused of committing certain serious crimes or has a prior Department of Youth Services admission for a 1st, 2nd or 3rd degree felony offense of violence, the State (prosecution) may ask the court to certify the juvenile as a Serious Youthful Offender. This would allow the court to impose a “blended” sentence, which contains both a juvenile disposition/sentence and an adult sentence. The adult portion can be invoked only for specified rules violations after a juvenile reaches the age of 14 years, and after a hearing.

It should be noted that every juvenile for whom Serious Youth Offender status is being requested must be assigned an attorney. These juveniles must consult with their attorneys to receive the best advice.

4. What does a stay on a commitment to the Department of Youth Services mean?

If a juvenile is found delinquent (guilty) of a felony charge (the more serious crimes,) the juvenile can be sentenced to the Ohio Department of Youth Services, which is the juvenile equivalent of prison. The court may think that the juvenile will respond to services in the community, and it may not be necessary to actually send him/her to the Department of Youth Services. If this is the case, the court places a stay on the commitment. The juvenile does not have to go to the Department of Youth Services if he/she does not violate probation, break the law or violate a court order.

Here are some answers to other questions about Court that are frequently asked by youth:

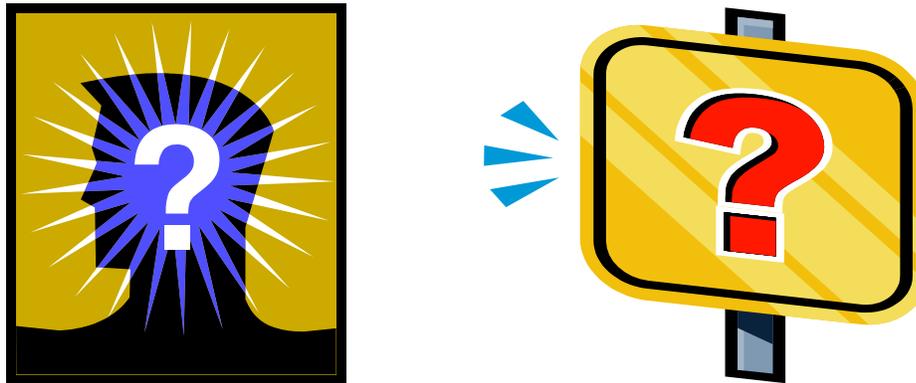
5. What does “Under Advisement” mean?

Many times a particular case may raise issues that the court is not prepared to rule upon. The Court may need more information, or to think of other alternatives. This may cause the court to delay its decision. During this time, the case is considered “under advisement” until a decision is made.

6. What is the difference between a judge and a magistrate?

Voters elect a judge, and a judge appoints a magistrate. Both a judge and a magistrate can make orders. However, only a judge can hear Serious Youthful Offender cases, and cases wherein the juvenile may be transferred to the adult system.





7. When can a juvenile make a comment, or ask a question in a hearing?

Every person who is accused of a crime has a right to remain silent. This is a right guaranteed by the Fifth Amendment to the United States' Constitution. This is an important safeguard protecting the juvenile from saying something that may be used against him/her later. Since the judge does not know what the juvenile will say in court, many times the judge will not allow the juvenile to speak. This is very critical at the detention hearing wherein a denial (not guilty) plea has been entered for the juvenile. At this time, the judge must protect the juvenile from saying something that could hurt the juvenile's case. In the past, a juvenile has said such things as "I didn't mean to do it" or "I was only the look out" or "I only ate the pizza after they stole it" or "I was with them, but didn't do anything." All of these statements could have been used against the juvenile during trial.

Should the juvenile admit to violating the law, or violating a court order such as not following the rules of his probation; the juvenile is always given an opportunity to talk to the court before sentencing. Many times what the juvenile tells the court has an affect on how the court will sentence the juvenile.

8. Why does a juvenile get "fifteen days" after their detention hearing?

When a youth is arrested and placed in the Juvenile Detention Center, the court must hold a hearing within 24 hours, or the next business day, to inform the juvenile of the charges brought against him/her. At this time, the court explains to the juvenile his/her constitutional rights. Many times the court will enter a denial (not guilty) plea on behalf of the juvenile and not take a statement from the juvenile because he/she has a right to remain silent. If the court detains the juvenile in the Juvenile Detention Center pending adjudication (trial) the rule states that a trial must be held within fifteen (15) days. Because of this rule, and the time needed for the prosecution and defense attorneys to prepare the case, the court schedules the trial within fifteen (15) days of detention.

At this time the Juvenile has not been found delinquent (guilty) and this time is not part of any sentence. The juvenile is detained because he/she is a danger to himself or others.

What to Expect at DYS

You have been committed to the Ohio Department of Youth Services by the court. All youth committed to DYS are transferred from the Detention Center to a DYS Reception Facility. Before you arrive at the reception facility, there are a few things DYS would like you to know:

- The length of your stay will depend upon you and your actions
- Your progress and incidents will be reported to the court
- You may have the opportunity to ask the court for an early release
- You can have time added to your stay at DYS for several reasons:
 1. Not completing required programming (such as substance abuse, victim awareness, etc.);
 2. Discipline related incidents;
 3. Your risk to re-offend.



Advice for Youth

The best piece of advice to give you is to be open and honest with all the DYS Staff. If you are having any troubles, please tell someone! Everyone that works at DYS wants you to be successful and return back home just as soon as possible.

Does my behavior make a difference?

DYS wants you to be successful! Communication of your progress is reported out to the court very often. Keep that in mind in regards to making decisions while you are in the institution. Your involvement in programming, positive interaction with staff and overall behavior is taken into consideration in how long you will stay at the institution.

What happens when I get released?

- You will be placed on parole when you are released from the DYS institution
- You will have a parole officer assigned to you.
- You will have parole requirements to achieve before you can be discharged from parole.



Your Return to Your Community

It is very important to your success on parole that you are living in an environment that will help you succeed in your reentry to the community. Please think about where you are planning on living after your release from the DYS institution and make sure that where you plan to live is “good” for you.

The parole office will be completing a placement investigation on your selected residence (where you will be living once released from DYS) to decide if it is acceptable. If you are under the age of 18, you must be living with a parent or relative. If you are over 18, we ask that you think about your circumstances and place yourself in the best possible situation.

Who Are The People Match Game

Match the people in column A to their job in column B. Draw a line from the person listed on the left side, to their job listed on the right side.

Column A

Judge/Magistrate

Prosecuting Attorney

Defense Lawyer

Bailiff

Court Reporter

Sheriff

Jury

Witness

Defendant

Column B

A person who tells the judge about something that happened.

The person on trial who is charged with breaking the law.

The person who makes sure everyone is safe in court.

The person who listens to all the witnesses and decides what happens in court.

The person who helps you to be a witness in court.

The person who helps the defendant in court.

The person who tells everyone when to stand.

The person who records everything in court.

Twelve people who try to decide together if the defendant is guilty or not guilty.



What Do The Words Mean

Match Game

Match the words in column A to what they mean in column B. Draw a line from the word listed on the left side, to their meaning listed on the right side.

Column A

Column B

Charge

What a child found guilty of breaking the law is called

Trial

Answer questions in court

Allegation

The punishment the court gives to someone found guilty

Delinquent Child

The law that the police believe the defendant has broken

Testify

The answer the defendant gives to the charge against them

Evidence

A hearing that takes place when the defendant pleads not guilty

Sentence

Something that someone says has happened

Unruly Child

Things people say in court and things that are brought to court

Plea

A paper that tells a person when and where to be in court

Complaint

A child who has been found guilty of a status offense

Subpoena

A statement to the police accusing someone of breaking the law

Who Are The People Match Game

Answer Guide

Judge/Magistrate	The person who listens to all the witnesses and decides what happens in court.
Prosecuting Attorney	The person who helps you to be a witness in court.
Defense Lawyer	The person who helps the defendant in court.
Bailiff	The person who tells everyone when to stand.
Court Reporter	The person who records everything in court
Sheriff	The person who makes sure everyone is safe in court.
Jury	Twelve people who try to decide together if the defendant is guilty or not guilty.
Witness	A person who tells the judge about something that happened.
Defendant	The person on trial who is charged with breaking the law.

What Do The Words Mean Match Game

Answer Guide

Charge	The law that the police believe the defendant has broken
Trial	A hearing that takes place when the defendant pleads not guilty
Allegation	A statement to the police accusing someone of breaking the law
Delinquent Child	What a child found guilty of breaking the law is called
Testify	Answer questions in court
Evidence	Things people say in court and things that are brought to court
Sentence	The punishment the court gives to someone found guilty
Unruly Child	A child who has been found guilty of a status offense
Plea	The answer the defendant gives to the charge against them
Complaint	Something that someone says has happened
Subpoena	A paper that tells a person when and where to be in court

Acknowledgements

The idea to create and develop this guide, and the information in this guide, was adapted from information contained in “What’s My Job In Court”, an answer and activity book for kids who are going to court, that was developed and adapted by the Lucas County Prosecuting Attorney’s Office, Julia R. Bates, Prosecutor.

The Lucas County Prosecuting Attorney’s booklet was adapted, with permission, from the Baltimore County State’s Attorney’s Office based upon a booklet created by the Victim/Witness Assistance Program of The Ministry of the Attorney General of Ontario, Canada. The original book was designed and illustrated by Laurie Wonfor-Nolan and modified for use by Monarch Services. The original booklet was/is intended to familiarize children in an educational and appealing way with the concepts, people, vocabulary, and events that are a part of the court process.

We would like to thank Magistrate John Yerman, for providing answers to the most frequently asked questions we get from youthful offenders. We would also like to thank other court staff who contributed input and comments during the development of this guide.

This guide is intended to help youth detained in our Juvenile Detention Center, learn about the people who work here and learn more about the court process. It is normal to feel anxious about going to court. Keep in mind that we are here to help you and make your experience in court as worthwhile as possible. Ask our staff if you have questions.

MSW/JDC Resident Courthouse Guide.doc
Revised 08/09/06 by GML