

## DISCLAIMER

The information included in this brochure is a brief description of terms that may be heard during involvement with the Juvenile Court. It is meant solely to assist juveniles and their parents in understanding some of the language. It is in no way meant to give parties the exact legal definition of the law.

## JUVENILE COURT TERMS

**ABSTRACT:** A document sent to the Secretary of State notifying them of an adjudicated offense, which could impact a person's permanent driving record. An abstract may be issued even if the juvenile does not yet have a driver's license.

**ADJUDICATE:** The process of having a legal matter settled by court proceedings.

**ADJUDICATORY HEARING (TRIAL):** A hearing to determine whether the juvenile committed the offense charged in the petition.

**AUTHORIZED PETITION:** When a Judge or Referee authorizes a petition in a court hearing, it does not mean that you have been found responsible for the charge. It just means that the Court finds that there is enough information to proceed with the case.

**BURDEN OF PROOF:** The duty of the prosecuting attorney is to prove an allegation (charge) in court. The burden of proof in delinquency cases is proof beyond a reasonable doubt.

**CONSENT CALENDAR:** A term used for cases that are handled informally. A juvenile cannot be removed from home if his or her case is on the consent calendar.

**CO-RESPONDENT:** Any other person who may be charged as a result of the same incident.

**DECISION TO PROSECUTE:** The prosecutor determines whether a particular person should be charged with a crime by reviewing the petition provided by the police. The petition is then submitted to the Juvenile Division.

**DISPOSITIONAL HEARING:** (SENTENCING): A final hearing to determine what action the Court should take when a juvenile has been found responsible for an offense. Dispositional orders directed to a juvenile and his or her family are issued after the dispositional hearing.

**DIVERSION:** The Juvenile Court may refer a juvenile to the Diversion Program as an alternative to formally authorizing the petition. The Diversion Program provides supervision of the juvenile, community service, restitution, and other services.

**EMANCIPATION:** A juvenile who is at least 16 years of age may petition the Probate Court to be released from the supervision and control of his or her parents. To be emancipated, the juvenile must show that he or she can support himself or herself and can use mature judgment.

### SETTING ASIDE A JUVENILE ADJUDICATION:

To make a juvenile record nonpublic:

- Status Offenses: These offenses will be taken off your juvenile record following your 17<sup>th</sup> birthday (Diversion/Informal files)

### Setting Aside a Juvenile Adjudication Continued:

- A process where you can petition the court to have your adjudication made nonpublic.  
Note: Traffic offenses are never removed from the Secretary of State records.

**FELONY-LEVEL OFFENSE:** A serious charge. Adults convicted of felonies may be punished by more than a year in prison.

**INCORRIGIBILITY:** When a juvenile is repeatedly disobedient to his or her parent(s).

**IN-HOME DETENTION:** If a juvenile is placed on in-home detention, a court worker comes into the home at least an hour every day to monitor the juvenile's behavior. In-home detention is usually ordered for a period of 30 days.

**INTAKE PROCESS:** The process used to determine whether a charge should be handled formally or informally.

**JURISDICTION:** The court's authority to make orders regarding juveniles or their parents. Jurisdiction may be temporary (before adjudication) or regular (after adjudication).

**MISDEAMENOR CHARGE:** A charge that is less serious than a felony. An adult convicted of a misdemeanor may be fined or jailed for up to one year.

**OFFER OF PROOF:** A statement which describes the evidence that would be presented at an adjudication hearing.

**PRELIMINARY HEARING:** A formal review of a petition during which the Judge or Referee considers authorizing a petition

and placing the case on the formal calendar. Temporary court orders are issued at the end of the preliminary hearing.

**PRELIMINARY INQUIRY:** An informal review by the Court to determine the appropriate action the Court should take regarding a petition.

**PETITION:** A document requesting the Juvenile Court to take action against a juvenile accused of a crime.

**PETITIONER:** The person or agency that is requesting that the Juvenile Court take jurisdiction over a juvenile.

**PRETRIAL CONFERENCE:** If a case is not resolved at a Preliminary Hearing, a prosecuting attorney, the juvenile's attorney, the probation officer, and the Judge will meet to schedule a trial date and identify witnesses and evidence.

**PROBABLE CAUSE:** A set of facts and circumstances that would persuade a person to believe that the juvenile has committed a specific crime.

**PROBATION:** A period of time when a juvenile is under the supervision of the Juvenile Court.

**PROBATION OFFICER:** A Juvenile Court employee who supervises juveniles placed on probation.

**PROSECUTING ATTORNEY:** The lawyer who represents the people of the State of Michigan against a juvenile who has been charged with a delinquent offense.

**REFEREE:** A Juvenile Court employee, designated by the Probate Judge to conduct hearings in the Juvenile Court. A referee is also called a "judicial officer" or a "jurist". The referee makes recommendations to the judge about what orders to enter.

**REPORTABLE OFFENSES:** Any charge that requires fingerprints.

**RESPONDENT:** A person who is charged with committing an offense when he or she is less than 17 years old.

**RESTITUTION:** An amount of money that a juvenile or parent is required to pay to the victim for property loss or injuries caused by the crime. Restitution may also be assessed for lost wages.

**STATUS OFFENSE:** An offense where a juvenile repeatedly disobeys parents, fails to attend school, or runs away from home. Status offense violations can only be committed by a juvenile, not an adult.

**TRUANCY:** When a juvenile is repeatedly absent from school without good cause.

**WAIVER HEARING:** Under certain circumstances, the Juvenile Court will hold a waiver hearing to determine if a 15 or 16 year old juvenile should be tried as an adult. If tried as an adult, the case is transferred to Circuit Court, and adult punishments may be imposed.

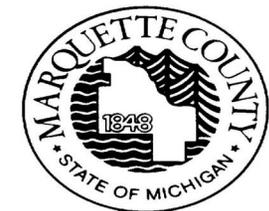
**WITNESS:** Someone who offers evidence in court. Witnesses testify after taking an oath and may be questioned by opposing parties.



## 25<sup>th</sup> Circuit Court, Family Division (JUVENILE COURT)

### Definition of Terms To Assist Juvenciles And Parents In Understanding The Court Process

234 W. Baraga Avenue  
Marquette, MI 49855  
(906) 225-8300



*PUBLIC SERVICE OF  
Hon. Cheryl L. Hill  
Probate Judge*