

## **Probation Services FAQs**

**Q. A law enforcement agency issued my child a Civil Citation for a law violation. What happens now?**

**A.** After a law enforcement agency issues a Civil Citation, you and your child will be contacted to schedule a meeting to talk with someone about the citation. During the discussion a needs assessment will be conducted with your child to help identify any needed services and referrals. An individualized service plan will be developed with you and your child to address referrals for service(s), which includes holding your child accountable to the victim and the community.

**Q. My child was taken into custody (arrested) by law enforcement. What happens after my child is taken into custody?**

**A.** After a law enforcement agency charges your child with a law violation, depending on the seriousness of the offense and the law enforcement officer's view of what is needed to appropriately address the offense, the next steps may be:

- Your child is taken to a Juvenile Assessment Center (JAC) or a Juvenile Detention Center for detention intake screening.
- Screening assesses the risk your child may pose to the community and determines if some type of detention is necessary.
- Your child may be released to you or placed in a secure facility depending on the outcome of a detention risk assessment.
- Your child may be released to you with a direct referral to a diversion program.
- Charges are forwarded to the Clerk of the Court and the Probation Office.

**Q. My child was taken into custody (arrested) by law enforcement. How long after being taken into custody can I see my child?**

**A.** Depending on the detention screening assessment your child may be released to your custody or placed in a secure facility pending a court hearing. You must contact the detention facility, and ask for the designated visiting hours. Special requests may be made through the youth's case manager and/or program superintendent.

**Q. What is a Juvenile Probation Officer and what does one do?**

**A.** A Juvenile Probation Officer (JPO) provides important services:

1. Initial intake service on referrals from law enforcement for youth under the age of 18 at the time the offense was committed.
2. Assessment(s) and referrals for services based on youth risk and needs.
3. Community-based intervention services that may include supervision.

### **Q. What is the intake process?**

- A.** Once your child is charged with a law violation, an intake JPO receives a copy of the law violation charge from law enforcement or from the Clerk of the Court. The JPO will contact you, your child and your family to conduct interviews and gather information.
- This information assists the JPO in making an assessment and developing a plan to address your child's offense.
  - The nature of the offense, the risk your child presents to the community, damages incurred to the victim by your child's actions, and other needs your child may have are all considered.
  - The JPO then makes a recommendation, presenting the assessment of information gathered and a plan to address the delinquent offense.
  - This plan is tailored individually to protect the community, to hold your child accountable for offenses to the victim, and to provide a rehabilitative plan that addresses your child's needs with the goal to help your child avoid breaking the law again.

### **Q. Why is my child assigned a JPO?**

- A.** A JPO is assigned to all youth referred to DJJ. This does not mean that your child is or will be on probation.
- For the most part, your child's JPO is the single-point of contact for you and your child as your child's case moves through the juvenile justice system.
  - The JPO is the staff member who recommends how to handle your child's law violation, which may range from a non-judicial diversion program, probation supervision, or commitment, including residential commitment.
  - If your child goes to a residential commitment program, then your single point of contact during that time will be your child's residential social worker, who is a member of the treatment team at the residential program.

### **Q. What is a diversion program?**

- A.** A diversion program is a form of non-judicial handling of your child's case. Rather than going to court the JPO may recommend your child receive help through a diversion program. If your child successfully completes the program, no further court action will be pursued. However, if your child does not complete the diversion program, the State Attorney may file a petition with the Juvenile Division of the Circuit Court (Juvenile Court), formally charging your child with the delinquent offense.

### **Q. What is Juvenile Court or a "recommendation for court intervention"?**

- A.** After gathering all of the necessary information and assessments, your child's JPO may recommend that the State Attorney's Office formally charge your child with a delinquent offense. This is a "recommendation for court intervention." A recommendation for court intervention may include adult prosecution, if the offense is very serious or if your child has a history of law violations (habitual offender).
- If the State Attorney files a delinquency petition based on the charge it is sent to the Juvenile Division of the Circuit Court. This special division of the Court hears juvenile cases of law violations.
  - Your child's JPO cannot recommend a diversion program for your child after the case has been tried in Juvenile Court.
  - If your child has committed a serious offense or is a habitual offender, the JPO's recommendation may include prosecution of your child in Adult Court.
  - Your child cannot be tried as an adult after being tried as a juvenile for the same crime.

**Q. What happens if my child is referred to Adult Court?**

- A.** With certain felony offenses, the law may require that your child’s law violation is heard in Adult Court. Your child’s case may be sent to the Adult Criminal Division of the Circuit Court (Adult Court) by “direct file,” “waiver,” or “indictment.” In these circumstances, it is possible that your child would be tried as an adult for the offense and receive adult sentencing.
- When this happens, the Florida Department of Corrections is involved in your child’s case, giving recommendations to Adult Court.
  - In some circumstances, a juvenile may be found guilty in Adult Court but sentenced back to DJJ for sanctions to be carried out or for commitment to a residential program.

**Q. What is the difference between “adjudicated” and “adjudication withheld”?**

- A.** If your child is “adjudicated” then a judge has ruled that your child committed a delinquent act or violation of law and is therefore adjudicated delinquent. If your child has “adjudication withheld,” then a judge similarly concluded that your child committed a delinquent act or violation of law, but a formal pronouncement of delinquency should be withheld. Adjudication is significant, not simply due to the formal pronouncement of delinquency, but because only adjudicated delinquent youths may be committed to the Department.

**Q. Will my child be required to take a DNA test?**

- A.** Effective September 1, 2011, deoxyribonucleic acid (DNA) sample collection is required in accordance with § 943.325, F.S., at disposition. In your child’s case, DNA collection is required for felonies and certain misdemeanors once your child has been arrested by law enforcement—even if your child’s case has not gone before a judge. Being found guilty of certain felony offenses may result in a court order that your child must cooperate with DNA testing. DNA test results are kept on file with the Florida Department of Law Enforcement (FDLE).

**Q. What about court fees and “cost of care”?**

- A.** In certain circumstances that your child’s JPO can explain, you and your child may be responsible for costs. These costs may include court fees and, if your child is or was in the custody of DJJ for detention or commitment, the costs may include a per-day charge for your child’s cost of care while in DJJ custody.

**Q. If the court orders my child to pay restitution, what does that mean and how are payments made?**

- A.** The court may determine that your child or additional co-defendants are “jointly” responsible for damages caused in the offense that led to your child’s arrest. As a result, the court may order your child to pay for those damages (pay restitution) to the victim of that crime. In the case of joint responsibility for damages, each co-defendant(s) will share responsibility for paying restitution. If the other co-defendant(s) do not pay their share of the damages, then your child may be responsible to pay all of the restitution.
- Restitution payments and other court fees are payable to the Clerk of the Circuit Court. Under no circumstances are DJJ employees or contracted agents authorized to accept restitution payments in any form. Do not give restitution money to your child’s JPO or other contracted agent providing supervision of your child.

**Q. What are my responsibilities if my child is on probation or supervision?**

- A.** We need your help to ensure that your child's needs are being met and to ensure that he/she is successful in achieving the treatment goals and sanctions in the court order. You can help ensure your child's success by doing the following:
- Maintain regular contact with your child's JPO and keep him informed of your child's successes and struggles while on probation or supervision. The more information the JPO has, the better able we are to meet your child's needs and help him/her succeed.
  - Cooperate with school officials to help your child stay on task academically. Share concerns of poor attendance, performance, or behavior with your child's JPO so the right steps can be taken to help your child succeed in school.
  - Attend all court proceedings with your child.
  - Ensure that you, your child and your family members attend any required counseling or therapy.
  - Arrange for your child's transportation to counseling, employment, community service work sites, and home from the residential commitment program. If transportation is a problem, contact your child's JPO to discuss transportation options.
  - Ensure that your child completes court-ordered goals and sanctions within the established timeframes.
  - Provide a home for your child that is safe, nurturing and recognizes your child's strengths and successes.

**Q. How long will my child be on probation?**

- A.** Only the court can terminate a youth's probation supervision. Once your child has completed all court-ordered sanctions and met all of his treatment goals, the JPO will recommend to the court the termination of his probation.
- If your child is "adjudicated delinquent" by the court, the maximum term of supervision is limited by the maximum term applicable to the degree of the offense (e.g., 1 year for a first-degree misdemeanor). An exception exists for second-degree misdemeanors, which have a maximum supervisory term of 6 months, as opposed to the ordinary statutory maximum of 60 days. If your child has "adjudication withheld," then the maximum term of supervision is not limited by the degree of the offense. However, whether your child is adjudicated or has adjudication withheld, supervision cannot extend beyond his or her 19th birthday.

**Q. Will my child be supervised by DJJ after residential commitment?**

- A.** Upon completion of a residential commitment program, your child may be expected to cooperate with "conditional release" or "supervised after-care." This is similar to being on probation except that your child is still committed to DJJ. Thus, he could be returned to a residential commitment facility for violating the terms of his supervision. This is done administratively without further order of the court. Another type of supervision after completion of a residential commitment program is post-commitment probation. Violations of post-commitment supervision are heard by the Circuit Court.

**Q. If my child successfully completes a diversion program, does he have to let a possible employer know that he was arrested?**

- A.** That depends on how the employment application is worded.

**Q. When my child fills out an application for employment or school, does he have to disclose his juvenile arrest record?**

- A.** Depending on the wording of the employment or school application, your child must disclose his arrest history unless the record has been sealed or expunged by court order.
- According to Florida law, your child can deny any arrest covered by a sealed or expunged record. However, §943.0585 and §943.059, F.S., impose certain exceptions that require acknowledgement of arrests when, for example, the individual seeks employment with a criminal justice agency, a licensed child care facility, and other sensitive positions.

**Q. What must my child know about completing an employment application?**

- A.** It is essential to give complete and accurate information on an employment application.
- Most applications ask, “Have you ever been convicted of a felony?”
  - A conviction is a term applicable to a child who has been tried and convicted or plead guilty in Adult Court.
  - If your child pleads guilty or is found guilty as a juvenile in Juvenile Court, it is an adjudication of delinquency and not deemed a conviction §985.35(6), F.S. .
  - However, this does not mean that your child’s potential employer will not find out about his juvenile arrest record. Most employers conduct a comprehensive background search that is completed by FDLE, the state agency that keeps all records of criminal history in the State of Florida. A copy of this criminal record can be obtained from FDLE.

**Q. Will my child have a criminal record?**

- A.** Your child will have a delinquency record and there will be a record of his arrest even if he is not “adjudicated” or if “adjudication is withheld.” FDLE is the official keeper of criminal history records in the State of Florida per Ch. 943, F.S., and as such collects, processes, stores, maintains and disseminates criminal justice information and records that include records on minors.

**Q. How can I have my child’s juvenile record sealed or expunged?**

- A.** Your child’s criminal history records may be sealed (kept confidential) or expunged (destroyed) as governed by Ch. 943, F.S., which is administered by FDLE.
- While juvenile records are considered confidential, they are not automatically sealed and—in many instances—can be accessed by the general public through local law enforcement. For most, but not all purposes, the subject of a sealed or expunged criminal history record may lawfully deny or fail to acknowledge arrests that are covered by the sealing or expunction.
  - Generally speaking, juveniles can have most misdemeanors (and some felonies) sealed and most misdemeanors expunged after successful completion of a diversion program that expressly authorizes that to be done. A print card and application, along with a fee, must be submitted to FDLE after the State Attorney’s Office certifies statutory eligibility (for expunctions). After FDLE issues a certification of eligibility, a petition is filed with the court to have the record sealed or expunged. A lawyer may assist you in this process. FDLE’s website offers additional information on the process: <http://www.fdle.state.fl.us/Content/Seal-and-Expunge-Process/Instructions-for-Applying-for-a-Juvenile-Diversion.aspx>.

**Q. My child is in custody and I have a complaint. What can I do?**

- A.** Call the Florida Abuse Hotline at 1-800-962-2873.

