**Juvenile Sentencing**

***The Law***

**ONCE THE JUVENILE IS FOUND (ADJUDICATED) DELINQUENT WHAT DOES THE COURT DO?**

If the court finds that a juvenile is delinquent, it conducts a disposition hearing in which the court determines what the disposition (sentence in adult court) will be.

**WHEN IS DISPOSITION DONE?**

The disposition hearing may be conducted immediately after the finding of delinquency or continued (delayed) it until a predisposition report can be completed or until the victim or others with the right to attend the hearing can be notified. Following the hearing, the dispositional order must be issued within 15 days if the child is in detention and 45 days if not.

**WHAT IS A PREDISPOSITION REPORT?**

It is an investigation of personal and family history and environment of the child. It includes medical, psychological and chemical dependency evaluations of the juvenile. The court will consider the information in the report when selecting an appropriate disposition.

**WHAT ARE THE COURT’S OPTIONS?**

It may order any of the following in the effort to rehabilitate the juvenile and protect the safety of the child and the public:

1. Counsel the child or parents, guardians, custodian;

2. Place the child in the child’s own home under the supervision of a probation officer;

3. If the child is a danger to self or others, transfer legal custody to:

* A child-placing agency
* The local social services agency, or
* An individual of good moral character, or
* A county home school, or
* A county probation officer for placement in a group foster home;
1. Transfer legal custody to commissioner of corrections;
2. Order the child to make reasonable restitution for damage to a person or property of another;
3. Require the juvenile to pay a fine up to $1,000;
4. Order parents to provide special treatment and care for physical or mental health;
5. Cancel the juvenile’s driver’s license if in best interest of child;
6. Order a sex offender assessment and treatment;
7. Order the child to remain in school if in best interest of the child;
8. Order a child who possessed a firearm at the time of the offense to serve at least 100 hours of community service unless the child is placed in a residential treatment program or a juvenile correctional facility. If the firearm was in a school zone, the child’s driver’s license will be revoked.

**WHAT DOES THE COURT ORDER CONTAIN:**

The order contains the disposition chosen by the court and a summary of the facts of the case. It also includes information on why the best interests of the child are served by the order, and what alternative dispositions were considered by the court and why they were rejected.

**HOW LONG WILL THE COURT HAVE CONTROL OVER THE JUVENILE?**

The length of time varies, but the maximum length is through the juvenile’s 18th year, unless the juvenile is EJJ. EJJ juveniles remain under the court’s jurisdiction until age 21.

**DO ALL COUNTIES HANDLE DISPOSITIONS IN THE SAME WAY?**

No. A few counties are using a system similar to the system used in adult court. This system, called the Sentencing Guidelines, recommends sentences according to the severity of the offense and the offender’s criminal history. It attempts to treat people with similar histories and similar offenses the same. Some counties are not using guidelines in order to remain more flexible in meeting the various needs of juveniles. See “Sentencing” in Criminal Law.

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***Activity: You Decide***

Kisha is fifteen years old. Her mother and father are divorced. She has had no contact with her father since she was five. Her mother is an alcoholic, although at times she is sober and actively participating in a treatment program. When her mother is drinking, she ignores Kisha. Through the years Kisha has grown very independent. She is used to making decisions for herself.

Kisha’s friends are often in trouble. They all live in the same housing complex and have little to do in their spare time. Kisha has been to juvenile court on three previous occasions. First, when she was 11, she was brought in on truancy and smoking charges. Next, when she was 13, she was caught shoplifting. She was caught shoplifting again when she was 14.

Now, Kisha has been found delinquent because of a damage to property offense. She spray-painted obscenities all over the walls of a downtown underground garage.

You are the judge. What should the disposition be? Explain why you selected the options chosen.

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## Activity: Youth Forum

You have been asked to participate in a youth forum concerning the juvenile justice system. You can choose questions from the following list or develop your own. Add any topics you would be interested in talking about.

1. Suppose I was moving to Minnesota and wanted to know about how Minnesota deals with juvenile offenders; what would you say to me?
2. What do you think the goals of the juvenile justice system are?
3. What needs of juveniles and their families are being met well by the current system?
4. What needs of juveniles and their families are not being met by the current system?
5. What services or programs in the juvenile justice system are working pretty well?
6. What are the barriers you have faced in the juvenile justice system? Are there barriers related to gender, race, and socio-economics? If so, please describe them.
7. If you were in charge, what changes would you make to help the juvenile justice system work better?