

Consider This...



The Youth Court’s goal is to prevent and reduce juvenile delinquency through a system that does not seek retribution but that provides:

- Immediate, consistent enforceable and avoidable consequences of youths’ actions, and
- A program of supervision, care, rehabilitation, detention, competency development, and community protection for youth before they become adult offenders.

The Youth Court will only separate youth from parents when necessary for the welfare of the youth or for the safety and protection of the community. Finally, the Youth Court provides judicial procedures in which the parties are ensured a fair, accurate hearing and recognition and enforcement of their constitutional and statutory rights.

As you consider how you want to proceed with the charge(s) pending against you, here is some information about the Informal and Formal processes.

What Will Happen During The Process?*

| | Informal Process: Out of Court | Formal Process: In Court |
|--|---|---|
| Collaborative resolution | YES You work with Probation and your parents to come up with a solution that addresses your conduct. | NO |
| Charges or “petition” filed | NO | YES |
| Records made public | NO | YES |
| Attorney appointed | NO | YES ... if your family cannot afford one. |
| Police take your fingerprints, DNA and photo | NO | YES |
| All parties must consent | YES Any agreement must have the consent of all parties (Probation, your parents, and you). | NO The Youth Court Judge makes all the final decisions. |
| Your school will be notified... | YES ...if another youth was the victim or it involves the safety of other youth. | YES ...if you are accused of any crime against another person. |

* This summary is provided by the Youth Justice Council of the Montana Board of Crime Control for informational purposes only and should not be considered legal advice. If you have any questions regarding this information please contact your Chief Juvenile Probation Officer.

What Are Possible Outcomes?*

| | Informal Process: Out of Court | Formal Process: In Court |
|--|---|---|
| Community Service | YES | YES |
| Restitution (pay for damage) | YES | YES |
| Probation | YES | YES |
| Mental Health Evaluation | YES | YES |
| Diversion | YES | YES |
| CD Evaluation | YES | YES |
| Counseling | YES | YES |
| Out-of-home placement | YES If you are placed out-of-home, your parents could be responsible for part of the cost. | YES If you are placed out-of-home, your parents could be responsible for part of the cost. |
| Committed to Department of Corrections | NO | YES |
| Registered as a Sex Offender | NO | YES If convicted of a sex crime, you could be required to register as a sex offender. |

What Will Happen To My Records?*

| | Informal Process: Out of Court | Formal Process: In Court |
|---|--|--|
| Records made public | NO Only juvenile probation has access to your informal record. Exception: If you are under 18 and charged with possessing alcohol or tobacco, or charged with a traffic, fishing, or game offense, you may have to go to justice or city court; there, all records are public. | YES Records are public and court findings could be published in the newspaper. |
| File is sealed or destroyed at age 18 | YES If you successfully fulfill all agreed upon obligations, your file is destroyed at age 18, as long as you have never had any charges go formal. | YES Your file is usually sealed at the age of 18 or the end of supervision, but access to the file may be permitted by court order. |
| Records can be used against you beyond age 18 | NO All information shared with probation cannot be seen by anyone and cannot be used against you. | YES This affects your eligibility for military service, attending college, or getting certain jobs. |
| Sharing of records | NO Most information is confidential and cannot be shared without your permission. | YES Judges sentencing you for future violations of law may see sealed records. |

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