

WOOD COUNTY JUVENILE PROBATION
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VICTIM OF JUVENILE CRIME? KNOW YOUR RIGHTS

RIGHTS OF VICTIMS OF JUVENILE CRIME:

- (a) Section 57.002, Family code, provides the following rights within the juvenile justice system to a victim, guardian of a victim, or close relative of a deceased victim:
- (1) The right to receive from law enforcement agencies adequate protection from harm and threats of harm arising from cooperation with prosecution efforts;
If you have been threatened or intimidated, charges may be filed against the person making such threats. Call the law enforcement agency where you reported the crime and document the threats. Also contact your county prosecutor to see what steps may be taken to prevent further violence. The prosecutor can tell you how to get a protective order against the person making the threats.
 - (2) The right to have the court or person appointed by the court take the safety of the victim or the victim's family into consideration as an element in determining whether the juvenile should be detained before the juvenile's conduct is adjudicated;
 - (3) The right, if requested, to be informed of relevant court proceedings, including appellate proceedings, and to be informed in a timely manner if those court proceedings have been cancelled or rescheduled;
 - (4) The right to be informed, when requested, by the court or a person appointed by the court concerning the procedures in the juvenile justice system, including general procedures relating to: the preliminary investigation and deferred prosecution of a case; and the appeal of the case;
 - (5) The right to provide pertinent information to a juvenile court conducting a disposition hearing concerning the impact of the offense on the victim and the victim's family by testimony, written statement, or any other manner before the court renders its disposition;
 - (6) The right to receive information regarding compensation to victims as provided by subchapter B, Chapter 56, Code of Criminal Procedure, including information related to the costs that may be compensated under that subchapter and the amount of compensation, eligibility for compensation, and procedures for application for compensation under that subchapter, the payment of medical expenses under Section 56.06, Code of Criminal Procedure, for a victim of sexual assault, and when requested, the referral to available social service agencies that may offer additional assistance;
 - (7) The right to be informed, upon request, of procedures for release under supervision or transfer of the person to the custody of the pardons and paroles division of the Texas Department of Criminal Justice for parole, to participate in the release or transfer for parole process, to be notified, if requested, of the person's release, escape, or transfer for parole proceedings concerning the person, to provide to the Texas Youth Commission for inclusion in the person's life information to be considered by the commission before the release under supervision or transfer for parole of the person, and to be notified, if requested, of the person's release or transfer for parole;
 - (8) The right to be provided with a waiting area, separate or secure from other witnesses, including the juvenile alleged to have committed the conduct and relatives of the juvenile, before testifying in any proceedings concerning the juvenile, or, if a separate waiting area is not available, other safeguards should be taken to minimize the victim's contact with the juvenile and the juvenile's relatives and witnesses, before and during court proceedings;
 - (9) The right to prompt return of any property of the victim that is held by a law enforcement agency or the attorney for the state as evidence when the property is no longer required for that purpose
 - (10) The right to have the attorney for the state notify the employer of the victim, if requested, of the necessity of that victim's cooperation and testimony in a proceeding that may necessitate the absence of the victim from work for good cause;
 - (11) The right to be present at all public court proceedings related to the conduct of the juvenile as provided by [Texas Family Code] Section 54.08, subject to that section; and
 - (12) Any other right appropriate to the victim that a victim of criminal conduct has under Article 56.02, Code of Criminal Procedure

- (b) In notifying a victim of the release or escape of a person, the Texas Youth Commission shall use the same procedure established for the notification of the release or escape of an adult offender under Article 56.11, Code of Criminal Procedure.

THE JUVENILE JUSTICE SYSTEM

The following is a summary of the procedural stages involved in the juvenile justice system. The word “victim” refers to victims, guardians of victims, and close relatives of deceased victims.

Victims have the right to have these procedures explained fully. To exercise any of these rights or, for more information contact the Victim Assistance Coordinator at the Juvenile Probation office (903) 763-4515.

PRELIMINARY INVESTIGATION

For minor violations, law enforcement may simply warn the juvenile and release them to their parents. When further action is needed to protect the public or to prevent future offenses, the case is forwarded to local juvenile probation officials.

INTAKE

Intake is the process where juvenile probation officials review the facts of the case and determine the appropriate action to take based on the law. Juvenile probation officials have several options when handling a juvenile referral. A juvenile’s case may be resolved through a supervisory caution, mediation, deferred prosecution, or formal juvenile court action. When a juvenile is taken into custody, the juvenile officials decide where the juvenile will stay pending juvenile court proceedings. If juveniles are not released to the custody of parents or guardians, they are detained in a secure juvenile detention center. Unless the juvenile board has adopted a different procedure, all felony or a misdemeanor offense involving violence to a person or use of possession of a weapon are immediately sent to the prosecutor’s office. The prosecutor’s office either handles the case, or refers it back to juvenile probation.

JUVENILE PROCEEDINGS

Victims have the right to file a victim impact statement and have it considered in juvenile proceedings. Victims also have the right to be presented at all public court proceedings involving the juvenile, subject to approval of the judge. To exercise these rights in detention, adjudication or disposition hearings, contact the victim assistance coordinator. The coordinator and the juvenile board are responsible for ensuring that victims are afforded their rights to the extent practicable.

DETENTION

If a juvenile is placed in a detention facility, the juvenile court must hold a hearing on the matter within two working days. If the juvenile is detained on a Friday or Saturday, the detention hearing must be held on the first working day after the detention. At this initial hearing, and subsequent hearing held every ten working days, the judge must determine if there is good cause to continue detaining the juvenile. Victims have the right to have their safety taken into consideration before a juvenile is released. However, detention hearings may take place before the victim has been contacted. If victims have a concern for their safety, law enforcement and the juvenile probation department should be notified immediately so this information may be brought to the attention of the person making the decision about releasing the juvenile.

DEFERRED PROSECUTION

Juvenile probation officers may decide not to proceed with juvenile court action. In such cases, the juvenile may be placed on “deferred prosecution” for no more than six months. During that time, the juvenile must meet certain terms or the case could be referred to the prosecutor’s office for subsequent court action.

Paying monetary restitution to the victim or the completion of community service hours may be included in the juvenile’s deferred prosecution program.

ADJUDICATION

In a court proceeding called an “adjudication” hearing, the juvenile accused of the crime, the juvenile’s family and attorney appear before a judge or jury that will decide if the juvenile committed a delinquent act or conduct indicating a need for supervision.

If a court finds that a person has engaged in delinquent conduct or conduct indicating a need for supervision, then the court must set a date and time for a separate disposition hearing.

DISPOSITION

At the disposition hearing the court will decide what punishment is appropriate for the juvenile’s acts. The court may place the juvenile on varying levels of probation, place the juvenile on varying levels of probation, place the juvenile in a private, state or local residential facility, or commit the offender to the Texas Youth Commission.

For certain serious offenses, the juvenile court also has the option of allowing the use of determinate sentencing. The determinate sentencing law allows a juvenile to be confined up to forty years. The first part of the sentence would be served in a Texas Youth Commission facility, followed by an optional court transfer to state prison.

At the disposition hearing, victims have the right to provide pertinent information about the impact of the offense on the victim and the victim’s family. This may be done through testimony, a written statement and or other manner before the court makes its decision. One way to do this is to meet with the juvenile probation officer conducting a predisposition investigation and provide information for inclusion in that report. Another way is to complete a victim impact statement. Subject to the judge’s approval, victims, guardians of victims and close relatives of deceased victims may appear at the disposition hearing itself.

RELEASE PROCEEDINGS

At any time during placement, a juvenile may be eligible for release. This may be as a result of the juvenile’s compliance with all court ordered conditions, or, an administrative decision to release the juvenile. Victims have the right to be notified when the juvenile is being considered for release and participate in the release decision.

RESTITUTION

At the disposition hearing, the juvenile court may order the child and/or his parents or guardians to perform community service and/or pay restitution to the victim. Victims should provide information to the juvenile probation officer identifying the extent of their losses. This information may be provided in a victim impact statement.

APPEALS

A juvenile has the right to appeal court decisions. The victim has the right to be informed of the status of the appeal process in the event that the juvenile determines to exercise that right. In order to receive notices of hearings, appeals and restitution payments, it is important for victims to inform the juvenile probation department and the prosecutor about any changes of address.

ANY QUESTIONS REGARDING YOUR RIGHTS AS A VICTIM OF JUVENILE CRIME, PLEASE CONTACT KIM CARPENTER AT:
(903) 763-5772