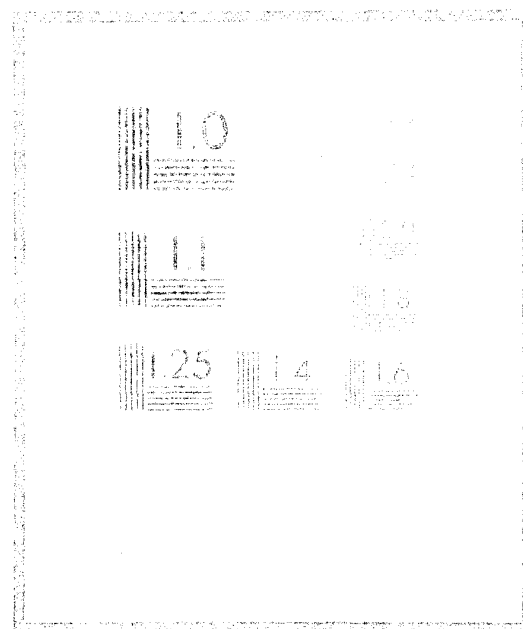


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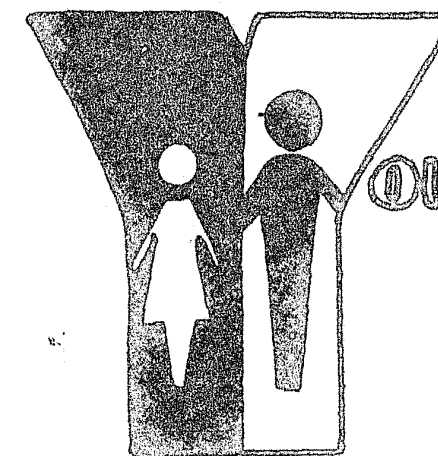
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New York State

DIVISION FOR



Youth

Legal

42/28/28

Rights Handbook



**NEW YORK STATE
DIVISION FOR YOUTH**

**MILTON LUGER
DIRECTOR**

NCJRS

MAY 6 1977

Understand

ACQUISITIONS

I want you people to understand
Just why I try to be a man.
I had a brother that was 22,
But he died for me and you.
I have another brother who is now
20 years old.

But he has a problem that has
not been told.

I have 2 little sisters, 7 and 11,
You can bet your last dollar, I'm
going to help them till the day
I reach heaven.

My mother and father have
been separated for many years
So you see why my mother
has cried a lot of tears.

So now I hope you understand
Just why I try to be a man.

by a resident
of Highland

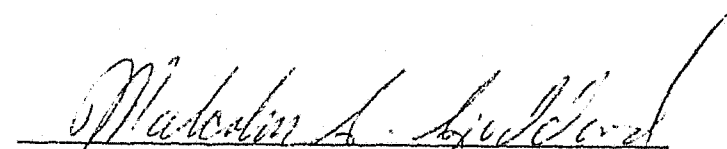
Acknowledgements

This book was written to help children; and interestingly, it all began with an act of kindness to a child.

Several years ago, Reverend Edwin C. Schumacher, director, Children's Home of Wyoming Conference of the Methodist Church, asked the division's director, Milton Luger, if he would help a young girl who was having a difficult time at home, i.e., staying out and beginning to get into trouble. Through their efforts, the girl was helped in a division program and then went home, where she got along quite happily. Reverend Schumacher remembered this and sometime later contacted the division to see if there was anything he could do to help. At that time, we were just beginning to work in the area of rights for children and Mr. Luger arranged for us to discuss this with the Reverend. Later, the division's counsel met with the Board of the Wyoming Conference at their home in Binghamton and as a result of this and the Reverend's efforts, the Wyoming Conference gave the division \$13,000, to develop a handbook of children's right for use in the division's facilities and to hire an attorney to explain these rights in the cottages.

After the first round of visits, we held a contest so that the handbook could be illustrated by those whose rights were most affected. The results were so good that the handbook was revised to include the residents' art work and poems.

Much effort went into this handbook by David Swyer, who worked full time on the project, the ombudsmen, legal staff and most important the children themselves. This is an evolving document and as rights are further expanded, statues passed and decisions handed down, revisions will have to be made.



Malcolm S. Goddard
General Counsel
and
Director of Ombudsmen

LEGAL RIGHTS HANDBOOK

FOR

DIVISION FOR YOUTH RESIDENTS

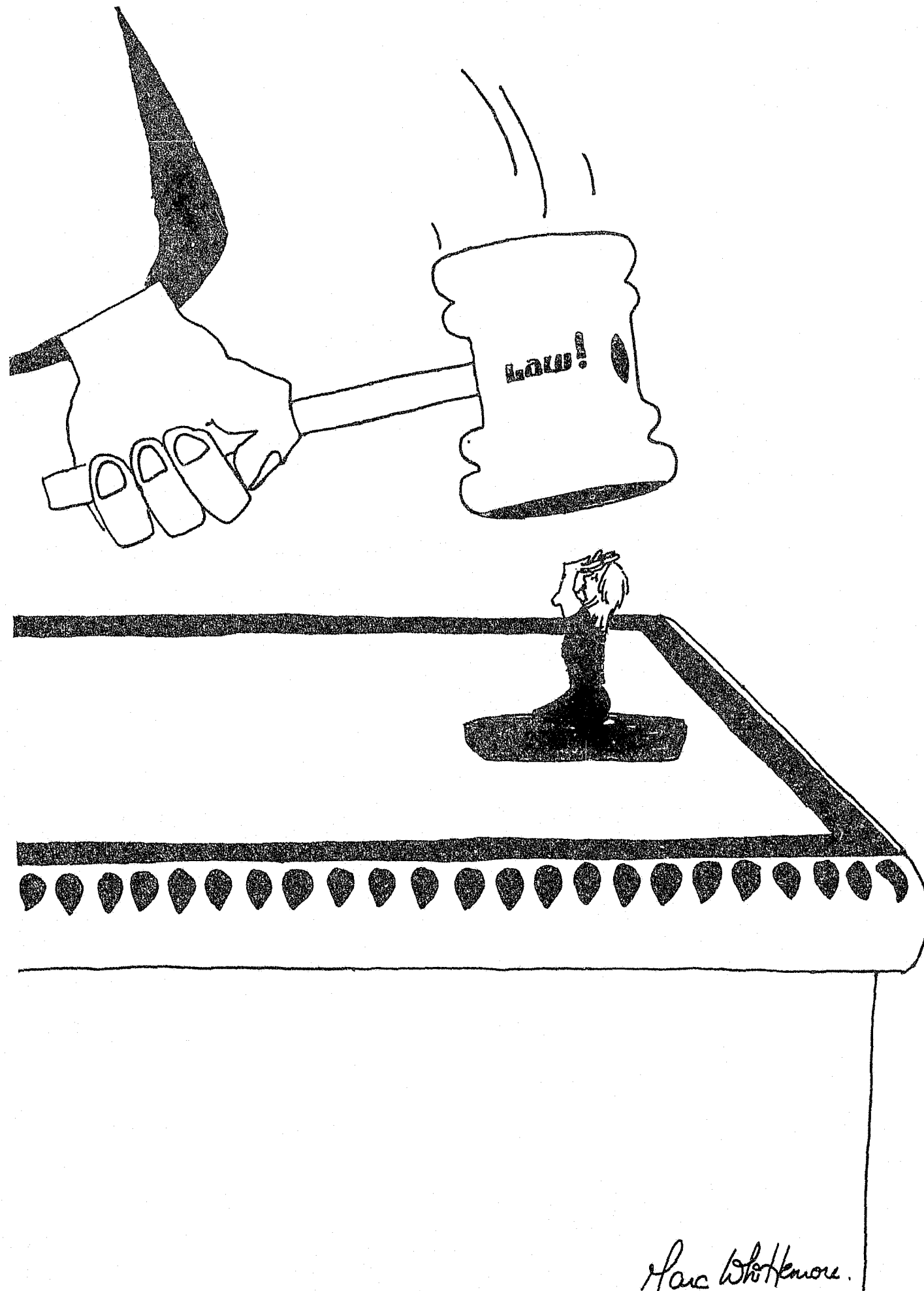
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Illustrated by Training School residents at:

Brookwood Center
Goshen Center
Highland School For Children
New York State School For Girls (Hudson)
State Agricultural and Industrial School (Industry)
Tryon School
Warwick School For Boys



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THE FAMILY COURT

I. What is the Family Court?

The Family Court is a court which handles matters which involve the family and its legal problems. The Family Court handles such matters as juvenile delinquency, whether a person is in need of supervision, neglected children, custody, and other family problems. There is a Family Court in every county in New York State.

II. What is a juvenile delinquent?

A juvenile delinquent (J.D.) is a person over 7 and less than 16 years old who does any act which would be considered a crime if an adult did the same act. The important thing in determining whether you are a juvenile delinquent is your age at the time you were supposed to have committed the act, not your age at the time you appeared in court.

III. What is a person in need of supervision?

A person in need of supervision (PINS) is a person less than 16 years old who habitually stays away from school, or who is uncontrollable, or who is disobedient to his or her parents or other lawful authority.

IV. How is a juvenile delinquency case started?

A case in court to have a person declared a juvenile delinquent is started by the filing of a written charge called a petition.

The petition must state:

1. That you did an act which would be a crime if it were done by you as an adult. It must tell what the act was and the time and place where the act was done;
2. That you were under 16 years old at the time the act was done; and
3. That you need supervision, treatment, or confinement.

V. How is a PINS case started?

A case to have a person declared a PINS is also started by the filing of a petition. The petition must state:

1. That you continually miss school, or you are disobedient to your parents or guardians. The petition must also state the acts on which the charge is based and the time and place the act took place;
2. That you were under 16 years old at the time that you were supposed to have committed the act; and
3. That you need supervision or treatment.

VI. Who may file the petition?

The petition may be filed by any one of the following persons:

1. A peace officer (police officer, probation officer, etc.)
2. The child's parents or guardians
3. A person who was injured by the child's act
4. A witness to the child's act
5. An authorized agency, such as the Department of Social Services

VII. How can you be compelled to appear in court?

You can be compelled to appear in court after a petition has been filed against you. The court can have you served with a summons. A summons is a paper which orders you to come to court. If you do not then appear in court, or if you cannot be found, the court can issue a warrant for your arrest. A warrant is a paper which authorizes any police officer to arrest you and bring you to court.

VIII. What rights do you have at your hearing in Family Court?

At the beginning of your hearing, both you and your parents or guardians must be told that you have the right to remain silent. You also have the right to be represented by a private lawyer chosen by you or your parent or guardian if you can afford one.

If you do not have a private lawyer, the court will appoint a law guardian or legal aid lawyer to represent you. You always have the right to ask for a lawyer and such a request can never hurt your case.

IX. What is a law guardian?

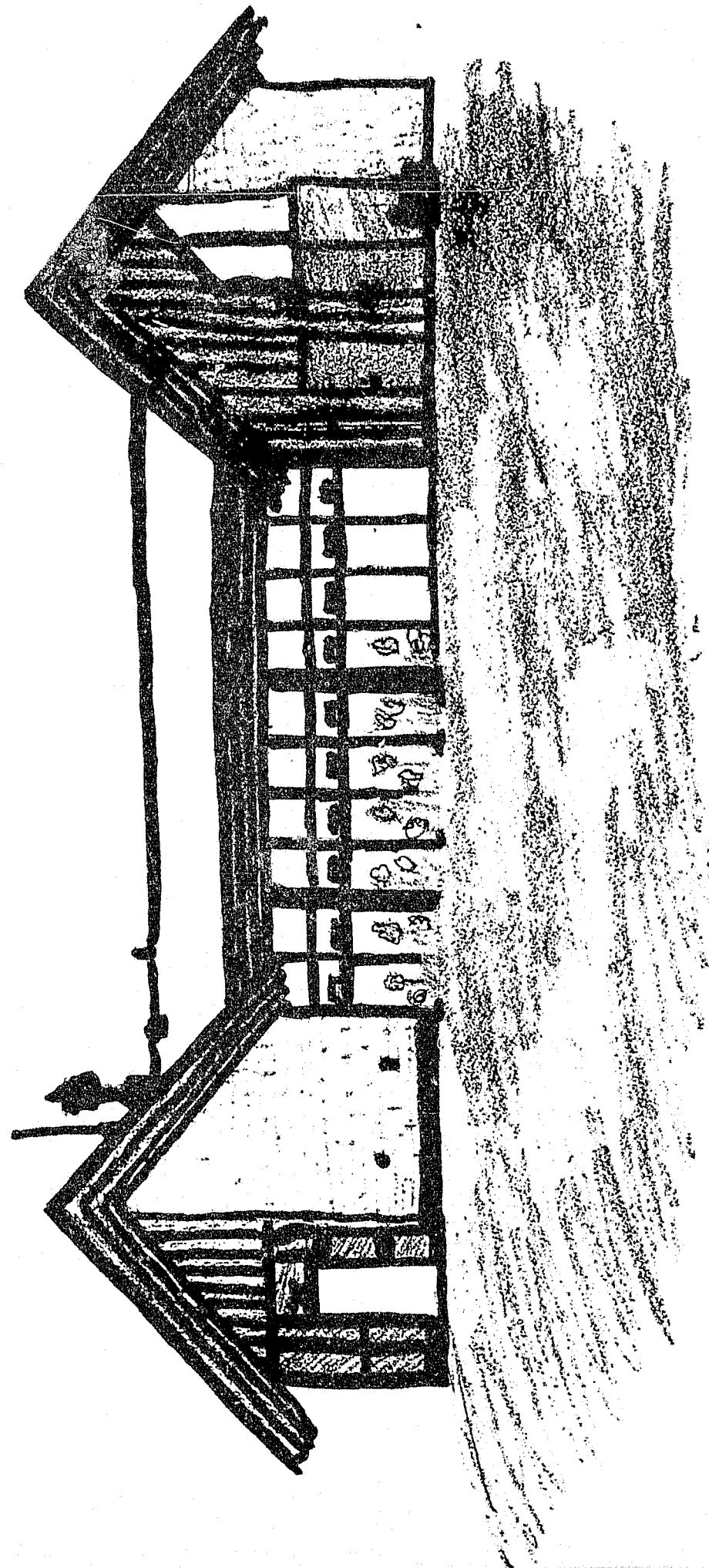
A law guardian or legal aid attorney is a lawyer who represents children such as yourself in proceedings in the Family Court.

If you desire to reopen your case, contact the attorney who represented you in court. If you have forgotten who your lawyer was, or his address, the ombudsman can help you get this information.

X. What can the Family Court do to you after it finds that you are a juvenile delinquent?

After the court finds that you are a juvenile delinquent, it must do one of the following things:

1. The court can give you a suspended judgment. A suspended judgment means that the court will not decide what to do with you then. Instead, the court will let you return to the community. A suspended judgment lasts for one year. The court will tell you what rules you must live up to. An additional period of one year can be given if the court thinks that it is necessary.



*Neahya Costa &
by Bob Longdon*

Industry

If you fail to comply with the rules of a suspended judgment, you can be returned to court for another hearing. If the court then finds that you violated the rules set by the court, it can, after a hearing, place or commit you to an agency.

2. Another way the court can deal with you is to place you in your own home, or in the custody of a suitable relative, or some other suitable person. The court may place you with the Division for Youth to live under its care and supervision. Placement lasts for 18 months. The court can extend your placement for additional periods of one year each if necessary, but you must be returned to court for a new hearing before this can be done.

If you are placed in your own home by the court and you leave home without the court's permission, you may be brought before the court for a hearing. If the court finds that you did not have a good reason for leaving home, it can change the order of placement and place you with another relative or in an institution. The court can also order you to stay at home and make sure that your parents or

guardians do not abuse you. This is called an order of protection.

3. Another way the court can handle you is to put you on probation. Probation means the court will allow you to return to your community under the supervision or guardianship of a probation officer. Juvenile delinquents can be put on probation for up to two years. However, the court can extend your probation for an additional year if it is necessary. If you violate probation, you can be returned to court for a hearing. If the court finds that you did not have a good reason for violating probation, it can end your probation and place or commit you to an agency.
4. The court can commit you to the care and custody of a private agency. Commitment may not be for more than three years.
5. If you were 15 years of age and committed an act for which an adult would be charged with a Class A or Class B felony, the court can commit you to the Elmira Reception Center if you are a male or to the care and custody of an association or agency, such as the

Westfield State Farm, if you are a female.

Some examples of Class A and Class B felonies are:

<u>Class A Felonies</u>	<u>Class B Felonies</u>
Murder	Selling Dangerous Drugs
Kidnapping	Manslaughter
	Rape

XI. What can the Family Court do to you after it finds that you are a PINS?

After the court finds that you are a PINS, it must enter an order doing one of the following things:

1. It can return you to the community with a warning; or
2. The court can give you a suspended judgment (as discussed above); or
3. The court can place you in your own home, or in the custody of a suitable relative or some other suitable person. The court may also place you in an institution with other PINS. Placement lasts for up to 18 months. The court can extend your placement for an additional year if necessary. However, the placement cannot extend beyond your eighteenth birthday.
4. The court can put you on probation. PINS can be put on probation for up to one year. However, the court

can extend your probation for an additional year
if necessary up to your eighteenth birthday.

XII. Can you get a new hearing?

Yes, you can get a new hearing. An interested person acting in your behalf can ask the court to give you a new hearing. If the court finds that there is good cause, it will give you a new hearing. Good cause includes such things as the denial of your right to have a lawyer at your hearing. You can also get a new hearing if any of your other rights at the earlier hearing were violated.

XIII. How can your placement be vacated?

If you feel you have a good reason to be released from the institution, you can write to the judge or your lawyer directly and ask that your placement be set aside. If you do not have a lawyer, you can ask the judge to appoint one for you.

XIV. How can your placement or commitment be terminated?

Your parent or guardian or an interested agency or friend can make an application to the agency or institution in which you are placed or committed, asking the agency or institution to release you. If the application is denied or not granted within 30 days, a petition to terminate your placement or commitment can be brought before the Family Court. The court will examine

the petition and the answer which the agency or institution makes to the court. If the court feels that a hearing is needed, it will give you one. The court has the power to grant or deny the petition.

XV. What order can the court then make?

The court can reduce the length of time you are placed or committed in the agency. The court can also change the agency in which you are placed.

XVI. Can the court release you from custody?

The court can release you from the custody of the agency or institution. It may place you on probation or under the supervision of the court.

XVII. How often can you petition or ask the court for release?

You can petition the court for release every 90 days. Sometimes the court will permit you to serve a petition sooner.

XVIII. What protection does the law give you when you are brought to court?

The law provides certain protections for PINS and juvenile delinquents so that they will not lose any of their civil rights. Some of these protections are:

1. You have the right to a private hearing.
2. Acts committed by children, although serious, are not considered crimes.

3. The fact that you were before the Family Court for a hearing cannot be used as evidence against you in any other court. Any confessions or statements you made in court or to any court officer cannot be used against you in any other court.
 4. All police records and other records relating to the Family Court actions are kept apart from the records of adults. The records are not open to the public. Only your parent, guardian or attorney may see the records, if they get a court order. If you are later convicted of a crime as an adult, the judge of the court in which you were convicted can ask to see your juvenile record.
 5. The fact that you were once a PINS or a juvenile delinquent may not be used later to deny you any right or privilege. You may not be denied the right to hold public office. You may not be denied any license, such as a driver's license or a license to run a liquor store.
 6. A child brought into custody is not considered arrested and an adjudication as a juvenile delinquent or PINS is not considered a conviction.
- If, as an adult, you are asked if you have ever been

arrested or convicted of a crime you are allowed to say, "No."

YOUR RIGHTS IN THE INSTITUTION

The Division for Youth wants to protect you and all other young people under its care. The Division wants to give you as much freedom as you can handle in recognition that you are a young person with rights and responsibilities. For example,

I. Clothing

A. What clothing may you wear?

You have the right to wear your own clothing if you choose. Or, if you prefer, you may wear clothes issued by the Division for Youth, or you may wear a combination of the two. If you do not have enough personal clothing, or if you want to wear Division for Youth clothing, the Division will provide the clothing. You also have the right to wear your own jewelry.

B. When may you be prevented from wearing certain clothes and jewelry?

The Division can prevent you from wearing your own clothes and jewelry in only two situations:

1. If any clothing or jewelry is dangerous to yourself or to other people. For example, if a piece of jewelry could be used as a weapon, it could be taken from you and held until you are discharged or released.



2. If you do not keep your personal clothes clean, you may be prevented from wearing them. The Division will provide you with some reasonable way to clean your clothes.

Work clothing -- If you have a work assignment such as forestry work, the Division for Youth will supply work clothing so that your own clothes will not get damaged or torn.

II. Hair

You have the right to wear your hair in the style and length that you desire. You have the same freedom to grow beards, mustaches and sideburns. You may have long hair if you choose. The Division for Youth will cut your hair only for reasons of health. Your hair cannot be cut against your will, even for reasons of health, unless the director or superintendent explains why this has to be done to the ombudsman. If you have any questions about this, ask your ombudsman.

III. Religion

The Division for Youth must provide you with the opportunity to attend religious services.

You have the right to receive private counselling by a religious leader of your faith.

You cannot be forced or compelled, in any manner, to attend or

participate in any religious observances. A religious observance includes such things as:

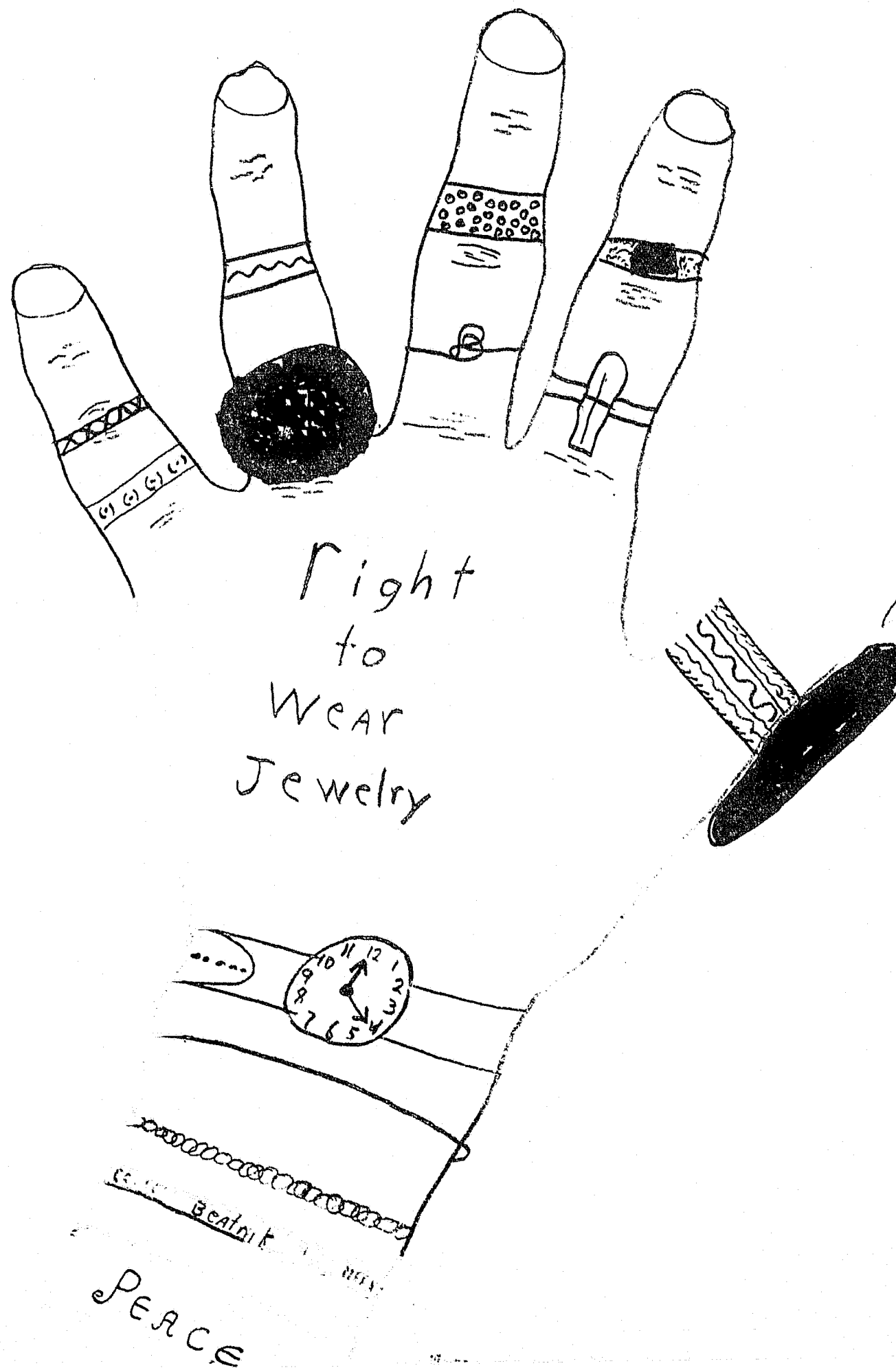
1. Worship services
2. Religious instructions
3. Prayers

IV. Mail

A. May anyone read or censor your mail?

You have the right to send mail to anyone you choose. No one may censor or read it before it is sent. Censorship means that no one may read your mail before it is sent; no one may change or cross out anything in the letter and no one may prevent your letter from being mailed.

You also have the right to receive mail without anyone reading or censoring it. You have the right to open your own mail. Therefore, the staff members in your school or facility cannot open your mail and check to see what is being written or who is writing it. The only time that the staff members have the right to require you to open your mail in their presence is when they believe that there is either something illegal in the envelope, or where there is money being sent to you. For example, if a hard object in the shape of a knife could be felt in the envelope, or



if money could be seen in the envelope, the staff member could require you to open your mail in his presence. The staff member may take out any contraband. If money is mailed to you it will be added to your account. But, remember, even if something illegal is in the mail, you are still the only one who can open it, although you may be required to open it in the presence of a staff member and dump the contents of the envelope on a table. If you receive a package, however, these rules do not apply. All packages are subject to inspection.

B. How much mail may you send?

You may send as much mail as you want. However, the State is required to pay only the cost of mailing your first letter each week. You may be required to pay the postage for all additional letters.

V. Discipline -- How may you be disciplined?

1. You may be denied certain privileges, such as watching television with the rest of the group at a certain time. But you may not be abused in any way or be denied your basic rights, such as the right to eat or sleep.
2. You may not be physically or mentally abused.

1. The first of the two drawings is a simple line drawing of a person's head and shoulders. The person has a large, dark, bushy beard and mustache. They are wearing a dark, high-collared garment. Above their head is a small, triangular sign with the words "IN GOD WE TRUST" written on it. The sign is hanging from a string. The person is looking directly at the viewer.

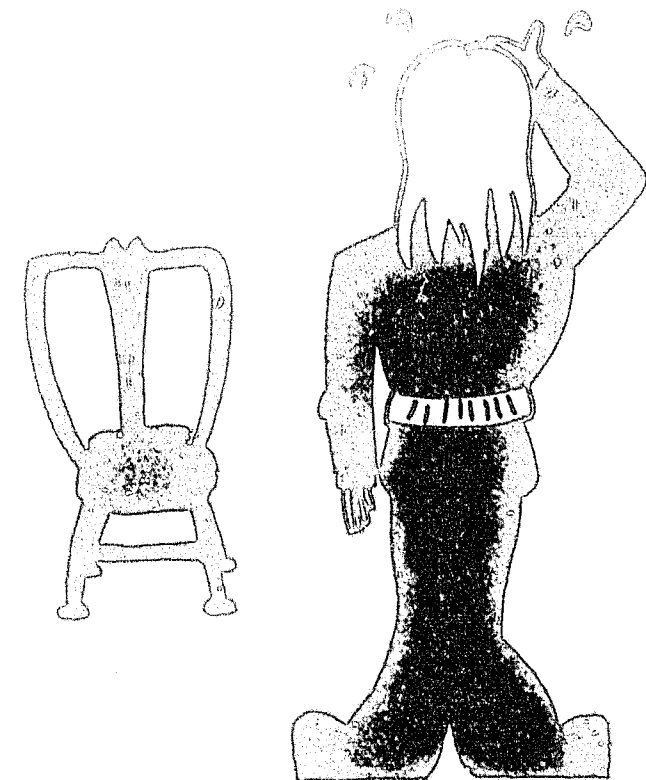
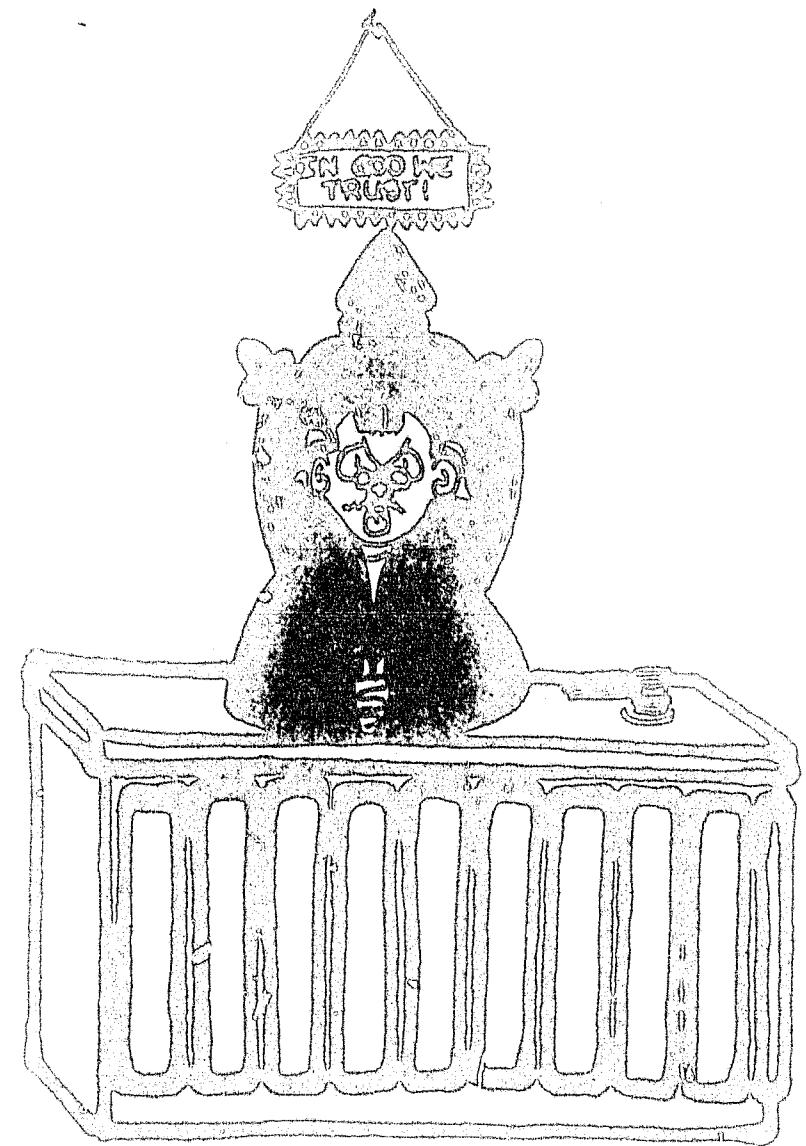
2. The second drawing is a simple line drawing of a person's head and shoulders. The person has a large, dark, bushy beard and mustache. They are wearing a dark, high-collared garment. Above their head is a small, triangular sign with the words "IN GOD WE TRUST" written on it. The sign is hanging from a string. The person is looking directly at the viewer.

3. The third drawing is a simple line drawing of a person's head and shoulders. The person has a large, dark, bushy beard and mustache. They are wearing a dark, high-collared garment. Above their head is a small, triangular sign with the words "IN GOD WE TRUST" written on it. The sign is hanging from a string. The person is looking directly at the viewer.

4. The fourth drawing is a simple line drawing of a person's head and shoulders. The person has a large, dark, bushy beard and mustache. They are wearing a dark, high-collared garment. Above their head is a small, triangular sign with the words "IN GOD WE TRUST" written on it. The sign is hanging from a string. The person is looking directly at the viewer.

5. The fifth drawing is a simple line drawing of a person's head and shoulders. The person has a large, dark, bushy beard and mustache. They are wearing a dark, high-collared garment. Above their head is a small, triangular sign with the words "IN GOD WE TRUST" written on it. The sign is hanging from a string. The person is looking directly at the viewer.

6. The sixth drawing is a simple line drawing of a person's head and shoulders. The person has a large, dark, bushy beard and mustache. They are wearing a dark, high-collared garment. Above their head is a small, triangular sign with the words "IN GOD WE TRUST" written on it. The sign is hanging from a string. The person is looking directly at the viewer.



other residents.

C. What must the room be like?

The room that you are confined in must have lights, heat and ventilation. It must be comfortable for you and must contain the following items:

1. Bed and mattress
2. Pillow, sheets and blanket
3. Chair, desk or chest

If any of the furniture could be used by you to hurt yourself or others, then it can be taken away by the staff.

D. How long may you be confined?

The staff will make every effort to return you to your regular program of care as soon as you are no longer a danger to yourself or others. You may only be confined for 24 consecutive hours, unless the Director of the Division for Youth in Albany gives approval for a longer confinement.

E. Who will visit you while you are confined?

While you are confined, you will be visited by the following persons:

1. A senior supervisor or senior counsellor
2. A psychiatrist, psychologist, social worker or youth counsellor
3. A nurse or doctor

These people will examine and help you. Talk over your feelings with them as to why you are in room confinement and whether you feel you are ready to go back to regular program.

F. What activities may you participate in?

You have the right to have entertaining and educational reading materials in the room while you are confined. Also, each day you will be given at least 30 minutes of recreation and exercise outside your room.

What does recreation and exercise mean? It means sports, athletics, games, and things like that. But it does not mean hard labor, very tiresome exercises or any activity that is punishing.

VII. Group Confinement

A. What is group confinement?

Group confinement is a locked cottage, living unit or wing which is separate from the regular living area.

B. When may group confinement be used?

Group confinement may be used only in the following situations, and in no case as punishment:

1. Where you and some of the other residents are a serious danger to yourself or to other residents

2. Where you are in serious danger from others
3. Where you need special care and attention apart from the others

VIII. Physical and Medical Restraints

A. What is a physical or medical restraint?

A physical restraint is something that prevents your arms or legs or you from moving freely. An example of a physical restraint would be handcuffs. However, if a restraint is put on you, your feet and hands may never be tied together or attached to an object.

A medical restraint is medicine that is given to you to quiet you down. It can be given as an injection, pill or liquid.

B. When may restraints be used?

Physical restraints may be used when you are taken from one school to another. Otherwise, they may be used only when you are so uncontrollable that you are dangerous to others or yourself. For example, if you run around trying to hit everyone you see, you might be handcuffed until you have calmed down to a point where you can be let go.

Medical restraints can only be approved by a doctor, and they can be used only when you are so uncontrollable that even physical restraints would not work in calming you down.

Room Confinement

SPECIAL HEARINGS

I. Parole Revocation

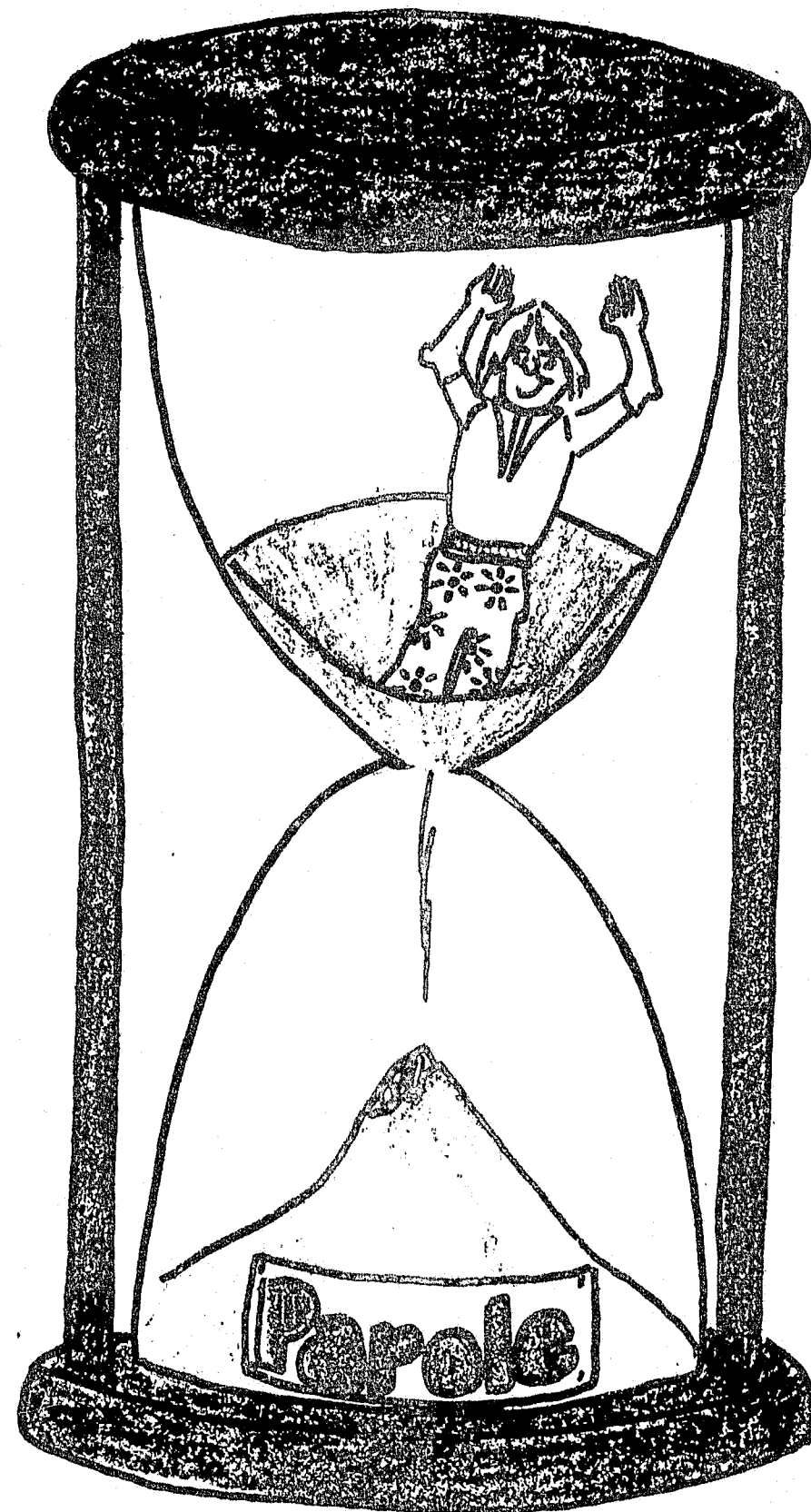
A. When may your parole be revoked?

Your parole may be revoked for any of the following reasons:

1. Breaking curfew often
2. Associating regularly with people likely to have a bad influence on you, such as people convicted of committing a crime
3. Failing to go to school regularly
4. Continued use of drugs
5. Continued use of alcohol
6. Not reporting to your youth worker as agreed upon
7. Driving a car without permission from your parent or youth worker
8. Running away from your parents or guardians, or being uncontrollable
9. Committing a crime or unlawful act
10. Breaking any other conditions of your parole

B. What procedures must be followed in revoking parole?

Before your parole can be revoked, you have a right to a parole revocation hearing. Before the hearing, you must



Your time will
go fast!

receive a notice stating the reasons that the Division for Youth feels your parole should be revoked. You must be told that you have the following rights:

1. Right to have a lawyer defend you
2. Right to speak at the hearing
3. Right to present other evidence
4. Right to have your own witnesses speak
5. Right to examine witnesses who speak against you

The hearing officer or Family Court judge will decide whether your parole should be revoked by examining what has been said and shown at the hearing. If he feels that you definitely had been informed of the rules of your parole and that you did not follow the rules, you will be returned to a school or center.

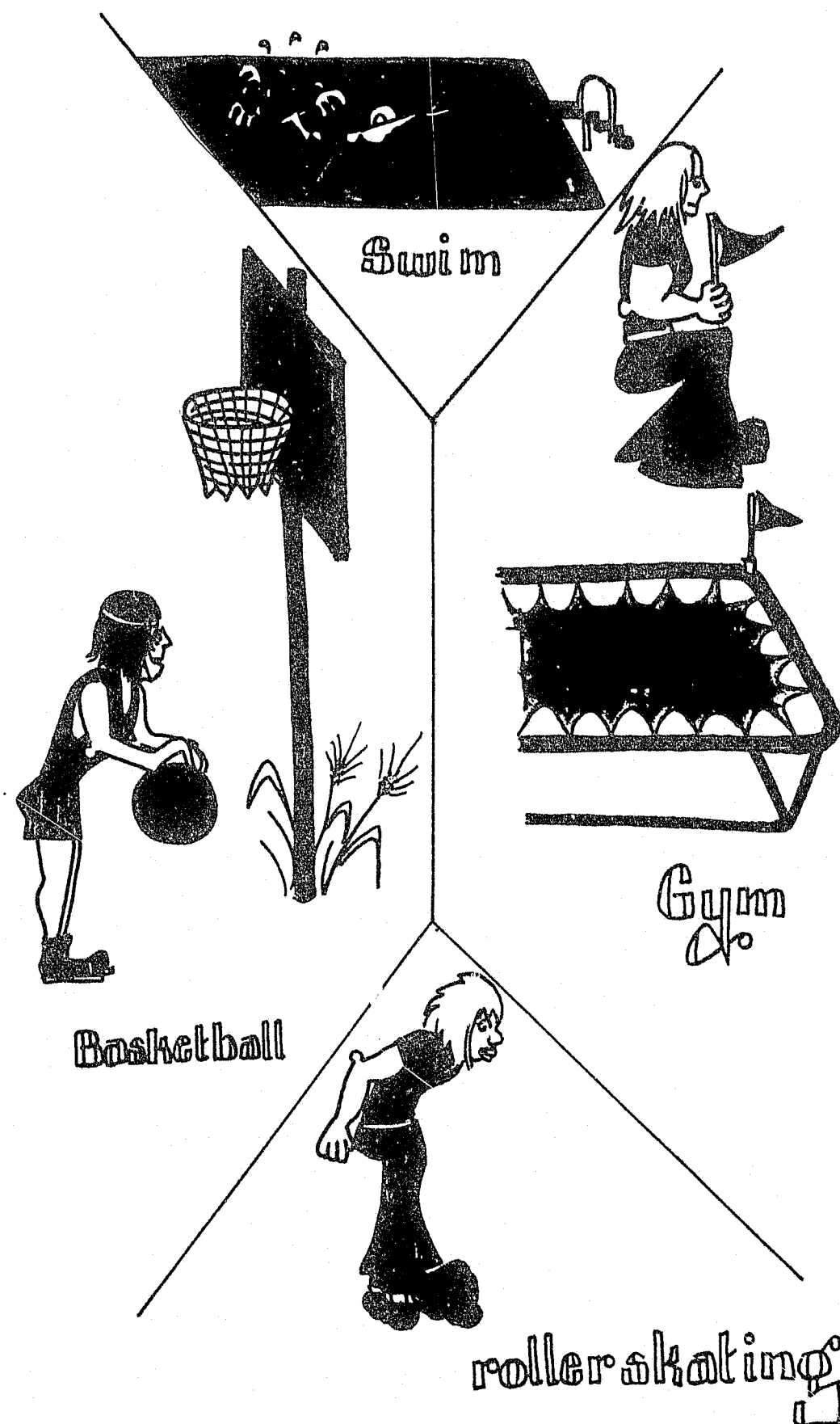
II. Transfer

A. Where can you be transferred?

A transfer occurs where you are moved from your open school or center to a more closed institution. You can remain at the more closed institution or later be returned to the open facility according to your needs and progress.

B. When may you be transferred?

You may be transferred only if one of these conditions exists:



1. You need closer supervision than an open program permits.
2. You cannot be treated or helped in an open setting because the program at your school is not able to help you.
3. You cannot be treated or helped in an open setting because you constantly run away.

If the director of your facility feels that it would be best for you to be transferred, then you will be told that there has been a request for your transfer.

C. What procedures are required for a transfer?

Before you can be transferred, you must:

1. Be told that there has been a request for your transfer
2. Be told the reason why it was requested
3. Be given the chance to tell your side of the story
If you cannot write well, then the social worker or counsellor will write what you tell him, and then he will have you sign it.
4. A transfer board at central office in Albany will then meet to decide whether you should be transferred. It will decide after it has looked at all of the facts, including your statement.



III. Extension of Placement

A. What is an extension of placement?

As mentioned in the chapter on the Family Court, the judge may place you for a maximum of 18 months in a school or center. However, if before the end of your 18 month placement it is felt that you need more help, you may receive additional placements of up to 12 months each in a school or center. This is called an extension of placement. Also, if you are on parole, your placement may be extended for up to 12 months for parole supervision.

But remember, there can be no extension of placement if you are 18 years old, unless you consent to the placement.

B. What procedure must be followed in extending placement?

1. You must be given a hearing before your placement can be extended.
2. You must also be given a notice telling you when the hearing will take place.
3. At the hearing, you have the right to be present, and you have the right to have a lawyer defend you.
4. You have the right to cross-examine witnesses who speak against you.
5. You can also speak at the hearing and tell your side of the story.

AFTERCARE

I. What is aftercare?

Aftercare is a part of the Division for Youth. Aftercare counsellors work with you in the community after meeting you while you are still in one of our schools.

II. What do aftercare workers do?

Aftercare workers, also referred to as Youth Division Counsellors, field workers or outside social workers, are a link between you and your community while you are at the institution. Their job is to work with you and your family. They also will work to get you back into school and help you find a job. They will find you places to stay if you do not return to your family when you are released from the institution.

III. How can you contact your aftercare worker?

Your institution has the name, address and telephone number of your aftercare worker. If you forget his name or address and you want to get in touch with him, ask your social worker, counsellor or supervisor to give it to you.

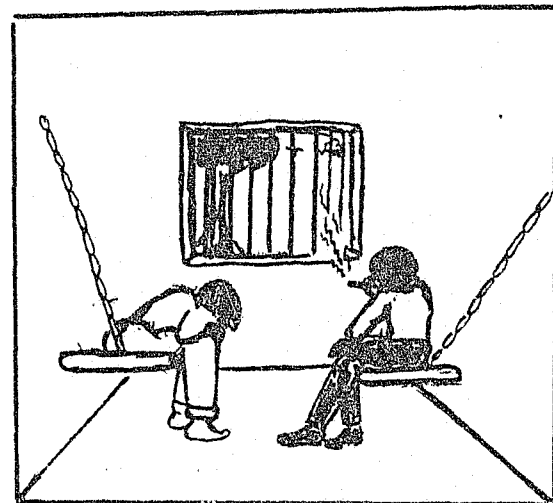
IV. Why do you need an aftercare worker?

The aftercare worker helps you after you have been released or discharged from the facility. He will inform the institution of how you are doing in the community.

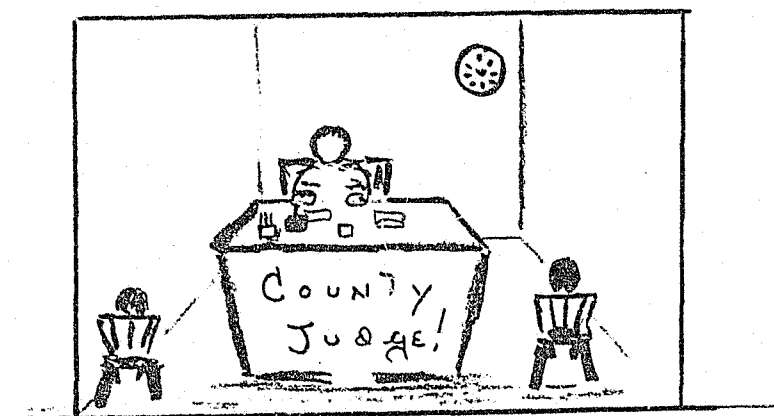
V. What happens if you are not doing well after you leave the facility?

If you refuse to cooperate with your aftercare worker, he may tell the institution that you need further supervision and treatment in the institution. If that happens, you might be given notice to appear at a parole revocation hearing. If, after the hearing, it is found that you did not follow the rules that both you and your aftercare worker had discussed and agreed were necessary, you will be returned to the institution.

May 7th "1974"



Brookwood Jail House!



The day of placement at
Brookwood Jail House!

THE OMBUDSMAN

I. What is an ombudsman?

An ombudsman is a government official who is appointed to receive and investigate complaints made by individuals about abuses or wrongful acts. Our ombudsmen are appointed by the Division for Youth. They receive and investigate complaints made about Division for Youth facilities. The ombudsman reports directly to the Director of the Division for Youth and an outside citizen's group.

II. Who is the ombudsman?

The ombudsman is a lawyer. Lawyers are experts in legal rights. Our ombudsmen are experts in the legal rights of our children. If you want to complain about your legal rights at your institution, talk to your ombudsman.

III. What kinds of problems will he listen to?

He will listen to your legal problems. He is concerned about how you are being treated at your school or center and whether your legal rights are being preserved. He wants to make sure that you know what your legal rights are within the institution. He is also willing to answer your questions concerning any legal matter not related to the facility. If your problem requires

help from an outside judge or lawyer, the ombudsman can assist you in contacting him.

IV. How can you tell if a complaint involves a legal right?

Before making a complaint to the ombudsman, ask yourself these two questions:

1. Am I being treated like a decent human being?
2. Am I being treated justly?

These are the two things that law is based upon -- justice and human decency. If you feel that you are not being treated justly and with decency at your facility, see your ombudsman. At the beginning, it will be difficult to tell whether or not a complaint is one that the ombudsman can help you with. If you don't know, ask him. The ombudsman will tell you.

V. What can the ombudsman do if your complaint does not involve a legal right?

The ombudsman is one of many people at your facility who helps kids in different ways. If you bring a problem to the ombudsman which he does not think involves a legal right (human decency and justice), he may make arrangements for you to see someone else who knows more about the problem such as a counsellor. Always remember that the ombudsman is there to help you. Feel free to talk to him.

VI. What will the ombudsman do?

If the ombudsman feels that your complaint is legal, that it involves an injustice or treatment that is not decent, he will investigate. If he finds that your complaint is true, he will report what he has found to the head of the school or center and to the Director of the Division for Youth so that they can see if they can straighten things out for you. Remember, if you complain to an ombudsman, he will not just take your word. He will look into the complaint, speak to the other people involved and decide whether your complaint is real. If it is, he will work to help you.

VII. When can you see the ombudsman?

You can contact an ombudsman whenever you see him walking on campus or visiting the cottage. You do not have to wait to see him in his office. But you cannot just get up and leave your regular assignments, work, school, shop, etc. If you want to see the ombudsman during the periods that you have assignments, you have to get permission. You may tell any staff member that you would like to speak to the ombudsman and the staff member will see that the ombudsman is told that you want to see him. You do not need to tell anyone why you wish to see him.

MISCELLANEOUS

From time to time the law changes, and we want to keep you informed by making additions to this section. Here's some current information which we think will be of interest to you:

I. What is a paternity proceeding?

When a child is born without its parents being married, the mother of the child may ask the court to have the male parent legally declared the child's father.

The court will hear the mother's case and make a decision even if the parents are minors.

The court can order that the father pay a set amount of support for the child each week. The father is also responsible for paying the mother's medical bills which were necessary for her to have the baby.

If the father is under age and not working, he will still be expected to pay for the child's support from its birth when he does get a job.

II. Who is a youthful offender?

Any person who:

1. is 16, 17 or 18 years old;

2. is charged with a crime other than an A felony; and

3. has not been convicted of a felony before
is a youthful offender and is given special consideration in criminal court.

Such a person will be dealt with in the following manner:

1. The charges against this young person will not become public knowledge.
2. If the judge and the youth wish, the proceedings will be conducted in private.
3. If convicted of a crime, it is possible that the judge will give the person youthful offender status.
This means that the conviction will be dropped and the person will be adjudicated a youthful offender.

It is up to the judge to decide if a youthful offender finding should be made except in one type of case. That is, if you are convicted of a crime in a local criminal court and have never before been convicted of a crime or found to be a youthful offender, the judge must give youthful offender treatment.

A youthful offender does not have a criminal record, and his youthful offender records will remain confidential, similar to juvenile delinquent records.

III. What is ACD (Adjournment In Contemplation of Dismissal) treatment?

Sometimes the judge will postpone your case for a certain period of time (for example, 6 months). If at the end of that time you have had no problems with the law, the case will be dismissed. You will not have a criminal record and are entitled to get back all fingerprints and photos taken of you.

CONCLUSION

This handbook was written for the purpose of making you aware of your rights from the time you first appeared in court until your release from the supervision of the Division for Youth. Perhaps the most basic of your rights is your right to be treated like a decent human being. But keep in mind that along with all the freedoms you possess, you have many responsibilities. You will find this is true no matter where you go or what you do in years to come. You should always treat and respect other people the way you would like them to treat you. Laws are made not only to prevent you from doing certain things, but to protect you and others too.

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