

Commonly Used Terms

A (10)

COLLAPSE

"Amenable to Treatment"

Definition: A judge's and prosecutors' legal assessment of a young offender's rehabilitation potential according to his/her age, maturity, offense history, and previous therapeutic interventions. Because juvenile court prioritizes rehabilitation over punishment, the assessment often determines whether the youth should be tried in juvenile court or adult criminal court.

Adjudication of Delinquency

Definition: A juvenile court judge's determination as to whether or not a youth committed a delinquent offense. A juvenile adjudication is like an adult criminal conviction, but generally does not subject the youth to the same direct and collateral consequences.

Adjudication of Dependency

Definition: In Pennsylvania, the finding that a juvenile court would need to make to provide child welfare services and/or placement in addition to court supervision of the case. Youth may be adjudicated dependent when there are abuse and neglect issues or when there are difficulties at home that prevent parents from adequately caring for or supervising their children. In Pennsylvania, truancy and running away may be grounds for dependency adjudications. A dependency adjudication precludes a child's placement in foster care or another substitute care setting. However, the court can allow a youth to return home even if there is an adjudication.

Adoption

Definition: Legally taking into one's family a youth whose biological parents have terminated their parental rights. A youth's adopted parents have all the powers and privileges of a natural parent. One can be adopted at any age.

Aftercare

Definition: Services (including health, mental health, educational, vocational, family services, etc.) designed to help youth re-enter the community after placement in out-of-home facilities. Collaboration and planning for aftercare typically begins well before a youth is released to ensure the continuity of supervision and care.

Age of Criminal Responsibility

Definition: The age at which an individual is subject to the jurisdiction of adult criminal court instead of juvenile court. In most states, the age of criminal responsibility is 17 or 18, though states also have provisions to transfer younger youth to the adult system.

Amicus / Amici

Definition: Derived from the Latin phrase amicus curiae meaning "friend of the court," the term refers to a person or an organization who, while not a disputing party in a particular lawsuit, writes a brief to the judge to offer expertise on a matter relevant to the case.

Appeal

Definition: A disappointed or defeated party's request to a higher court to reverse a lower court's ruling. The appealing party must generally prove that the lower court committed a significant legal, factual, or procedural error.

Arrest

Definition: When police take or hold an individual in custody in response to a delinquent or criminal charge. An arrest is lawful only when there is probable cause to believe the individual has committed a crime.

Assessment

Definition: An evaluation of a youth's risks and needs in various capacities, including, for example, psychological and psychiatric, educational, and familial. Several types of assessments may be ordered by the juvenile court or undertaken by the juvenile probation department. See also "Screening."

B (3)

COLLAPSE

"Best Interest"

Definition: A standard used to decide what actions or arrangements would most benefit a child, and one on which juvenile court judges may base a disposition, or sentence. Notably, juvenile defense attorneys, unlike Guardians ad litem in dependency proceedings, generally represent the stated interests and desires of their clients rather than what they believe is the youth's "best interest."

Behavioral Health Care

Definition: The care and treatment of an individual's mental health and substance-abuse issues.

Blended Sentencing

Definition: A sentence that falls outside of a juvenile or criminal court's normal realm of consideration. For example, in some states a criminal court may impose a juvenile disposition for certain youth tried as adults or, conversely, a juvenile court may levy an adult sentence or a combined juvenile-and-adult sentence against an offender. While a juvenile court will impose an age-appropriate placement followed by a term in adult prison, the adult sentence is on hold pending a review of the youth's progress in the juvenile system.

C (14)

COLLAPSE

Certification Hearing

Definition: A court hearing to determine whether a juvenile case should be transferred to adult criminal court in order to try the youth as an adult. Judges making this determination generally consider the nature and seriousness of the offense, the record and previous history of the minor, and the likelihood that the juvenile justice system will reform or rehabilitate the youth. Youth transferred to criminal court are said to be "certified" as adults. Compare with "Decertification."

Child Permanency Plan (CPP)

Definition: A mandatory plan that describes how a youth will leave the child welfare system and return safely to family or find a new family setting. Federal law has established the following hierarchy for permanency goals: returning home, adoption, placement with a legal guardian, placement with a fit and willing relative, and Another Planned Permanent Living Arrangement (APPLA). The CPP will list the permanency plan for the child as well as the goals for the family and specific services needed to achieve the permanency plan. The CPP must contain other elements that are required by federal and state law regarding the child's needs related to areas such as education, health care, and contact with families and the services that must be provided to address any identified needs or problems. By the time a youth is 16, the CPP should also include an Independent Living Plan. Regardless of age, no child should be discharged from the system until he or she has achieved permanency. The CPP must be reviewed and updated at least every 6 months and should be reviewed by the court. The youth and members of the family should be provided the opportunity to give input into the CPP.

Child Welfare Caseworker

Definition: An individual who is employed by the county child welfare agency or a private provider of child welfare services and is assigned to work with a child and his/her family to address issues preventing the child from living safely in the home or to arrange or provide services that will move the child toward placement with relatives or a family that can provide a safe and nurturing home. Children and families involved in the child welfare system are assigned caseworkers. If the child is placed in substitute care or under the supervision of the court, the child welfare caseworker will have many case management and other responsibilities that are outlined in federal and state law, such as requirements for visits with the child, planning meetings, and court reviews.

Child Welfare System

Definition: The government system responsible for taking care of children who are abused or neglected or whose parents are unable to care for them. Pennsylvania has a state-run, county-administered child welfare system. The state agency that oversees the provision of child welfare services is called the Office of Children, Youth, and Families and is located within the Department of Public Welfare. Each county has a child welfare agency. Some counties provide child welfare services directly to children while others contract with private providers to provide services directly to children.

Collateral Consequences

Definition: The negative results of a juvenile adjudication that compound a punishment directly imposed by the court. Juvenile records and system involvement, for example, may limit a youth's opportunities to obtain education, health care, housing, and employment. See also "Sex Offender Registration."

Community-based Program

Definition: Treatment, services, and/or supervision provided to youth as part of a diversion program or as a condition of probation. The individualized plans utilize services in the youth's community, rather than in detention or in a secure confinement setting.

Competency

Definition: A youth's ability to stand trial, measured by his or her capacity to understand juvenile court proceedings, to consult meaningfully with a lawyer, and to assist in his or her own defense. Evaluation of a youth's competency is particularly important where a youth is very young, immature, or suffers from a mental health disorder or intellectual disability.

Conditions of Confinement

Definition: The quality of living in a particular juvenile detention or secure confinement facility, determined by its physical environment (cleanliness, temperature, light, plumbing, etc.), safety (the absence or prevalence of assaults, sexual abuse, and harmful practices, such as use of excessive force or isolation), and access to health care, education, programming, and visitation.

Consent and Confidentiality

Definition: The laws and regulations that govern the age at which youth can legally accept or refuse medical, mental health, or substance abuse treatment, as well as the laws and regulations that govern who can access and share a youth's treatment records.

Counsel

Definition: A lawyer or team of lawyers who represent a client. Counsel for a juvenile may be privately retained or appointed by the court.

Court-Appointed Special Advocate (CASA)

Definition: An individual appointed by the court to represent the best interests of the child. The CASA looks into all aspects of the child's life and his or her situation and needs in the child welfare system. The CASA provides reports to the court on the status of the child as well as recommendations. CASAs are volunteers and need not be lawyers. Find out more about the CASA program here.

Cruel and Unusual Punishment

Definition: A provision in the Eighth Amendment to the United States Constitution describing a type of penalty a court may not impose on an individual convicted of a crime. The phrase "cruel and unusual punishment" has been interpreted as sanctions that are barbaric, rarely and arbitrarily imposed, and/or disproportionate either to the gravity of the offense or to the culpability of the offender. While this amendment does not apply directly to youth who are adjudicated delinquent, it does apply to youth who are convicted and sentenced as adults. The United States Supreme Court has found, for example, that the death penalty in all cases and a life-without-parole sentence in non-homicide cases constitute cruel and unusual punishment for offenders under the age of 18.

Culpability

Definition: Blameworthiness. Nearly all crimes are defined both by the particularity of the harmful behavior and how much blame one can assign to the offender. Culpability applies to children and adolescents in two ways. First, juveniles may be found to be not blameworthy for their actions due to youth, immaturity, a mental health disorder, or an intellectual disability. Second, the United States Supreme Court recognizes that, as a class of offenders, juveniles are not as culpable for their actions as adults and therefore cannot be subjected to the most severe punishments reserved for the worst criminal offenders.

Cyber-bullying

Definition: Children's use of information and communication technologies such as text messages, emails, and social media like Facebook and Twitter to engage in harassment, threats, intimidation, and/or other verbal and emotional abuse. Like other forms of bullying, cyber-bullying often involves an imbalance of power and may be persistently directed toward a particular victim or target. Similar behavior between adults is generally referred to as cyber-harassment or cyber-stalking.

D (12)

COLLAPSE

Decertification

Definition: When youth appear as adults in criminal court, judges in some states may transfer jurisdiction to the juvenile court. The "decertification" process (sometimes called "reverse waiver") occurs before trial and restores the protections and rehabilitative focus of the juvenile justice system.

Delinquency Proceeding

Definition: A hearing in juvenile court to determine if a youth committed the delinquent act of which s/he is accused, and if so, what consequences should be imposed. Delinquency proceedings are adversarial and similar in many ways to criminal proceedings. During the first stage, the adjudication hearing, the prosecution must prove beyond a reasonable doubt that a delinquent act occurred and that the accused youth committed the act. The juvenile has several procedural rights, including the right to an attorney, the right to present evidence, and the right to cross-examine witnesses. If a youth is adjudicated delinquent, a judge enters a disposition specifying what treatment, services, and consequences serve the best interests of the youth and the community.

Delinquent Act/Offense

Definition: An act committed by a youth that would constitute a crime if committed by an adult. Traffic violations and petty offenses that are punished with small fines are generally not considered to be delinquent offenses, nor are status offenses like truancy or running away from home. Some states exclude certain serious offenses from the "delinquent act" definition so that youth who commit those acts will be tried in criminal court. Pennsylvania, for example, considers murder to be a criminal act rather than a delinquent act, even if the offender is a child.

Detention

Definition: Temporary custody of a juvenile before trial in a secure confinement facility. Detention is imposed after a judge determines that a youth must remain in custody prior to a delinquency proceeding for his/her own protection or the protection of society, or to ensure his/her appearance at the hearing. Detention for youth is different from jail for adults, both because juveniles do not have a right to bail and because youth in detention generally receive education and treatment services.

Direct File

Definition: A prosecutor's discretion to bring charges against youth directly in adult criminal court instead of in juvenile court, without a prior certification hearing. States that permit this practice vary in what circumstances warrant it, but all consider the offender's age and history and the nature of the offense.

Discharge Plan

Definition: Another term for a transition plan. See also "Transition Plan."

Disposition

Definition: The stage of a delinquency proceeding comparable to the sentencing stage of an adult criminal trial. A disposition hearing is only held if a youth has pleaded guilty to an offense or is found guilty by the judge. Based on information provided by a youth's defense attorney, the prosecutor, and the local probation department, the judge determines the youth's needs and how best to meet them, while still ensuring the public's protection. Judges generally place the youth under some type of supervision such as probation or placement in a secure confinement facility, and mandate services and/or participation in certain treatment or programming. The duration of this supervision and services varies, but cannot extend beyond the juvenile court's maximum age of jurisdiction (typically, age 21).

Disproportionate Minority Contact (DMC)

Definition: The inequitable representation of minority youth in the juvenile justice system. The term includes overrepresentation of youth of color at particular points in the system (arrest, referral to court, detention, etc.) as compared to their percentage in the general population, as well as the disparate and harsher treatment administered to youth of color at key decision points (i.e., length of disposition, whether to transfer a youth to adult criminal court, etc.). Through the Juvenile Justice and Delinquency Prevention Act, the federal government provides incentives for states to investigate and reduce DMC in the juvenile justice system.

District Attorney/Prosecutor

Definition: The lawyer who represents the state and brings a case against a defendant.

Diversion

Definition: A system of procedures and programs designed to channel certain youth away from the formal juvenile court process. States and localities have created various ways for first-time offenders, non-violent offenders, and youth whose delinquent behavior stems from mental health or substance abuse needs to receive appropriate treatment and services from community-based programs. Diversion programs hold youth accountable for their actions without burdening them with a juvenile record and the stigma of a delinquency label.

Dual Status

Definition: A designation for youth involved in dependency court because of abuse or neglect and also involved in the juvenile justice system because of delinquent behavior.

Due Process

Definition: A principle of fairness in legal matters as guaranteed by the Fourteenth Amendment to the U.S. Constitution. Due process for the accused includes the right to an attorney, the right against self-incrimination, and the right to appeal a decision. Depending on the situation, different processes may apply. For example, the steps necessary to ensure the equitability of a child's suspension from school differ from the steps necessary to ensure a juvenile's fair transfer to adult criminal court.

E (1)

COLLAPSE

Expunge / Expungement

Definition: Laws that allow juvenile records to be erased and destroyed once the offending youth reaches a certain age so that a juvenile record does not impede individuals from becoming productive members of society. The types of records and offenses eligible for expungement, as well the steps that one must take in order to expunge them, vary by jurisdiction.

F (3)

EXPAND

G (1)

COLLAPSE

Guardian ad Litem (GAL)

Definition: A person appointed by the court to protect the legal interests of a youth or a person who is determined to be incompetent in various legal proceedings. State law governs the appointment and duties of GALs. In many states GALs are lawyers, but this is not always the case. It is the role of the GAL to inform the court of the child's needs and present any information that is important for the court to make its determination. While the GAL should take the child's view into account, s/he is not bound by the child's preferences, and represents to the court what the GAL believes is in the child's best interest. In states like Pennsylvania, where the GAL must be a lawyer, the GAL must comply with all the rules of professional conduct, including duties related to confidentiality. In Pennsylvania, the GAL must present to the court the child's wishes as well as what the GAL believes is in the child's best interest.

I (9)

COLLAPSE

"In Custody"

Definition: A circumstance in which a youth is either formally arrested or held by police without the freedom to leave. When a juvenile is "in custody," police must read him his Miranda rights and cannot ask him questions unless s/he knowingly and voluntarily waives those rights.

Independent Living Coordinator or Worker

Definition: The person who makes sure that youth in foster care who are 16 and older receive independent living services as required by the Chafee Foster Care Independence Act.

Independent Living Plan (IL)

Definition: A plan required by federal law for all children in the child welfare system age 16 or older. The plan must define the skills the youth will need to successfully transition to adulthood and identify the services or instruction that will be provided to help the youth master those skills. The IL plan is part of the Child Permanency Plan (CPP).

Independent Living Services

Definition: A broad array of services that help prepare the youth for the transition to adulthood. These services must be provided to youth at least at age 16, but can begin earlier. Services may include educational planning and support, vocational training, job placement, budgeting support, apartment searching assistance, and financial management. In Pennsylvania, all youth who are involved with the child welfare and/or juvenile justice system may receive IL services. Under the Chafee Foster Care Independence Act, youth are eligible for IL services until they turn 21, even if they are no longer in foster care.

Indigent

Definition: An individual who is unable to pay for a defense attorney. Youth who are accused of committing delinquent acts are guaranteed the right to an attorney by the Sixth Amendment to the United States Constitution, which means that indigent youth are entitled to a cost-free, court-appointed attorney.

Individualized Service Plan (ISP)

Definition: A set of goals for a youth and his or her family created by the agency that is directly providing care to the family.

Ineffective Assistance of Counsel

Definition: The failure of a lawyer to perform all reasonable professional tasks for his client as required by the Sixth Amendment to the United States Constitution. When a youth loses a delinquency or criminal case at trial because of major mistakes made by his lawyer, he may appeal the court's decision due to "ineffective assistance of counsel."

Information Sharing

Definition: The exchange of a youth's records (health, education, disciplinary, criminal, etc.) among agencies and systems that have contact with the youth.

Intake

Definition: The process following arrest or referral to the juvenile court in which court personnel or the juvenile probation department investigates a youth's charges and background and decides whether to release the youth, channel the youth to a diversion program, or formally proceed against him/her in juvenile court.

J (4)

COLLAPSE

Judicial Emancipation

Definition: A court order that assigns an individual under age 18 with some of the rights of an adult. In Pennsylvania, to gain judicial emancipation in most counties, a minor must show that he is living on his own and can financially support himself.

Juvenile Court

Definition: A court of law that has jurisdiction over cases involving children under a specific age, usually 18. Juvenile courts (sometimes referred to as family courts) generally preside over both delinquency and dependency proceedings.

Juvenile Life Without Parole (JLWOP)

Definition: An prison sentence that comprises a person's entire natural life, without the possibility of release, for an offense committed before the age of 18. The United States Supreme Court has declared JLWOP to be an unconstitutional punishment for crimes for youth convicted of non-homicide offenses.

Juvenile Record

Definition: Records kept by the juvenile court with information and documents relevant to a youth's delinquency charges, including information from the police, the probation department, a youth's school, and health care and treatment providers. Depending on the jurisdiction, juvenile records may be sealed and/or expunged to prevent them from hindering employment or higher education opportunities.

M (1)

COLLAPSE

Miranda Rights

Definition: In *Miranda v. Arizona* (1966), the Supreme Court declared that the Sixth Amendment to the United States Constitution affords individuals (including children) certain rights when they are in police custody and under interrogation. The warnings typically state: "You have the right to remain silent. Anything you say can and will be used against you in a court of law. You have the right to speak to an attorney. If you cannot afford an attorney, one will be appointed for you." When a person confesses to a crime or reveals other incriminating information to police while in custody, those statements can only be used against the defendant in court if s/he received Miranda warnings, understood them, and voluntarily waived those rights.

O (1)

COLLAPSE

"Once an Adult, Always an Adult"

Definition: A policy in some states dictating that a youth who has been tried and convicted of an offense in adult criminal court will not be subject to the jurisdiction of the juvenile court for any subsequent offense, no matter how minor.

P (15)

COLLAPSE

Permanency Plan

Definition: Another term for a Child Permanency Plan.

Permanency Review Hearings

Definition: Under federal law, these court reviews must occur at least once every six months. At this hearing, the court reviews the permanency goals of the child and the progress made to achieve the goals. At these hearings, the court also reviews the child's status with respect to education, health, and the transition to adulthood, if the youth is an adolescent. Youth can and should be present at these hearings in order to tell the judge about their thoughts on goals and placement satisfaction.

Permanent Legal Custodianship (PLC)

Definition: PLC is a permanency arrangement specific to Pennsylvania. In this arrangement, permanent legal custody of a child is given to a foster parent, relative, or someone else committed to the child. The custodian must be committed to caring for the child until he or she reaches adulthood. If placed with a permanent legal custodian, a youth's case is discharged from the child welfare system—no caseworker is assigned to the family and no case management services or court review occurs. Unlike with adoption, the rights of a child's biological parents do not need to be terminated for PLC to be granted. PLC can come with a financial subsidy. At this time, the subsidy terminates when the child reaches age 18.

Petition

Definition: A delinquency petition informs a juvenile judge of the allegations against a youth and asks the judge to hold a formal hearing to determine if the youth did what he is accused of doing.

Placement

Definition: The new residence assigned to youth in the foster care system who cannot return home. Youth are entitled to be placed in the most family-like setting available, including placement with a relative, a foster family, or an adoptive family, or sent to a group home or institution. As they age, youth may also be placed in a transitional living placement or a Supervised Independent Living placement.

Plea

Definition: A youth's formal response before a judge of "guilty" or "not guilty" to a delinquency or criminal charge. (In some states other words are substituted for "guilty"/"not guilty," such as "admitted"/"denied" or "true"/"not true.") Before accepting a plea of "guilty" (or "admitted" or "true"), the judge must ensure that the youth understands the charges against him, and must personally inform the youth of his rights (to have the state prove their case beyond a reasonable doubt, to confront the witnesses against him, etc.) and the potential consequences of waiving those rights.

Pre-disposition Report

Definition: The assessment a local probation office submits to a judge identifying the risks, needs, and recommended disposition or treatment for a youth adjudicated delinquent. The pre-disposition report is not the final word; at the disposition hearing, the youth and his attorney may offer other evidence weighing in favor of a different result.

Private Attorney

Definition: a) A lawyer who is not a public defender, but who is appointed by the court to represent an individual otherwise unable to afford one; or b) An attorney hired by an individual or his/her family.

Private Provider Agency

Definition: An organization or business that provides placement and services to youth and families involved with the child welfare system. County child welfare agencies often establish contracts with private agencies that offer family foster care for youth, group care, or supervised independent living. Private agency staff typically work with youth day to day, offering more direct supervision than a county child welfare agency.

Pro se

Definition: A Latin phrase meaning "for yourself." When youth choose to present a case in court without the help of a private attorney or public defender, they are represented pro se.

Probable Cause

Definition: A reasonable ground to suspect that a person has committed or is committing a crime (or delinquent offense) or that a place contains specific items connected with crime. A judge requires probable cause in order to issue an arrest warrant or a search warrant. Similarly, a police officer must have probable cause to conduct an arrest or a search without a warrant.

Probation

Definition: A disposition involving the supervision of a delinquent youth in the community rather than in a secure confinement facility. "Probation" is both the name of the legal status that somewhat limits the youth's freedom, and the name of the local agency providing supervision and other services. When a youth is placed on probation, s/he must comply with any conditions specified in the judge's order, including submission to routine drug tests, payment of restitution to a particular victim or to a crime victims' fund, participation in treatment or educational programs, and/or completion of community service.

Probation Revocation

Definition: When a youth violates the court-ordered conditions of his probation or commits another offense, the judge can revoke his probation and assign him a different disposition, such as confinement in a juvenile facility. Because a youth may be locked up when his probation is revoked, the youth is entitled to a hearing with formal due process rights (right to an attorney, right to cross-examine witnesses, etc.).

Prosecutor

Definition: A lawyer who represents the state or federal government in criminal and juvenile proceedings. In a juvenile proceeding (as in an adult criminal proceedings), the prosecutor must prove beyond a reasonable doubt that the accused youth committed the delinquent act in order for the youth to be adjudicated delinquent.

Public Defender

Definition: A lawyer or staff of lawyers whose duty it is to represent indigent defendants, including youth charged with delinquent acts. Typically, public defenders' offices are funded by the local, state, or federal government.

R (6)

COLLAPSE

Re-entry

Definition: The stage of the juvenile justice and criminal justice systems in which youth are released from institutional confinement and rejoin the community. See also "Aftercare."

Reasonable Suspicion

Definition: The circumstances that legally permit police to stop and question a child. An officer must be able to articulate specific facts that led him to infer that the youth was engaged in criminal activity, and a judge decides whether such suspicion was reasonable.

Recidivism Rate

Definition: The rate at which youth who have been previously adjudicated delinquent re-offend, as measured by subsequent arrests, prosecutions, and/or placement/incarceration. Lowered recidivism rates are often used to justify investment in certain programs and services for delinquent offenders.

Restitution

Definition: Payments that a judge may order a youth to make either to a particular crime victim or to a crime victims' fund. Restitution is part of a youth's disposition or sentence and is generally based on the amount of harm inflicted on the victim.

Restraints

Definition: Certain practices used to restrict a youth's movement for security purposes in secure confinement settings, as well as in some courts and even some schools. The term "restraints" includes physical restraints in which one or more persons physically restrain the arms, legs, head, and/or torso of a youth, or hold a youth to the ground or against a wall. It also refers to mechanical restraints such as handcuffs, shackles, and belly chains, and chemical restraints such as mace or pepper spray.

Right to a Jury Trial

Definition: A due process protection that, in most states, is provided to adults in criminal court but denied to youth accused of delinquent acts in juvenile court proceedings. School-to-Prison Pipeline: A term that generally refers to school discipline, attendance, and safety policies that act as gateways for youth to enter the juvenile and criminal justice systems. Youth who get in trouble in school – or get in trouble for missing school – are sometimes referred to the juvenile justice system rather than being disciplined in school or receiving services in their schools or communities. See also "Zero Tolerance."

S (16)

COLLAPSE

"Sexting"

Definition: Sending sexually explicit messages or photographs, primarily between mobile phones.

Screening

Definition: A quick process used to identify youth who may require more in-depth evaluation to determine risks or needs related to problematic behavior, education, health, mental health, trauma, and/or drug use. See also "Assessment."

Search and Seizure

Definition: The examination of a youth and/or his property by police or other government actors, and the forcible taking of his property or placing him under arrest. The Fourth Amendment to the United States Constitution guarantees individuals the right against unreasonable search and seizure, which limits the power of police or other government actors in this capacity.

Secure Confinement

Definition: A detention or disposition placement in a locked facility in which the youth is not free to leave. Other out-of-home placements such as shelters, halfway houses, or treatment facilities are generally not considered secure confinement facilities.

Self-incrimination

Definition: Making a written or oral statement indicating involvement in a crime or vulnerability to prosecution. Youth in particular cannot be compelled by police, prosecutors, or other government actors to incriminate themselves, as guaranteed by the Fifth Amendment to the United States Constitution.

Sex Offender Registration

Definition: The process in which a person convicted of a "sex offense"—sexual abuse or inappropriate sexual conduct—formally notifies the police of his/her place of residence during or after prison. The names and addresses of registered sex offenders are generally available to the public and depending on the state, there may be further restrictions on, for example, where the convicted offender may live and work. Some states require youth adjudicated delinquent for sex offenses in juvenile court to register their names and information even though most youth who exhibit inappropriate sexual behavior do not grow up to be adult sex offenders.

Shackling

Definition: The practice of restraining youth with handcuffs, leg irons, and/or belly chains as a security measure in some courts and secure facilities. See also "Restraints."

Sight and Sound Contact

Definition: Because of the risk that youth who are confined with adults may be physically or sexually abused or harassed, federal law requires youth who are held in adult jails and prisons to be separated from adults "by sight and sound." This means generally that youth under the age of eighteen must be housed and transported in ways that prevent them from seeing, talking to, or being within earshot of adult detainees and prisoners.

Solicitor

Definition: The attorney who represents the county child welfare agency at permanency review hearings.

Status Offense

Definition: Conduct that's considered unlawful when committed by a minor (because of his/her childhood "status"), but isn't criminal when committed by an adult. Common examples include running away from home, habitual disobedience to parents, truancy, and curfew violations.

Strict Liability

Definition: A description of certain offenses for which an individual may be found guilty even if s/he didn't knowingly or intentionally commit a crime. For example, a person may be guilty of statutory rape if he has sexual intercourse with a person under the age of consent, even if he believed that the person was old enough to consent.

Substitute Care System

Definition: A legal arrangement in which youth live apart from their biological parents by virtue of court authorization or supervision. The substitute care system often provides the following types of placements: kinship and non-relative foster homes, group homes, institutions, and Supervised Independent Living placement. People often use the terms "foster care system" or "child welfare system" to describe the substitute care system, but it is important to remember that there are many kinds of placements available for children in substitute care other than foster care.

Sufficiency of the Evidence

Definition: As assessed by a higher court, in reviewing the decision of a trial court on appeal, whether there was adequate evidence for the judge or jury to conclude beyond a reasonable doubt that the defendant committed the crime.

Summary Offense

Definition: A minor crime, such as a traffic violation, that can be prosecuted without a formal indictment. Summary offenses generally fall under the jurisdiction of criminal rather than juvenile courts.

Supervised Independent Living (SIL) Placement

Definition: A placement in which a youth 16 or older who is still in the care of a county child welfare agency lives in settings where they are allowed age-appropriate freedom and responsibility while also receiving the supervision and guidance of the child welfare agency or a service provider. SIL settings may include independent apartments in the community (scatter site), clustered apartments, dorm settings, and host homes, among other arrangements. SIL placements help youth gain experience in handling the responsibilities of the adult world while receiving support and instruction. Under the Fostering Connections to Success and Increasing Adoptions Act of 2008, these placements are not eligible for federal reimbursement for youth who are in care and are between ages 18 and 21.

Suppression of Evidence

Definition: Information or proof that a trial judge must exclude or "suppress" from a prosecution's case against a youth because it was illegally obtained, for example, by means of an unreasonable search or a coerced confession. When a youth believes that the evidence was obtained illegally, his/her attorney will request that the judge "suppress" the evidence.

T (6)

COLLAPSE

Termination of Parental Rights

Definition: The discontinuance of biological parents' rights that, when court-approved, enables a youth to be adopted. A parent whose rights have been terminated surrenders the right to access any information regarding the child, the right to make decisions about the youth's education or medical treatment, and the right to visit the youth.

Transcript

Definition: The written record of a court hearing.

Transfer

Definition: The process by which a juvenile court judge or prosecutor shifts the jurisdiction over a youth charged with a delinquent offense to adult criminal court. See also "Waiver of Jurisdiction."

Transition Plan

Definition: A plan created with a youth prior to discharge from care when a youth is age 18 or older. Under federal law, the plan must be created at least 90 days before discharge and must be directed by the youth. At minimum, a transition plan must include specific options on housing, health insurance, education, local opportunities for mentors and continuing support services, and work force supports and employment services. In Pennsylvania, the court must approve the transition plan before a youth can be discharged from care.

Trauma

Definition: Experiencing or witnessing events involving actual or threatened injury or death and the resulting symptoms that interfere with daily functioning. Traumatic events affecting youth in the juvenile justice system may include neglect, physical and sexual abuse, observing community or domestic violence, or the death of friends or relatives. Symptoms may include emotional numbing, nightmares, sleep disturbances, academic decline, aggressive and antisocial behaviors, or suicidal thoughts.

Truancy

Definition: Habitual absence from school. Because the law requires youth to attend school up to a certain age, skipping school or repeated absences violate the law. Truancy is a status offense because it only applies to minors.

W (3)

COLLAPSE

Waiver of Jurisdiction

Definition: A juvenile court judge's relinquishment (and ultimate transference) of jurisdiction over a particular youth to the adult criminal court. This waiver, permitted by many states, is generally reserved for youth of a certain age who have committed particular offenses. See also "Transfer."

Waiver of Rights

Definition: Voluntarily and knowingly giving up a right, such as the right to counsel or the right against self-incrimination. A "voluntary" waiver means that the relinquishment of rights was a free and deliberate choice rather than a result of intimidation, coercion or deception; a "knowing" waiver means that the choice was made with a full awareness of the nature of the right and the consequences of abandoning it.

Warrant

Definition: An order signed by a judge authorizing law enforcement to make an arrest, perform a search, or seize property.

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COLLAPSE

Zero Tolerance

Definition: School discipline policies that mandate harsh punishments such as suspension, expulsion, and, in many instances, referral to law enforcement for rule violations. The zero-tolerance approach removes youth from classrooms and routes them into the juvenile justice system for behavioral problems that, in the past, were adequately managed by the school system. See also "School-to-Prison Pipeline."
