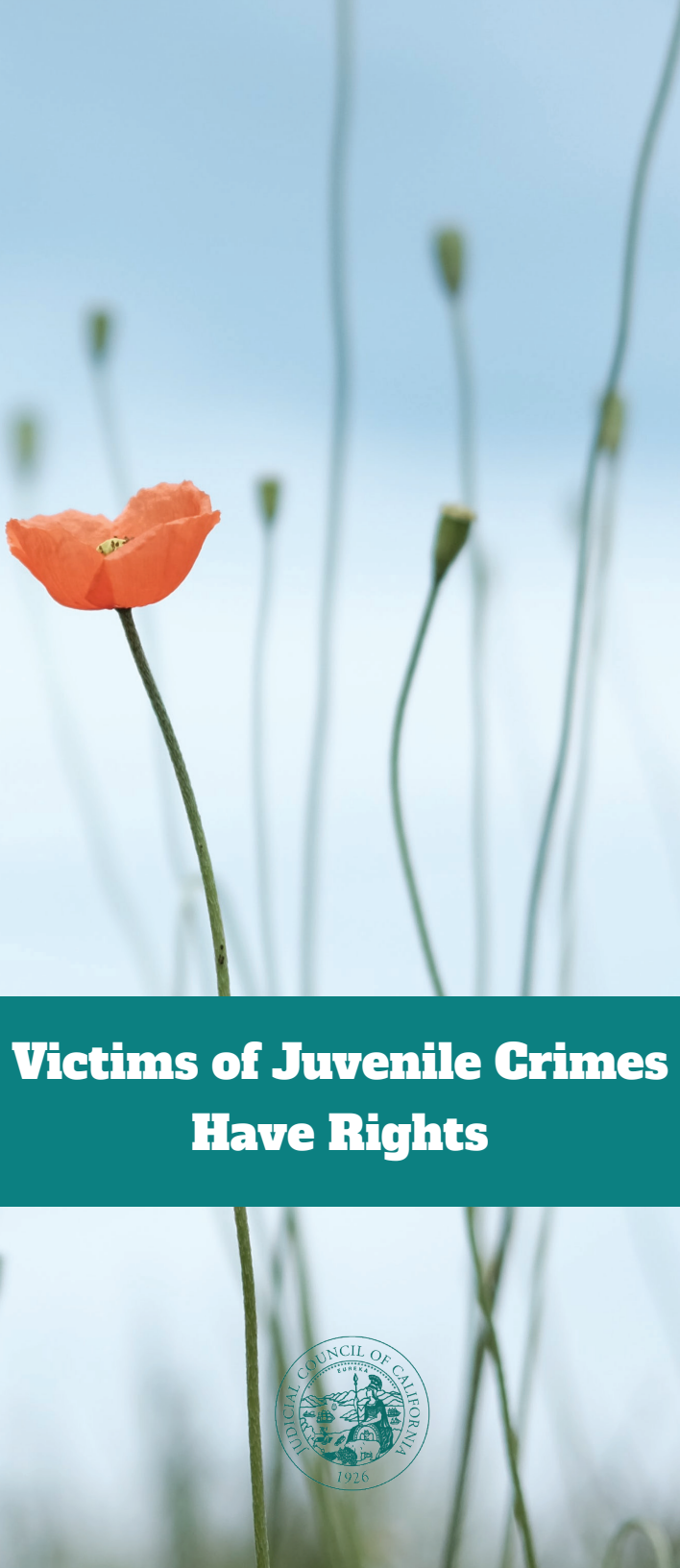


Victims of Juvenile Crimes Have Rights

If you are a victim of a crime, the court and legal system may seem confusing. You may feel frustrated.

It may help to learn about:

- Your legal rights; and
- How the juvenile court system works.

If the offender in your case is 17 or younger (a juvenile), read below to learn about your rights, your options, and the juvenile court process.

This brochure is about the rights of victims when the offender or alleged offender is a juvenile. If the offender in your case is an adult or the case is moved to (adult) criminal court, you can find out more about your rights and victim services available here: *www.courts.ca.gov/1107.htm#Rights_of_Victims_of_Crime*.

Who is a Victim?

A victim is:

- The person who suffered because of the criminal act;
- The victim's next of kin (if the victim died); or
- The victim's parents, if the victim is under 18.

Crime Victims Have Legal Rights!

Victims of crime have legal rights. It doesn't matter if:

- The offender was an adult or under 18 (a juvenile);
- The victim was an adult or a child; or
- The victim survived or died.

The victim still has legal rights.

Your Rights

Know About Your Rights

The California Victim's Bill of Rights lists your rights. You have the right to a free Bill of Rights card, which should be provided to you by law enforcement investigating the crime, or by the District Attorney's office.

You can also read about your rights online at: *https://oag.ca.gov/victimservices/content/bill_of_rights*. Both versions include a toll-free number to a local victim assistance office.

Recover Financial and Property Losses

You have the right to:

- Get your stolen property back when it is no longer needed as evidence;
- Apply for compensation from the state's Victim Compensation Program;
- Apply for witness fees and travel costs;
- Get information from the probation officer about how to sue the offender and the offender's parents in civil court for your losses; and
- Ask the court to order restitution so the offender (or the offender's parents) would have to pay you for your financial losses, such as your medical expenses or the value of your stolen or damaged property.

Get Information about Your Case

You have the right to receive important information before, during, and after the case, including notices about:

- The charges filed against the offender;
- Your right to go to the hearings;
- The time, place and date of all court hearings, and any changes or delays in the hearing date if you will be a witness;
- Any witness fees and travel costs you have the right to receive, and other rights and services available to you; and
- Other information about the case, if you **ask to be notified**, such as:
  - Notice of all hearings;
  - The judge's final decision in the case;
  - Any plea bargain offered to the offender if the case involves certain violent felonies;
  - Any release hearing and your right to appear at the hearing, in person or some other way so your statement can be considered; and

– When the offender is released or supposed to be released from custody, and if the offender escapes.

Information about your rights must be sent by registered mail or delivered in person by the probation officer.

Warning! Some of the information you have a right to see may be confidential. You have a right to see it, but it is a crime for you to share it on purpose with others.

Be Involved in the Court Case

You have rights that allow you to be part of the juvenile court case. Being part of the court case may help you feel more in control over your life. Or it may not be the right thing for you now. Unless you get a court order (a subpoena) that says you must go to court, it is your decision to participate or not.

Ways to be involved:

Ask to be notified. If you want to be notified about court hearings, contact your Victim Witness Advocate or the District Attorney's office. You can find a Victim Witness Advocate in your county here: *https://victims.ca.gov/victims/localhelp.aspx*.

Go to the court hearings. You can go alone or take one or two support people.

Make a victim impact statement. The probation officer will include it in the report to the court. You may also go to court and read your victim impact statement to the judge. The probation department will tell you about victim offender conferencing programs or victim impact classes in your county. See "Common Questions" below.

The offender's attorney may want to ask you questions. You may agree or refuse to talk, or you may set reasonable limits about what questions you are willing to answer.

The Judge Must Consider Your Safety

The judge must consider your safety (and your family's) when deciding whether to release the offender from custody at any stage of the case. You may ask the court and probation to keep confidential from the offender your contact information and records that could be used to locate or harass you or your family.

The Juvenile Court Process

In juvenile court, the judge (not a jury) decides if the charges are true. If true, the offender may become a ward of the court and the judge will decide the consequences the offender will face and any treatment or services the offender will receive.

The Probation Department Supports the Juvenile Court

In California, probation officers write reports for the court about juvenile offenders' situations and their backgrounds.

The report gives the court information about the case, including:

- Information about the offender and the current charge(s);
- A statement from the victim; and
- Recommendations about what the court should do if the judge finds the charges are true.

Probation Officer Presents Report at the Disposition Hearing

The judge uses the report to help make a decision. If the offender is placed on probation, a probation officer will supervise the offender to make sure that he or she follows the law, the court's orders, and the *terms of probation*. The probation officer will also encourage the offender to do well in school and participate in job training, counseling, and community programs.

Possible Consequences for the Offender

The judge will order consequences and treatment that help the juvenile offender:

- Become accountable for the wrongs committed; and
- Develop skills so he or she can become a law-abiding, productive member of the community and their family.

The judge may order one of these consequences, depending on the seriousness of the offense:

- Stay home under formal supervision of a probation officer for up to 6 months;
- Be on probation and live in a relative's home, a foster home, or a residential treatment program;
- Be on probation and committed to a county juvenile hall, camp, or ranch; or
- Be committed to a state institution.

Common Questions

I am the victim of a crime that I think was committed by a juvenile. How can I get information about the case?

As a victim, you have the right to be notified of all juvenile court hearings. There are several ways you can find out.

Call the Victims of Crime Resource Center. They can tell you where to get information in your county.

Call **800-842-8467** (800-VICTIMS).

Or contact the:

- Juvenile Probation Department;
- District Attorney's Office; or
- Victim Witness Department (if your county has one).

I was told the case was dismissed. Why?

Sometimes, cases are dismissed because there is not enough evidence. This does not mean that

the prosecutor thinks the crime did not happen. It means there may not be enough evidence to prove it happened. If your case has been dismissed and you do not understand why, you can ask the District Attorney's office for an explanation.

Can I get reimbursed for my losses and expenses because of the crime?

The judge may order the offender or the offender's parents to pay "restitution" to cover your losses.

Restitution is money the offender pays to compensate the victim (or the victim's parents or guardian) for:

- Stolen property;
- Medical expenses; or
- Wages or profits that the victim lost because of the crime.

To get restitution, the judge must make a **court order** that says the offender must pay you restitution. You may also ask for 10% yearly interest. Even if the offender has no money to pay you, the parents of the offender are legally responsible for the restitution that the judge orders.

Are there programs that compensate victims for their losses and expenses because of the crime?

Yes. Apply to the state Victim Compensation Program. This program is funded by fines paid by convicted offenders.

To get payment from the fund, you must:

- Apply within 1 year of the crime (or within 1 year of turning 18 if you were under 18 when the crime occurred);
- Cooperate with law enforcement on your case; and
- Provide written proof of your losses and expenses.

Can I go to the hearings?

Yes. You have the right to go to court hearings about your case. Tell the county probation department or

prosecutor you want to go. You will get notices about the date, time, and location of the hearings. You may bring one or two support people.

Warning! The offender or other person in the case may ask that you and your support people not go to a hearing if they can show that your going will make the hearing unfair. If that happens, you can still make a victim impact statement and submit it to the court in writing.

What happens at the disposition hearing?

If the judge decides the charges are true, the judge will order consequences.

Possible consequences for the offender include:

- Pay restitution to the victim;
- Pay a fine that goes to the state victim restitution fund;
- Community service;
- Probation;
- Supervised probation and live in a relative's home, a foster home, or a residential treatment program;
- Detained at a juvenile hall, county camp, or ranch; or
- Detained at a state institution.

How do I find out what happens at a hearing without going?

Ask the county probation department to let you know what happened at the hearing and what the judge decided (also called the "disposition" of the case). Ask if the judge made a restitution order. The probation department should send you this information within **60 days** of the disposition hearing.

If I am afraid of the offender, can I get a restraining order when they get out of custody?

Depending on the type of the crime, the court may make a "no contact" order or restraining order to

protect you. Or you can ask for a restraining order in civil court. Contact your local court's self-help center to learn more: *www.courts.ca.gov/selfhelp-selfhelpcenters.htm*.

Can I let the offender know how the crime affected my life?

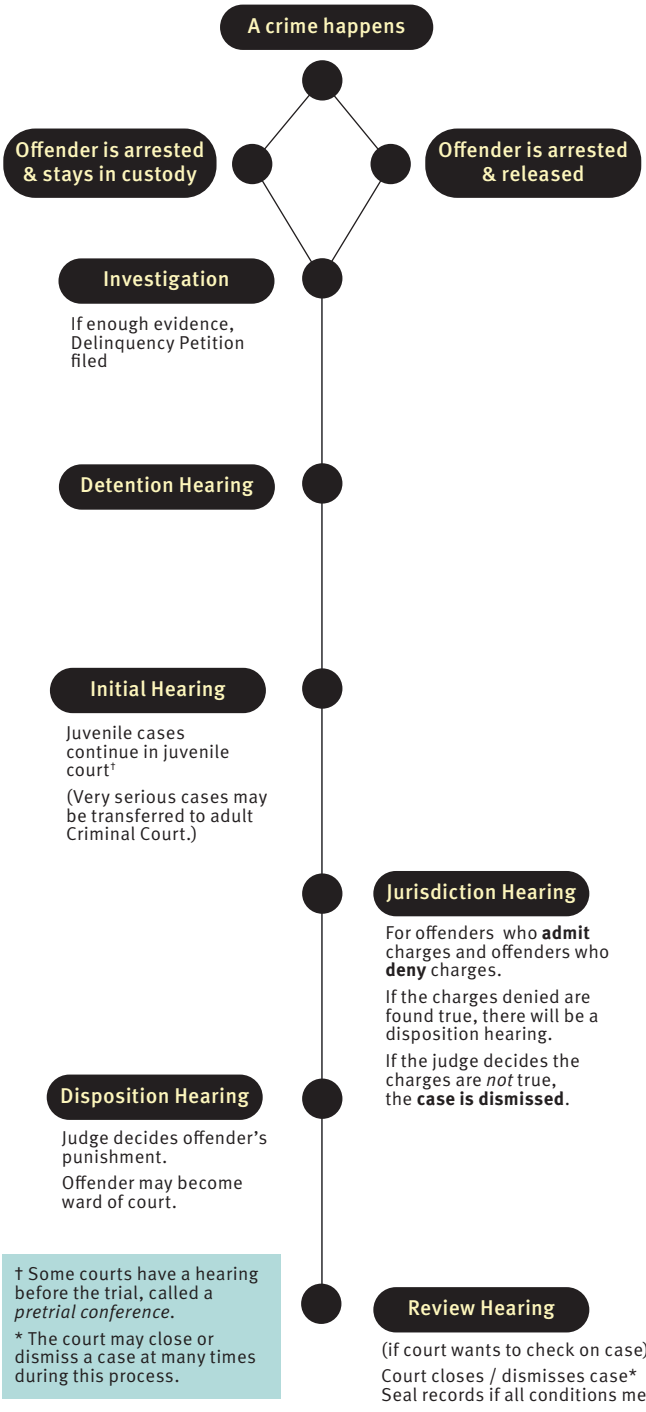
Many counties have programs that help you tell the offender how the crime affected you. Your county must tell you about any programs available, and it is your choice to participate or not.

The programs may allow you to:

- Write a statement that you or someone you choose can read in court or have sent to the offender.
- Go to supervised victim-offender mediation, if both you and the offender want to participate.
- Go to victim impact classes. These classes let you tell a small group of offenders how the crime affected you. The offender in your case will not be in the class.

Important! It is against the law for law enforcement to give the offender your address or phone number.

Steps in the Legal Process



Custody—Juvenile offenders can only be kept locked up (in custody) if there is a valid legal reason, such as being a threat to themselves or others. If the offender is in custody, there must be a detention hearing within 72 hours after the arrest. (Weekends and holidays do not count.)

Delinquency Petition—The prosecutor's office files this petition. It lists the charges against the offender. It also says the charges would be considered a crime if the offender were an adult.

Detention Hearing—At this hearing, the judge will decide if the offender must be kept locked up (in custody).

Initial Hearing—If the offender is not in custody, this hearing must take place within 15 days of filing the delinquency petition. Sometimes the offender is willing to postpone (waive) the 15-day deadline, and the hearing happens later. Some cases are dismissed at the detention or initial hearing.

Jurisdiction Hearing—At this hearing, the judge asks the offender to admit or deny the charges in the petition. Offenders who **admit** the charges give up the right to a hearing that is like a trial, and the judge will decide if the charges are true. If an offender **denies** the charges, there will be a hearing that is like a trial.

The state will try to prove, beyond a reasonable doubt, that the offender did what the petition charges. The offender's lawyer will present a defense. The judge will decide.

If the judge decides the charges are not true, the case is dismissed. If the judge decides the charges are true, there will be a disposition hearing.

Disposition Hearing—This happens only if a judge decides that the petition is true. The judge will decide what orders to make for the offender. This hearing is often right after the jurisdiction hearing, on the same day, or several days later.

Review Hearing—In some cases, the juvenile court has hearings to review how an offender is doing under probation. If the offender has already been sentenced and sent to a state institution, the Board of Juvenile Hearings is in charge of the review hearings.

Your Role in the Juvenile Court Process

A county probation department officer investigates the case. You can talk to the officer about the crime, send an impact statement, and calculate your losses. The officer will ask you about your losses, tell you how to apply for restitution, and tell you about other ways to get compensation for your losses, like a civil judgment.

For some violent felony cases, you have the right to be told of any plans for plea bargains. A plea bargain is when the prosecutor accepts a guilty plea to a lesser charge to resolve the case without a trial. **You must ask for this information.**

You have the right to get notice about, go to, and express your views at the disposition hearing. The judge decides what orders (punishment) to make for the offender and makes the restitution order at this hearing.

You may take one or two support people to the hearing with you.

If you do not want to go to the hearings, ask the county probation department to let you know about the case and the restitution order. You will get a letter within 60 days of the disposition order.

If the judge sends the offender to a state institution, you can ask to be told about all review hearings and get written notice 30 days before the hearing. You may take one support person to the hearing. If you cannot go, two support people may go for you.

Important! The review board may say you or the support person cannot go to the hearing. You may send a written statement or videotape. The review board must consider your statement.

Resources

Victims of Crime Resource Center

3200 Fifth Avenue, Sacramento, CA 95817-2705
Call or text: 1-800-VICTIMS (842-8467) (toll-free)
(TTY: 916-739-7050)
Email: 1800VICTIMS@pacific.edu
Website: *www.1800victims.org*

The Victims of Crime Resource Center provides information and referrals to victims and their families.

Office of the Attorney General Victims' Services Unit

P.O. Box 944255, Sacramento, CA 94244-2550
Call: 877-433-9069 (toll-free)
Email: victimservices@doj.ca.gov
Website: *https://oag.ca.gov/victimservices*

The Victims' Services Unit (VSU) helps crime victims and their families track the status of criminal cases and appeals. This helps victims be informed at every stage of the criminal process and participate in proceedings if they want to.

California Victim Compensation Board (CalVCB)

P.O. Box 3036, Sacramento, CA 95812-3036
Call: 800-777-9229 (toll-free) or 916-491-3600
Email: info@victims.ca.gov
Website: *https://victims.ca.gov*

CalVCB is a state program that reimburses eligible victims for crime-related expenses and losses. CalVCB funding comes from restitution paid by criminal offenders through fines, orders, and penalty assessments, and from federal funds. Apply at CalVCB's website or ask the probation department for an application.

For more copies of this brochure, contact:

Judicial Council of California
Attn: Center for Families, Children & the Courts
455 Golden Gate Avenue,
San Francisco, CA 94102-3688
Call: 415-865-7739
Email: cfcc@jud.ca.gov

Also available online in English and other languages at: *www.courts.ca.gov/cfcc-delinquency.htm*

This brochure was published in February 2021 based on laws in effect at that time.

Cal. Const., art. I, § 28(b); Pen. Code, §§ 679.02, 679.026, 841.5, 1202.4; Welf. & Inst. Code, §§ 656.2, 656.2(c), 656.5, 676.5, 730.6, 730.7, 742, 742(b), 786, 1767; Cal. Rules of Court, rule 5.530(e)(2).

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