

TYPES OF DISPOSITIONS

1. **Consent Decree**— An agreement between the juvenile and the Court in which the juvenile is placed under the Court's supervision without a formal finding of delinquency. The Consent Decree is used in cases where it is felt that some supervision of the child and protection for the community appears to be necessary.

2. **Probation**— A legal way to give a juvenile a chance to live in the community if said juvenile remains free from arrest or violation of probation.

3. **Institutionalization**—Occurs when the Judge feels placement is necessary for the treatment and rehabilitation of the juvenile. Length of placement depends on the type of program offered and how well the juvenile does in the program. The Judge chooses the most appropriate plan for both the juvenile and society.

RESTITUTION

Crime victims have the right to request reimbursement for property damages and/or physical/psychological injuries suffered as a result of the criminal action. If you are the victim of a crime and you wish to ask for restitution, you must first file the appropriate claim with your insurance company. You will receive a Victim Claim Form in the mail to be completed, attaching your bills or estimates with your insurance information. If you have any questions or need assistance, please call the Victim Service Providers at (814) 887-3365.

CIVIL PROCEEDINGS

As a victim, you have the option of suing the juvenile offender in Civil Court. To sue in Small Claims Court, you must contact the Office of the District Magistrate.

CRIME VICTIM COMPENSATION FUND

This fund was passed by the Pennsylvania Legislature in 1976 and has eligibility guidelines for providing certain benefits to crime victims. A brochure is included explaining this program, and for more information or assistance contact the Victim Service Provider at 887-3365.

VICTIM IMPACT STATEMENT

As the victim of a crime, you have the right to make a statement to the Court detailing how the incident has affected you. It may be written or oral. This statement allow you to voice the pain, anguish and financial devastation the crime may have caused.

This statement may be used by the District Attorney's Office when considering the disposition of a case, as well as by the Judge prior to a disposition hearing. If you need assistance filing out the form or have any questions, contact the Victim Service Provider at 887-3365.

The offender and his/her attorney will also have an opportunity to read your Victim Impact Statement or will hear you testify, if you choose to do so.

PRIVACY AND CONFIDENTIALITY

The Victim Service Provider will treat all victims with dignity and compassion, and respect the right of each victim to privacy. The Victim Service Provider may disclose confidential information after the victim signs a Written Confidentiality Waiver form for law enforcement, correctional institutions or prosecutor's office, except when disclosure is necessary by policy of the District Attorney's Office.

FILING A GRIEVANCE

All victims of crime have the right to be treated with dignity, compassion and respect during their involvement in the Juvenile Justice System. If a victim does not receive appropriate treatment or has a complaint, they can contact the Victim/Witness Coordinator to have their complaint documented and start the grievance procedures.



McKEAN COUNTY

JUVENILE

COURT



VICTIM SERVICES

Published and Distributed by

McKean County Juvenile Probation

McKean County Court House

500 West Main Street

Smethport, PA 16749

(814) 887-3365

8:30 a.m.— 4:30 p.m.

Monday through Friday

BILL OF RIGHTS FOR VICTIMS

- 1. To receive basic information concerning victim services.*
- 2. To be notified of the case status.*
- 3. To be accompanied to all juvenile proceedings.*
- 4. To have the opportunity to offer prior comment on the potential reduction or dropping of any charge or changing of a plea.*
- 5. To have to opportunity to offer prior comment on the disposition of a delinquent child.*
- 6. To be restored, to the extent possible, to the financial condition before the crime through restitution, Crime Victim's Compensation program and the return of property.*
- 7. Upon request, to be provided with notice of admittance, discharge, transfer and escape of a juvenile offender from a residential placement shelter facility or detention center and to have the opportunity to express a written objection prior to the release or transfer of the juvenile.*
- 8. To have assistance in filing claims with the Bureau of Victims' Services and Victim Compensation Division.*
- 9. To be notified of the details of the final disposition of the case.*
- 10. To be notified of the Court's termination of jurisdiction of the juvenile offender.*

MOST ASKED QUESTIONS

DO I NEED A LAWYER?

No. A delinquent act committed by a juvenile is an offense against the Commonwealth of Pennsylvania. Therefore, the Commonwealth provides the District Attorney (DA) who represents you.

WHEN DO I NEED TO GO TO COURT?

If the juvenile proceeds to an Adjudication Hearing you will be notified of this hearing date. However, in many instances you do not need to go to court.

WILL THE JUVENILE GO TO JAIL?

No, however, the Judge or Hearing Master can commit the juvenile to a residential treatment facility, drug and alcohol inpatient facility, or place the juvenile on probation requiring community supervision, service to the community, or order restitution to be made. The aim of the disposition is to protect the community, and to rehabilitate the delinquent to reduce the chances of re-offending.

WHAT IS A VICTIM IMPACT STATEMENT?

As a victim of a crime you have the legal right to submit a Victim Impact Statement to be reviewed by the Judge or Hearing Master prior to the sentencing of the juvenile offender. This statement allows you to express, in writing, the impact the crime committed by the juvenile offender has had on you and your family and to state the amount of restitution sought.

STAGES OF THE JUVENILE JUSTICE SYSTEM

Intake Interview—After the juvenile has been charged by the police, the matter is set for an intake interview at the probation department in the courthouse. The juvenile and his parent/guardian appear for this interview. **The victim does not appear at this interview.** If it is determined at the intake that the matter will go forward as charged, it will be discussed as to the most appropriate course of action, taking into account the seriousness of the crime, the juvenile's prior criminal history, and the input of the family.

Hearings...Adjudication —This is a hearing held before the Judge or the Juvenile Hearing Master (Court) when the juvenile is determined to be delinquent or not. An adjudication of delinquency is the same as being found guilty in an adult criminal proceeding.

The juvenile Adjudication Hearing may proceed in one of two ways.

- 1) The juvenile may admit his/her involvement in the criminal activity. In this case the Court will adjudicate the juvenile delinquent and the District Attorney will not need to call witnesses to prove the guilt of the juvenile.
- 2) If the juvenile denies that he/she was involved in the criminal activity, then the hearing will proceed with witness testimony.

The District Attorney will call witnesses to testify as to the activity of the juvenile in relation to the crime. In this case, your testimony will be essential in helping the Court make his decision.

Disposition—The Court decides what should happen to the juvenile.