

YOUR RIGHTS AS VICTIM OF JUVENILE CRIME

To have your interest considered when the court is deciding to grant a request for a delay (adjournment).

To ask for assistance with employer, if needed.

To be escorted to court by a service provider.

To request an order for a juvenile to submit to a test for sexually transmitted diseases or HIV test. The right to request this is limited to offenses where the law allows.

To be provided a waiting area.

To have reasonable attempts made to notify you of upcoming court hearings, if you so request.

To speak with the Office of the District Attorney upon your request, about the possible outcome of the case, potential plea agreements and disposition options.

To a speedy disposition of the case.

To make or provide a victim impact statement.

To have the impact of the crime on you included in a juvenile court report and to have the preparer of the report attempt to contact you.

To court ordered restitution.

To a civil judgment for unpaid restitution.

To compensation for expenses as allowed by law (please ask a specialist about Crime Victim Compensation)

To have assistance with property being returned when it is no longer needed as evidence.

To have a reasonable attempt made to be notified if the case is dismissed.

To be provided disposition (sentencing or supervision) information.

To contact the department of justice about any concerns you may have about your treatment as a crime victim.

JUVENILE JUSTICE SYSTEM

As a victim of a juvenile crime, you will be dealing with both social services and the criminal justice system. A referral is made to social services and some are forwarded to the district attorney for review. After reviewing the facts, a **delinquency petition** may be filed. A delinquency petition is a court document alleging that a juvenile, between the ages of 10-16, has violated the law which would be a criminal offense if committed by an adult.

Disposition for a juvenile found to be delinquent may include the following: consent decree (which allows for the holding open of a case for up to a year with supervision), formal supervision with the Department of Human Services, out of home placement (foster home, group home, residential treatment facility or incarceration at a juvenile correctional institution), secure detention, restitution, a fine, counseling and performance of community service.

Our juvenile system can move quickly once hearing dates are scheduled; therefore, it is important to respond quickly to any requests for information. You have been provided with a notice of hearing request form. You are not required to attend any court hearings unless you are subpoenaed. If you request notice, you will be informed of the date/time and place of hearings. It is important to **keep us informed of any change in your address or phone number**. Please call Victim/Witness Assistance at (608) 742-9836 with any changes. We cannot be responsible for lack of service if we don't know how to reach you.

You have been provided the name of the juvenile who committed the offense against you and you are allowed to attend the court hearings. Wisconsin law prohibits you from disclosing the identification or information about the juvenile. You could face being charged with contempt or fined and/or jailed if you release information about the juvenile.

AS A VICTIM OF A CRIME, HOW CAN I FIND OUT ABOUT A CASE I AM INVOLVED IN?

You should contact the Victim/Witness Office and request information about the time and place of upcoming hearings. Victims have a right to appear at any hearing; however, during discussions of sensitive personal matters involving a

juvenile, you may be asked to leave. You have a right to make a statement to the court (Victim Impact Statement). You also have the right to obtain information about the outcome of the case. If you want further information about the case, you need to keep in contact.

WHAT IS A VICTIM IMPACT STATEMENT?

A Victim Impact Statement is your way to let the court know how the crime affected you and your family (emotionally, physically and financially). You can do this in person, in writing, or both. With this brochure, you should receive a victim impact form. You can go to court at the disposition (sentencing) and tell the court how the crime impacted your life and/or you can return the Victim Impact Statement to the Victim/Witness Office. The victim impact statement will be shared with the judge, the juvenile, the juvenile's attorney, the juvenile's intake worker and the district attorney's office. You should only discuss the effect that the criminal activity had on you. Do not discuss the facts of the incident. To ensure that the victim impact statement is given to the court prior to sentencing, please return the information mailed to you immediately.

DO I HAVE TO GO TO COURT?

The only time you have to go to court is when you receive a subpoena; however, you are welcome to appear at any court date. **If you wish to attend a juvenile court hearing, please call Victim/Witness Assistance at (608) 742-9836** so arrangements can be made for your attendance. As juvenile hearings are otherwise closed and confidential hearings, the Court must be made aware of your presence.

RESTITUTION

You may have already received a restitution request from an intake worker at social services. There are limits as to the amount of restitution which can be ordered in juvenile cases. If you experienced out-of-pocket expenses due to medical costs, property damage or counseling expenses, you have the right to request restitution. Restitution is never a guarantee. If the juvenile (s) is ordered to pay restitution and does not pay the full amount ordered, you can petition the court to have a **CIVIL JUDGMENT** entered against the juvenile. You will need the name and address of the juvenile and the juvenile's parents to file a civil suit. In civil suits, parents of a juvenile can be held liable up to \$5,000. You can request the name and address of the juvenile and his/her parents from law enforcement.

In lieu of restitution, and if the victim agrees, the juvenile may perform services for the victim, provided that the court, after taking into consideration the well-being and needs of the victim, considers it beneficial to the well-being and behavior of the juvenile.

WHAT IS CRIME VICTIM COMPENSATION?

Injured victims who have medical expenses as a result of a crime, that were not covered by any insurance or public funds, may be eligible to have those losses reimbursed under the State of Wisconsin Crime Victim Compensation Act. You may get an application form and more information by contacting the Victim/Witness Office.

HEARINGS IN JUVENILE CASES:

WAIVER HEARING: A hearing held to determine if the matter should be held in juvenile court or be "waived" to adult jurisdiction. There must be grounds showing why the juvenile should be handled in adult court.

INITIAL APPEARANCE: The Initial Appearance is the first time a juvenile reports to court regarding a delinquency petition. As this hearing, the judge reads the petition, advises the juvenile of the right to an attorney, and the juvenile either admits or denies the allegation.

FACT FINDING HEARING: This could be referred to as a trial. There are no juries in juvenile cases. All testimony of witnesses is heard by the judge who makes the decision of guilt or innocence. If your testimony is needed, you will receive a subpoena and will be required to attend.

DISPOSITION HEARING (SENTENCING)

A disposition hearing occurs after a juvenile pleads guilty or is found guilty. Victims may be present in the court room and have the right to provide an oral or written victim impact statement to the court at this time.

COLUMBIA COUNTY VICTIM/WITNESS ASSISTANCE PROGRAM

RIGHTS OF VICTIMS AND WITNESSES

AND

THE JUVENILE COURT PROCESS

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