

Terminology

Adjudication

Youth are not "convicted," they are "adjudicated." The youth does not have the right to a trial by jury. The judge may review evidence relevant to the case. At the conclusion of the hearing, the judge will determine if the youth should be adjudicated delinquent or FINS, based on the evidence presented.

Admit

To plead guilty to a charge/petition.

Answer

To enter a plea of guilty or not guilty to a charge/petition.

Appearance to Answer

This is where the District Attorney's Office formally notifies your child that criminal charges have been filed. The youth's attorney will help him or her decide whether to enter a plea of guilty "admit" or not guilty "deny". If the child pleads not guilty, the Court will set a trial "evidentiary hearing" date. If the child pleads guilty, the Court may move directly to disposition or set a disposition date.

Contempt of Court

A determination by the Court that a person, youth or adult, has violated a court order or failed to appear in Court on a specific date and time as ordered. A youth found guilty of contempt of court may be placed in a juvenile detention facility for up to fifteen (15) days. An adult found guilty of contempt of court may be placed in the Parish Jail for up to six (6) months.

Continued Custody Hearing

This is the first hearing for a youth who is in detention on investigation of a new charge. At this hearing, the court must determine whether enough evidence exists to believe the youth was involved in the crime. This is not the trial. The youth will have an attorney at this hearing. The court decides whether to release or keep the youth in detention. If the District Attorney's Office does not file charges within 72 hours of the youth being placed in detention, the youth will be released. Charges can still be filed later and the youth will receive notice by subpoena to attend an arraignment hearing.

Child in Need of Care (CINC)

Generally, the government does not interfere in family matters. However, the law allows the state to step in to protect a child from harm within the family in a procedure known as a child in need of care court action. A child in need of care action is started by filing a petition (a written request) in Juvenile Court. The petition must allege that the child is abused or neglected. That is a child who:

- Has been abandoned by his or her parent, guardian, or other custodian;
- Has been abused or neglected by a person legally responsible for his or her care; or
- Has no parent, guardian, or custodian capable of providing adequate care.

- **CINC Evidentiary Hearing or Trial** - A trial held in front of a judge to determine if the allegations in the petition can be proven. A fact-finding hearing is generally held within 75 days of filing a petition. At this hearing, the parties can present evidence to the court, including witness testimony. The parties may enter an agreed order rather than having a fact finding trial.
After the fact-finding hearing, the court will issue an order. The order will say whether the child will be returned home or remain in the custody of the state and be in foster care or go to relatives of the family. It will also say what services the parents are to complete and what the Office of Children and Family Support must do to support parents in completing requirements.
- **CINC Permanency Planning Hearing** - A permanency planning hearing is held between nine and 12 months after the child is placed in out-of-home care. A permanent plan is established for the child. If the child remains in out-of-home care, permanency planning hearings are held every 6 months to decide what is best for the child.
- **Termination of Parental Rights** - If a child is not able to safely return home in a reasonable time, the Children's Administration social worker must find another permanent living environment for the child. Federal guidelines require the social worker to file a petition to terminate parental rights after 12 consecutive months of the child being in foster care. Other permanent plans include adoption, non-parental custody or guardianship.
- **CINC Handbook for Families** - *["link to handbook found on terminology main page"](#)*

Deferred Dispositional Agreement/ Article 896

Disposition of a case in which the Court places a youth on supervised or unsupervised probation for a period of time up to six (6) months with or without special conditions. After having successfully completing the probationary period, the youth's case is brought back before the Court and the case is dismissed.

Delinquent Act

A delinquent act is an act committed by a child between the ages of ten (10) and seventeen (17) years of age which, if committed by an adult, would be considered criminal under the statutes or ordinances of Louisiana and/or another state or federal law, with the exception of certain traffic offenses. A youth adjudicated of a delinquent act is referred to as a delinquent.

Deny

Plead not guilty to a charge/petition.

Disposition/Sentencing

Youth are not "sentenced," they receive a "disposition." Disposition hearings occur after the Court has adjudicated a youth to be delinquent as a result of the youth either admitting to a charge

or after having been found guilty. Probation Services either makes a recommendation for disposition at the request of the Court or the Court will order that Probation Services prepare a pre-disposition report. The judge will review the case, the report and hear from all parties in the case as needed and then sentence the youth.

Diversion

After an arrest, the police officer submits the arrest report to the District Attorney's office for screening. After reviewing the report, the DA may decide proceed informally. In this case a youth attends programs designed to discourage him/her from committing additional offenses. If the youth successfully completes the program, the charge is dismissed.

Evidentiary Hearing/Trial

This is when the prosecutor and the youth's attorney will question witnesses on the details of the crime your child has been charged with. The judge (not a jury) decides whether the youth is guilty or not guilty based on the law and the testimony. If the youth is found guilty "adjudicated", the Court may move directly to disposition or set a disposition date. Trials can last more than one day.

Families in Need of Services (FINS)

Youth under the age of eighteen (18) can come before the Court under one of two (2) circumstances:

Truancy - By law, children between the ages of 7 and 18 must attend school. If a juvenile "skips" school five times in a month or ten times during the school year, by law, the school district must file a truancy petition on the child and/or the parents.

Ungovernable - An FINS petition for ungovernable is a request from a child's parent or legal guardian to the juvenile court to help in maintaining the care, custody, and control of the child. Examples of being ungovernable may include not obeying parents or repeatedly breaking school rules, runaway behavior (being absent from home without parental permission), violation of law by a child under age 10. FINS petitions can be filed for youth who are under the age of 18 and:

- Absent from home for at least 24 consecutive hours without parental consent; or
- Beyond parental control to the extent that his/her behavior threatens the health, safety or welfare of the child or any other person; or
- Have a drug or alcohol abuse problem for which there are no pending criminal charges relating to the substance abuse.

Sometimes the Court may remove a FINS child from the home and order placement of the child in a residence other than the home of his/her parent because: a serious conflict exists between the parent and child. The placement is temporary, and the goal is reunification. This action is taken when the conflict in the home cannot be resolved and reasonable efforts have been made to prevent removal of the child from the parental home.

Judgment

Written orders of the Court from a disposition hearing. The judgment includes the charge,

information on the youth and his or her parent(s)/guardian, the commitment period (if applicable) and the period of probation (if applicable). The judgment also includes the conditions of probation if ordered.

Jurisdiction

Caddo Parish Juvenile Court has exclusive jurisdiction over juvenile matters, meaning that juvenile cases come before the juvenile court rather than at the District or City Courts in Caddo parish. Juvenile matters include delinquency matter matters, Family in Need of Services matters, Child in Need of Care matters, adoptions and other matters such as child support and protective orders where children are involved. Juvenile Court also handles traffic and civil infractions if the juvenile charged with the infraction is less than 16 years old. Infractions are not offenses. An example of a traffic infraction is speeding. An example of a civil infraction is underage smoking.

Juvenile Detention

The Caddo Parish Juvenile Detention Center is a twenty-nine bed facility which houses pre and post adjudicated juveniles who are a public safety risk, at risk for failure to appear in court, and/or court ordered to be to be detained.

Motion for Modification Hearing

If your child has been accused of not obeying the court's orders while on probation, a Motion for Modification Hearing will be set. The judge will hear evidence from all sides to determine if a violation occurred. The judge then decides what sanctions or sentence should be imposed. This can range from adding a condition of probation to revoking (terminating) the youth's probation.

Petition

After an arrest, the police officer submits the arrest report to the District Attorney's office for screening. After reviewing the report, the DA may decide to proceed formally. If the District Attorney proceeds informally, the case may be referred to a diversion program. If the District Attorney decides to pursue the case formally, he/she will file a document called a "petition", with the Clerk of Court's office, Juvenile Division, outlining the "who, what, when, where and how" of the offense.

Pre-Disposition Investigation/Report (PDI/PRE-D)

The primary purpose of the Pre-DPDI is to provide the court with timely, relevant, and accurate data in order to select the most appropriate disposition. The PDI/PRE-D will include information about the offense, prior offenses committed by the youth, school records, and behavior at school and home. Based on the information received during the investigation, recommendations will be made concerning disposition. This report will be given to the judge, district attorney's office, and the youth's attorney at least three days before the dispositional hearing. Along with identifying data on youth, the following information is included:

- reason for the hearing

- whereabouts of the minor pending hearing
- the youth's attitude regarding the offense(s)
- the parent's attitude regarding the offense(s)
- victim impact statement
- history of prior offense(s)
- codefendants
- family data
- youth data
- sources of information
- evaluative summary
- recommendation
- brief information regarding the youth's service plan

Rule to Show Cause

If your child has been accused of not obeying the court's orders while on probation, a Rule to Show Cause may be filed. The judge will hear evidence from all sides to determine if a violation occurred. A ruling of "Contempt" may result in a youth being placed in the detention center for up to fifteen (15) days.

Subpoena/Summons

A subpoena is a court order directing someone to be present in court. Failure to appear in court at the specified time may be interpreted as contempt of court by the judge.