

Utah's Juvenile Courts



What is Juvenile Court?

Established in 1905, Utah's Juvenile Court serves many purposes. The court has jurisdiction over juveniles under the age of 18 who have committed an offense. The court also has jurisdiction over ungovernable youth if social services and the schools have failed—despite persistent efforts—to correct the youth's problem. The court protects the community, orders appropriate sanctions for delinquent juveniles, and directs their rehabilitation. The court also handles matters involving abused, neglected, or dependent children.

CHILDREN WHO VIOLATE THE LAW

How do cases reach Juvenile Court?

Alleged offenses are generally first reported to the Juvenile Court by the police. At the court, cases are assigned to an intake officer who meets with both the juvenile and his or her parents to determine what action is necessary. If the juvenile denies the charge, the intake officer will set a time for a hearing with a judge.

If the juvenile admits to the charge, the intake officer has two options, depending on a number of factors including the severity of the offense, the family situation, and the juvenile's age and past record. The officer may set a time for the juvenile and the parents to have a court hearing with a judge or the officer may develop a non-judicial contract that outlines how the juvenile will be held accountable for the offense that was committed. If the contract is fulfilled, the juvenile's case will not go to court.

What are Juvenile Courts like?

Juvenile Courts are different in some ways from adult courts. Attempts are made to protect the juvenile's privacy, so many of the hearings are closed to the public. Generally, only the juveniles and their parents are present at the hearing. At least one legal guardian must attend, unless the child is a ward of the state. The intake officer also attends. Juvenile Court hearings are less formal than trials held in adult courts. Juveniles do not have the right to a jury trial, nor can they post bail in order to get out of detention, unless they are from out of the state.

Juvenile Courts are similar to adult courts in that the courts are required to meet constitutional requirements of due process. Juveniles must be notified of all the charges against them and must be given the chance to call and cross-examine witnesses. They have the right to an attorney and the right against self-incrimination.

What are the most common types of offenses committed by juveniles?

The most commonly committed offenses by juveniles in Utah are shoplifting, possession of alcohol, theft, burglary, possession of marijuana, destruction of property, possession of tobacco, trespassing, violation of curfew, and assault.

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What kinds of dispositions do juveniles receive?

The disposition that a juvenile receives depends on many factors such as the type of offense that has been committed as well as the juvenile’s past record. Restitution, fines, and community service are the most common penalties; sometimes dispositions are a combination of the three. In 2002, the Juvenile Victim Restitution Program returned more than \$1,137,000 to the victims of juvenile crime. Also in 2002, youth completed more than 787,800 hours of community service and received more than \$985,000 in fines and fees.

Can a juvenile be tried in an adult court?

A juvenile can be tried as an adult in the following conditions:

1. Any 16 or 17-year-old juvenile accused of murder is automatically tried in an adult court.
 2. Any 16 or 17-year-old juvenile who has previously been sentenced to a secure facility and is then charged with another felony is automatically tried in adult court.
 3. Any 16 or 17-year-old juvenile charged with one of 10 designated felonies against a person is charged as an adult in Juvenile Court. The juvenile is then remanded to adult court unless the juvenile convinces the Juvenile Court judge that there are compelling reasons to keep the case in Juvenile Court.
 4. Any juvenile 14 or older charged with a felony can be transferred to adult court if the prosecutor convinces the juvenile judge that it is in the state’s best interest to hear the matter in adult court.
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What happens to a juvenile’s record?

Generally, only the juvenile, the parents, and the attorney representing the juvenile have access to a juvenile’s record. If a youth is 14 or older and commits a felony, certain parts of his or her records are available on request. The Juvenile Court may consider past records to determine dispositions for new offenses. If a youth is later convicted in an adult court, his or her record may be made available to adult probation and parole for use in preparing their pre-sentencing report.

To expunge a Juvenile Court record, the juvenile must pay a filing fee and request an expungement hearing at least one year from the date jurisdiction ended. The judge may expunge the record if the juvenile has stayed out of trouble during the year and has reached the age of 18.

CHILDREN WHO ARE VICTIMS

What constitutes abuse, neglect, or dependency?

An abused child is one who has suffered or been threatened with nonaccidental physical or mental harm, sexual exploitation, or is at a substantial risk of such injury. A neglected child is one who has been abandoned, mistreated, or abused by a parent, guardian, or custodian or who is at risk of such harm. A dependent child is one who is homeless or without proper care through no fault of the parent or guardian.

How does the court become involved in child victim cases?

In Utah, anyone can file a petition alleging that a child is abused or neglected. The Division of Child and Family Services (DCFS) make the majority of these filings. The state may place children who are perceived to be in immediate danger into protective custody even before a petition is filed. If a child has been physically harmed, the court may order emergency medical treatment.

A pre-trial hearing is held after the initiation of an action. The parents are notified of the date and time of the hearing and reminded that they have the right to an attorney. If the parents do not attend, the court proceeds to decide the case. If the parents do appear and admit that the allegations are true, the judge will determine how best to guarantee the safety of the child. If the parents appear and deny the allegations, a trial date will be set.

At trial, whoever filed the petition has the responsibility to prove that the charges are true. The following parties should be present with their attorneys: the petitioner, the parents, the state-appointed guardian ad litem, and an assistant Attorney General, who represents DCFS.

What can the juvenile court do if abuse has occurred?

The driving principle in Juvenile Court is "the best interest of the child." Children remain with their parents or guardians whenever it is safe and appropriate for the child. When a child must be removed from the home due to a finding of abuse or neglect, the child may be promptly returned to the parents, subject to certain conditions. In other cases, the child will be temporarily taken away while the parents comply with the court’s order to attend counseling or to receive other social services. If a parent is found to be unfit or has abandoned the child, the court may order that either one or both parents immediately lose their parental rights to the child.

If both parents lose their parental rights, the Juvenile Court may place the child in the care of a relative or the state. The court also has the authority to proceed with adoption proceedings if it decides that adoption is in the best interest of the child and an adoptive family is available. On average, child abuse or neglect cases are resolved 8.3 months after removal. About 50 percent of the cases result in reunification with the family members, 24 percent result in guardianship or custody granted to a relative, and 18 percent result in adoption.
