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Iowa Judicial Branch

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Delinquency Proceedings

Delinquency cases are handled in the same manner as criminal cases with a few key differences. In a juvenile court delinquency case a child is adjudicated to be a delinquent rather than convicted of a crime. After being adjudicated delinquent, the child is not "sentenced", he receives a disposition. An adult criminal will generally be sentenced to a discreet period of years for probation or incarceration. The child in a delinquency disposition is given a rehabilitative plan which is usually not time limited. The focus in the juvenile case is to provide the child the services that will prevent future delinquencies. In a delinquency case there is no right to a jury trial.

Intake

The first step of most delinquency proceedings is "intake." This is the preliminary screening of a complaint by a juvenile court officer and the child's parents. The purpose of intake is to determine whether the court should take action in the case. From intake the case may proceed in two directions, either to informal adjustment or to the filing of a delinquency petition. If a child has been apprehended or detained by law enforcement, the matter may go straight to the filing of a petition without the intake procedure. The petition is generally filed by the county attorney.

Informal Adjustment

If informal adjustment is selected by the juvenile court officer as the appropriate disposition, the child and the child's parents must agree to the terms required in an informal adjustment agreement. The agreement always requires that the child admit the charges. In addition, the typical agreement requires (1) non-judicial probation in which the child is to abide by conditions of behavior imposed under the probation or (2) treatment services. Typically, if a child obeys the conditions of the informal adjustment a petition is not filed and the child is released from the oversight of the juvenile court.

Formal Proceedings

The filing of a petition triggers formal court proceedings. The petition contains allegations of the child's delinquent acts. After the filing of the petition there will be one or more hearings--a waiver hearing and an adjudicatory hearing.

Depending the nature of the alleged delinquent act there may be a detention hearing to determine if the child should be placed or retained in detention.

Most petitions proceed to adjudicatory hearings. An adjudicatory hearing is a court hearing to determine if the allegations in the petition are supported by evidence. The case is presented by the county attorney. The child has the right to be represented by counsel. If the child cannot afford counsel, counsel will be provided at state expense. Both sides present evidence. If the child is found not to have committed the alleged delinquent acts, the petition is dismissed and the child is no longer under the jurisdiction of the court. If the child is found to have committed the acts, the child is adjudicated a delinquent. A disposition hearing follows a determination of delinquency. At the disposition hearing the court determines the appropriate consequences or treatment for the child.

In cases involving violent criminal behavior by older adolescents there may be a waiver hearing. Iowa law provides that some people under 18 years of age may be tried as adults. A juvenile judge may "waive" a child to adult court if the child is over 14 years of age, and there are no reasonable prospects to rehabilitate the child in juvenile court. Additionally, if a child is sixteen or over and commits a "forcible felony", that child is automatically waived to adult court. Once waived to adult court, the child is no longer under the jurisdiction of the juvenile court and is subject to the same criminal procedures and penalties as adults.

Disposition

The court has two disposition options: probation or placement. If the court orders formal probation, the child must comply with certain conditions. While on probation the child is under the supervision of a juvenile court officer. If a child successfully completes the probation, the child is released from the jurisdiction of the court. If a child does not comply with probation, the child will be subject to further disposition by the court.

Instead of probation, the court may place the child in foster care, residential treatment or a state institution. After a child completes treatment the child is under probation.

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