

WHEN I WAS BEFORE THE JUDGE

**One Teen's
Story About
Family Court**



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When I Was Before the Judge

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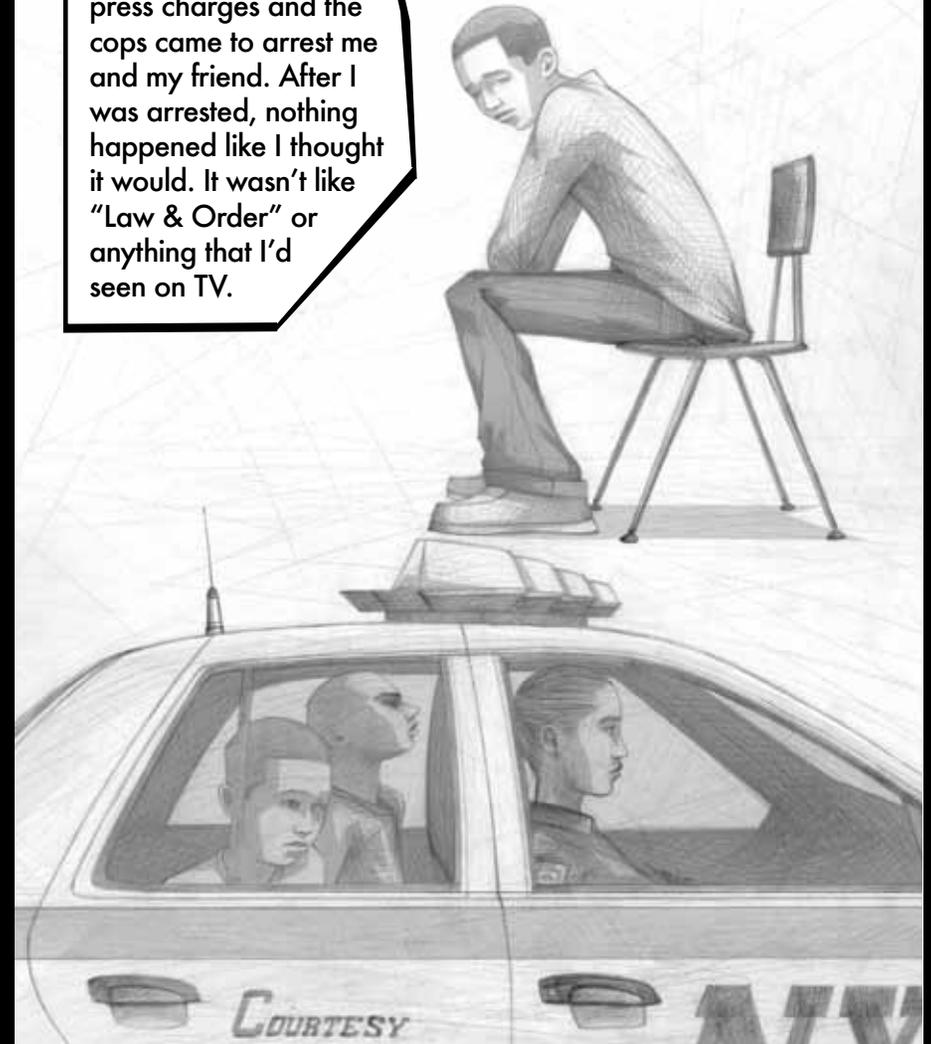
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I am 15 years old and a while back the police arrested me for fighting. I was on the street, and one of my friends started picking on this other kid. Things got going and it turned into a full blown fight.

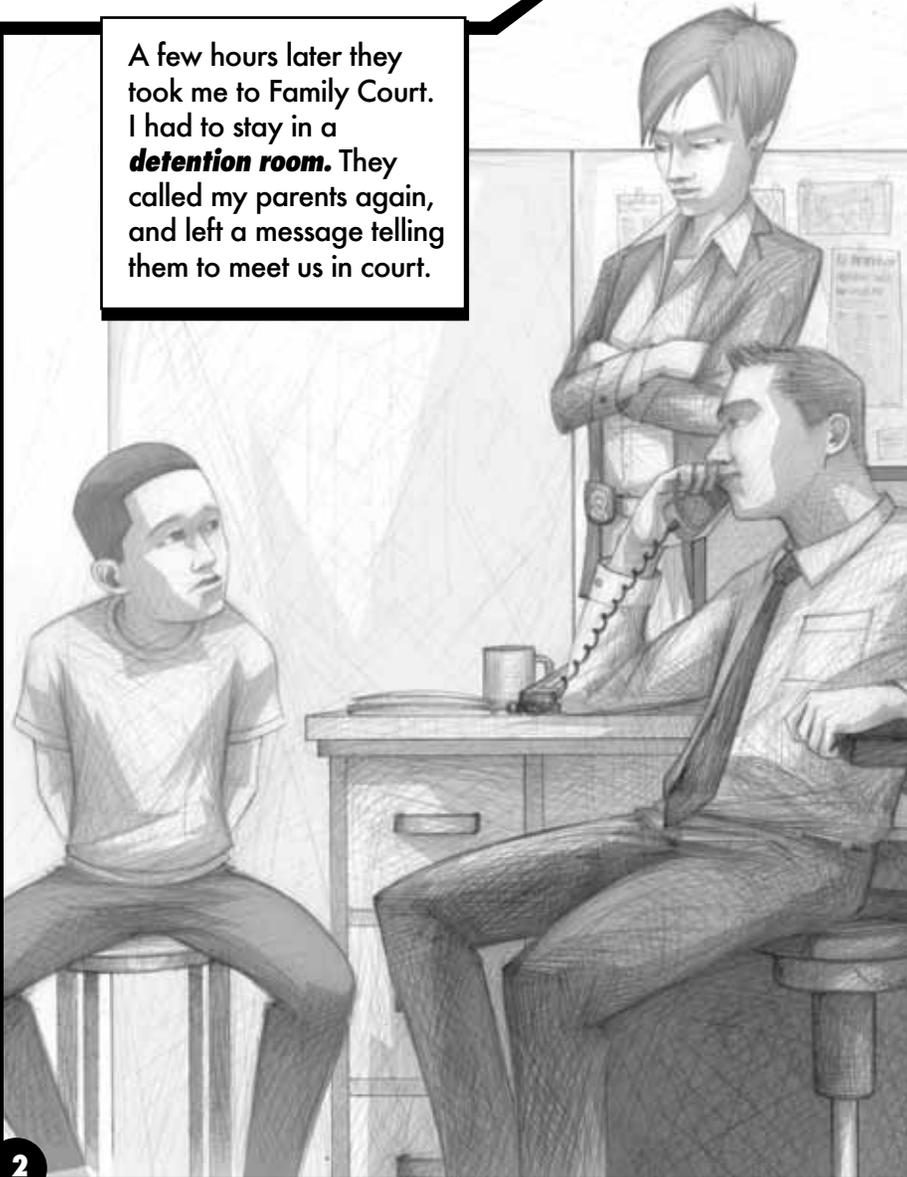
My friend threw some punches. The kid's parents were called. The parents wanted to press charges and the cops came to arrest me and my friend. After I was arrested, nothing happened like I thought it would. It wasn't like "Law & Order" or anything that I'd seen on TV.



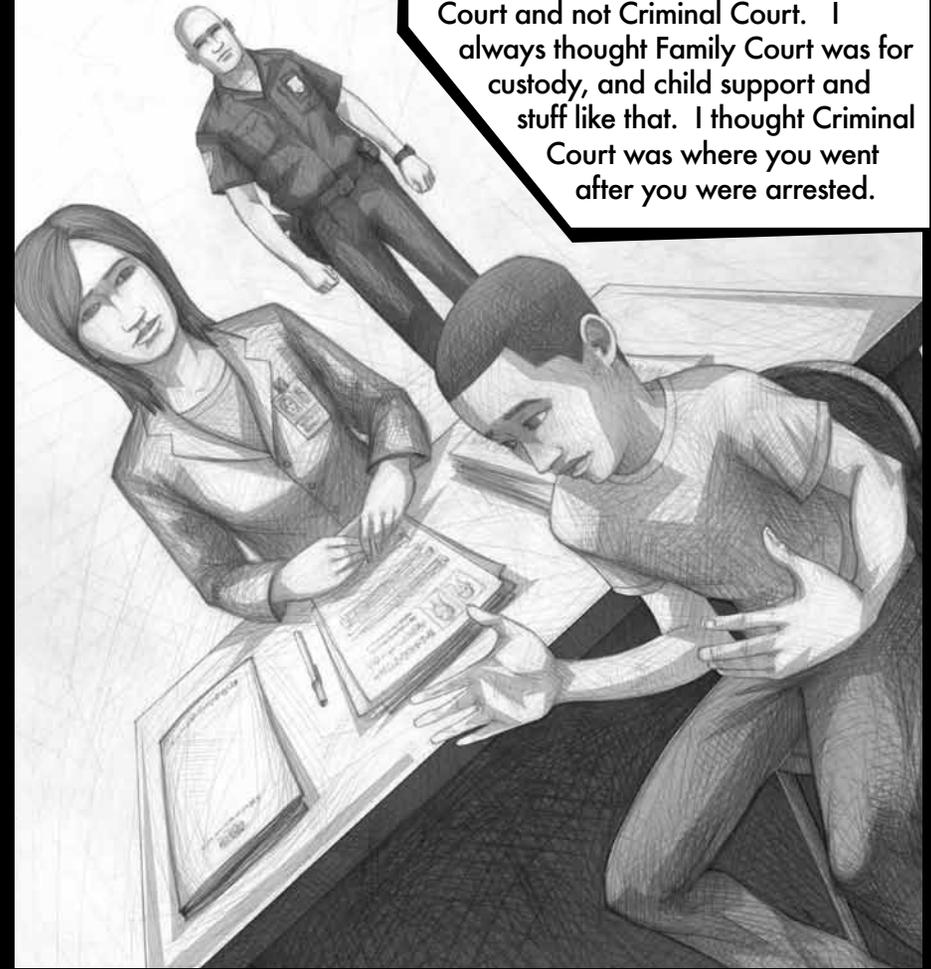
This is what happened:

After the arrest, the cops brought me to the precinct and asked for the name and number of both of my parents. They tried calling my parents but they couldn't reach them. I remembered that a social studies teacher once told my class that if a kid is arrested, they don't have to answer questions without a lawyer and without their parents being there. I told the police I wouldn't answer any questions.

A few hours later they took me to Family Court. I had to stay in a **detention room**. They called my parents again, and left a message telling them to meet us in court.

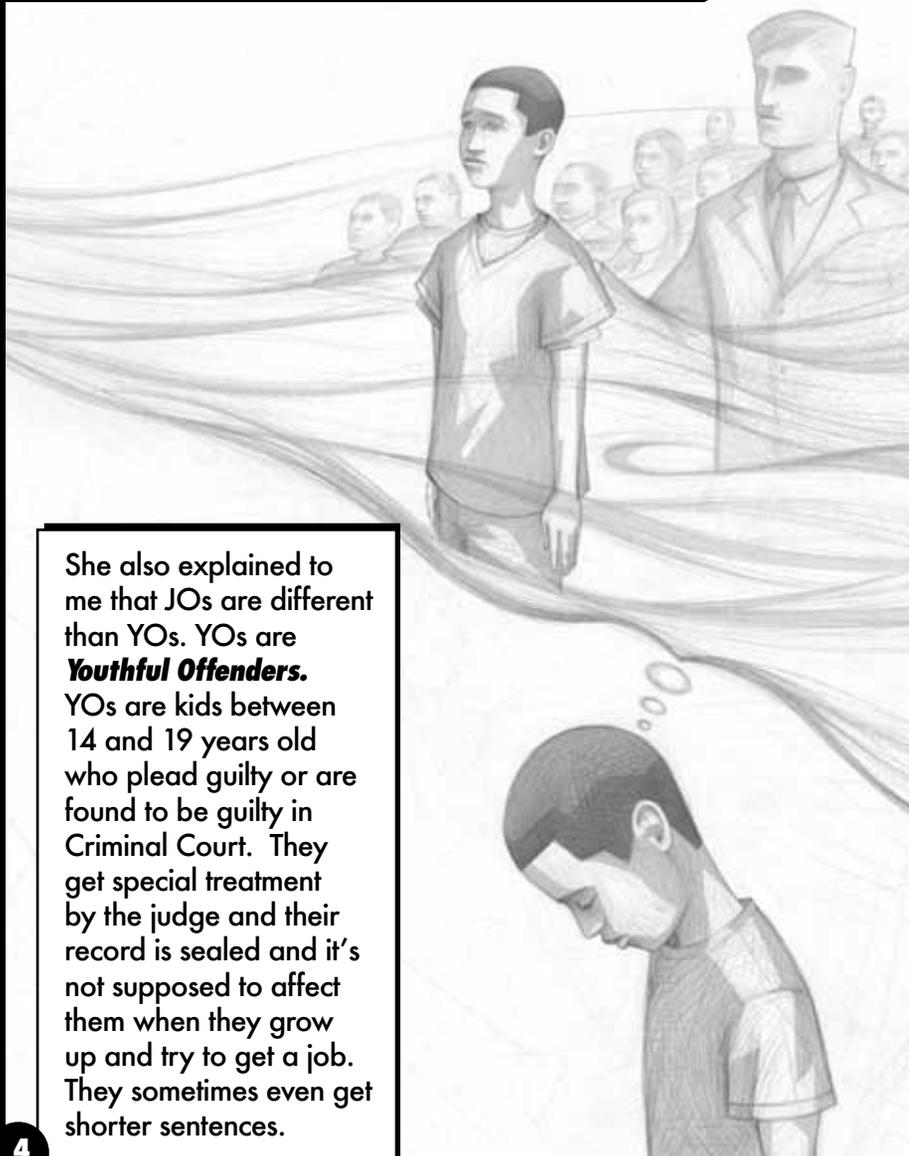


In the detention room I talked to a counselor from The Department of Juvenile Justice (DJJ). I was confused and asked her why I was in Family Court and not Criminal Court. I always thought Family Court was for custody, and child support and stuff like that. I thought Criminal Court was where you went after you were arrested.



She told me that because of my age and the crime I was accused of, I am considered a **Juvenile Delinquent (JD)**. She said JDs are kids that are at least 7 and less than 16 years old who do something that would be a crime if they were adults. All JD cases are in Family Court. She said that records from JD cases are often sealed, which means that no one would be able to know about the case when I am older and looking for a job, or anything like that. She said that whether or not it will be sealed can be complicated, and I could ask a lawyer for all of the details.

The counselor also told me that if what I had done had been more serious, I might be in Criminal Court, as a **Juvenile Offender (JO)**. JOs are kids that are convicted of certain kinds of serious (felony) offenses. JOs are 13, 14, or 15 years old. She told me that JO cases are in Criminal Court. She said that sometimes a JD case starts out in Criminal Court as a JO case, because the charges are so serious. Later the Criminal Court judge might decide to move the case to Family Court.



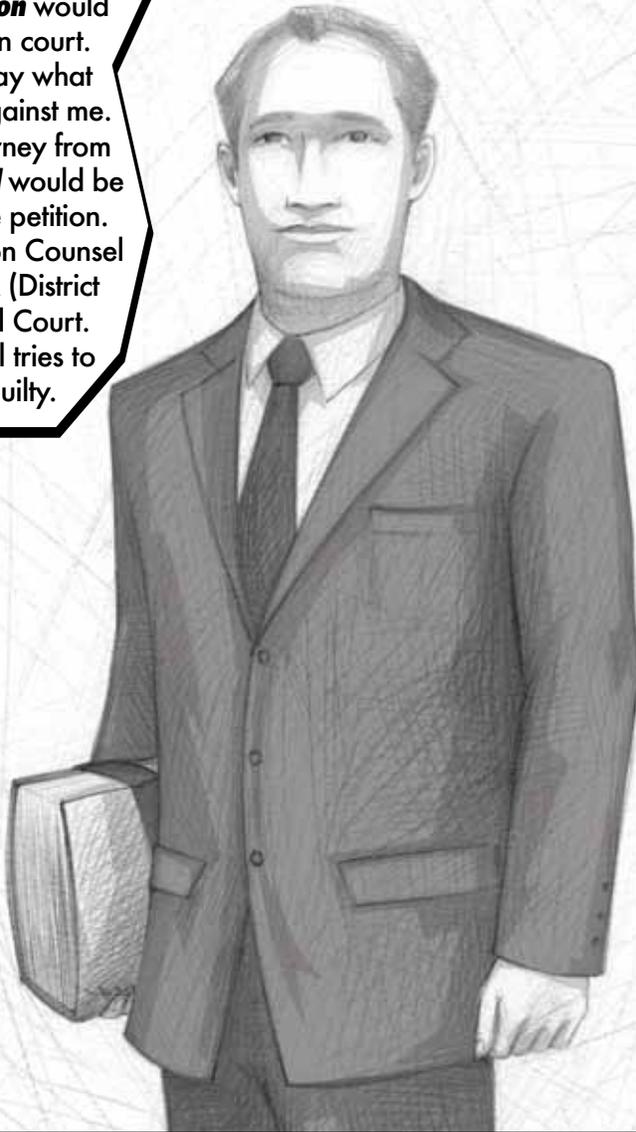
She also explained to me that JOs are different than YO's. YO's are **Youthful Offenders**. YO's are kids between 14 and 19 years old who plead guilty or are found to be guilty in Criminal Court. They get special treatment by the judge and their record is sealed and it's not supposed to affect them when they grow up and try to get a job. They sometimes even get shorter sentences.



While I was being held in detention, an officer from the Department of Probation (DOP) interviewed me. He had also interviewed my friend, and the kid that he had been fighting. The officer kept calling that kid the **"victim"** and also the **"complainant"** because he said that my friend and I had started it all.

Later, the probation officer told me that the kid and his parents were refusing to talk about an **adjustment**. I asked why that mattered. He told me that an adjustment is something that can be done by the Probation Department so that you don't have to go before the judge. Basically, it means that the victim decided not to press charges. In return you have to do something like report to a probation officer or go to counseling for a few months. I was mad when I heard that the whole thing could have ended without me having to see a judge!

Because my case wouldn't be adjusted, the probation officer told me that a **petition** would be filed against me in court. The petition would say what the charges were against me. He said that an attorney from **Corporation Counsel** would be the one that filed the petition. Turns out Corporation Counsel is kind of like the DA (District Attorney) in Criminal Court. Corporation Counsel tries to prove that you are guilty.



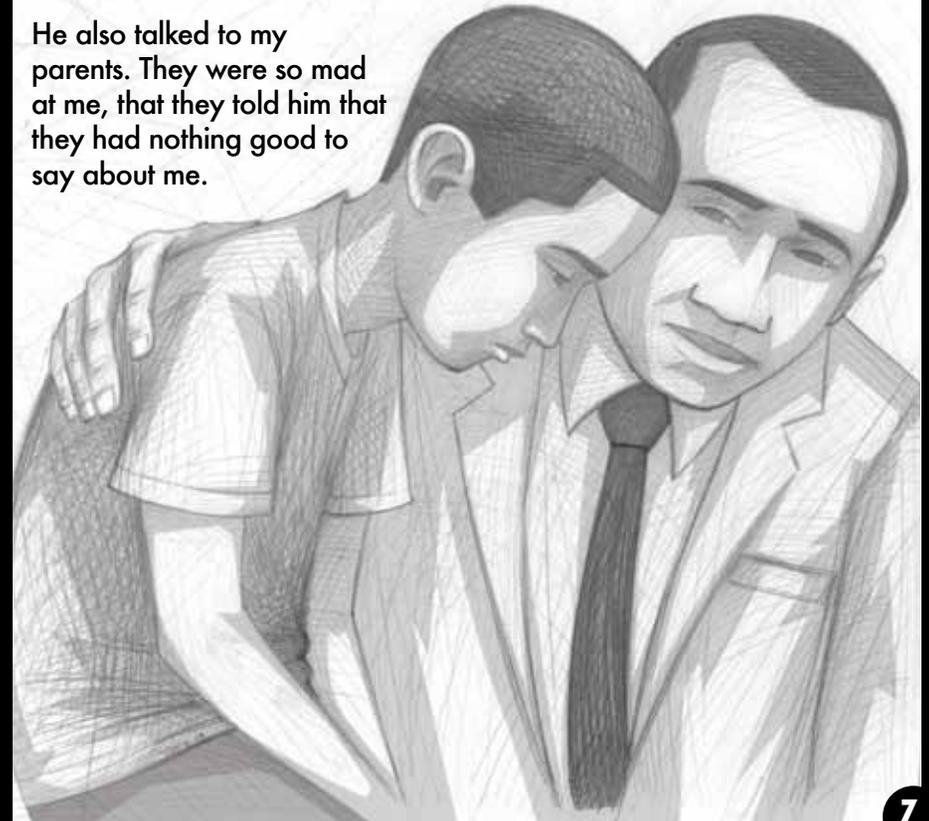
The officer told me that Corporation Counsel didn't want to file the petition that day, and instead they were going to file a **pre-petition**. He said this was so the court can figure out whether or not it has **jurisdiction** and whether or not what I was accused of is considered a **delinquent** act (courts can only make decisions over certain people for certain kinds of cases and for specific geographic areas).

At that point, a man came in and told me that he was going to be my **law guardian**. I didn't know what that meant, and he explained that **law guardians** are also called **attorneys for the child**, and they represent kids in these kinds of cases for free. I told him I thought they were called "legal aids."

He told me that because he was my lawyer, he would be representing me. Because he was my lawyer, he could only tell certain people, like the judge and my parents, what I wanted him to and he couldn't tell anyone what I told him, unless I gave him permission.

I was so relieved to have a lawyer so that I knew there was someone looking out for me. I finally had a chance to tell someone my whole side of the story without worrying that it could be used against me. I hoped he would be able to get me out of this mess. I told him every detail of what happened, including that I refused to answer the questions that the police had asked. He told me that it was smart of me to have done that.

He also talked to my parents. They were so mad at me, that they told him that they had nothing good to say about me.

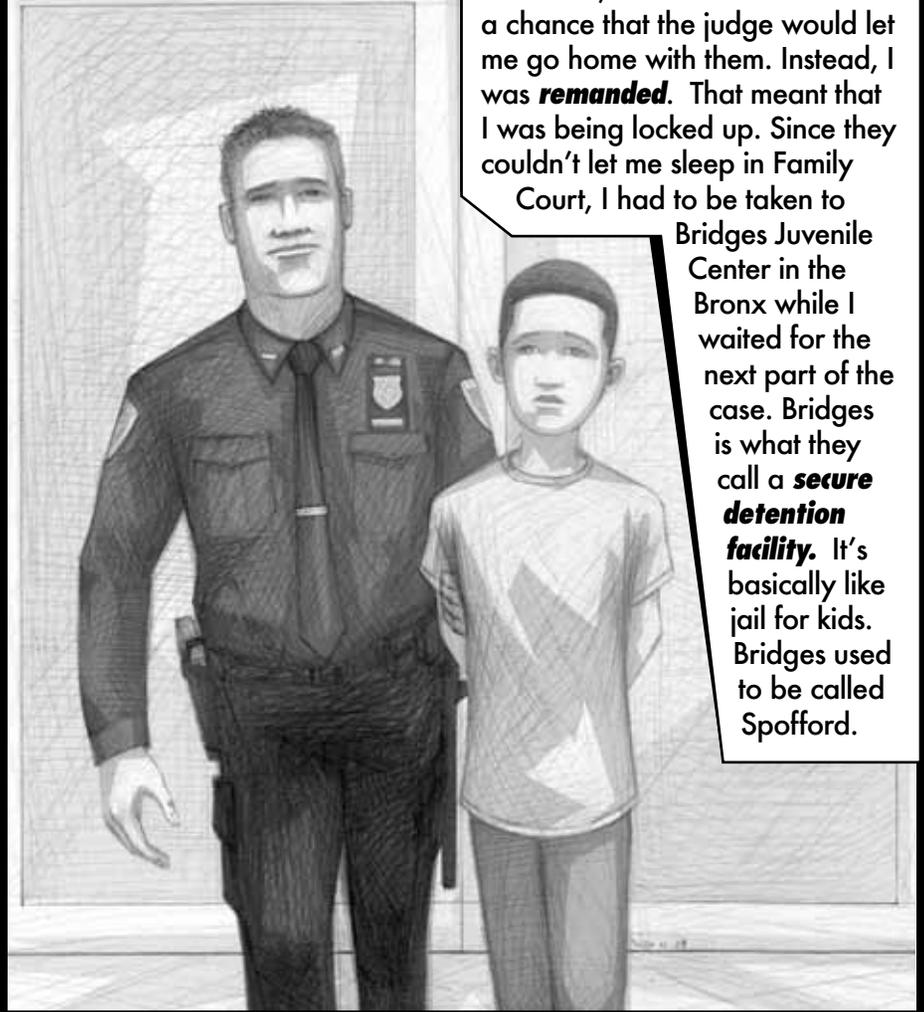




At the pre-petition hearing, I got to see the judge on my case. She looked kind of intimidating sitting in her seat wearing a black robe. Corporation Counsel was in the courtroom, and so were other people including my lawyer and my parents. Corporation Counsel got to ask the police officer who arrested me some questions about what had happened, and then my lawyer asked a few questions, too. The judge asked my parents if they wanted to say anything, but they said no.

The probation officer gave everyone – the judge, Corporation Counsel, my lawyer – a paper called an RAI or Risk Assessment Instrument. Apparently it looks at things that make it more or less likely that I will stay out of trouble and come back to court for my next court date. My lawyer told me that I had a pretty high score on it – but that this wasn't the kind of test that you wanted to have a high score on.

FAMILY COURT



My lawyer also told me that if my parents had said good things about me, there would have been a chance that the judge would let me go home with them. Instead, I was **remanded**. That meant that I was being locked up. Since they couldn't let me sleep in Family Court, I had to be taken to

Bridges Juvenile Center in the Bronx while I waited for the next part of the case. Bridges is what they call a **secure detention facility**. It's basically like jail for kids. Bridges used to be called Spofford.

The person that brought me to Bridges told me that because there had been a pre-petition, I would probably stay at Bridges for four days. After that, if the petition wasn't filed, I could go home and wait for them to file it. On the fourth day, I was brought back to court.

When I went back to court, first they brought me to detention again. My lawyer came by for a little bit, and we talked about what was going to happen. He also explained to me who everyone was in the courtroom. He told me that Corporation Counsel would be there again, and that there would be at least one **court officer** in the room, as well as a **probation officer**. He also said that there might be someone in there using something like a typewriter to take down everything that is said in the courtroom – that person is called a **stenographer**. He made sure to tell me that not all courtrooms have stenographers, and that some of them have recording machines. He also told me that my parents would be in the courtroom.



After my lawyer left, I watched television for a little while which helped distract me from what was going to happen. After a few hours, they finally brought me up to the courtroom and I saw the judge. I was so nervous when they were bringing me into the courtroom that I thought I might throw-up. Luckily I held it together.



When I was before the judge, she asked the court officer to **swear me in**. That meant I had to say my name and age and say that I would only tell the truth. The judge told me that I am called the **respondent** - because I have to respond to the petition. In Criminal Court the respondent is called the **defendant**.

Corporation Counsel then gave my lawyer the petition which had all of the **allegations**, everything I was being accused of. My lawyer told the judge that she didn't have to read them out loud, and he read them to me instead quietly. This was called **waiving the reading**.

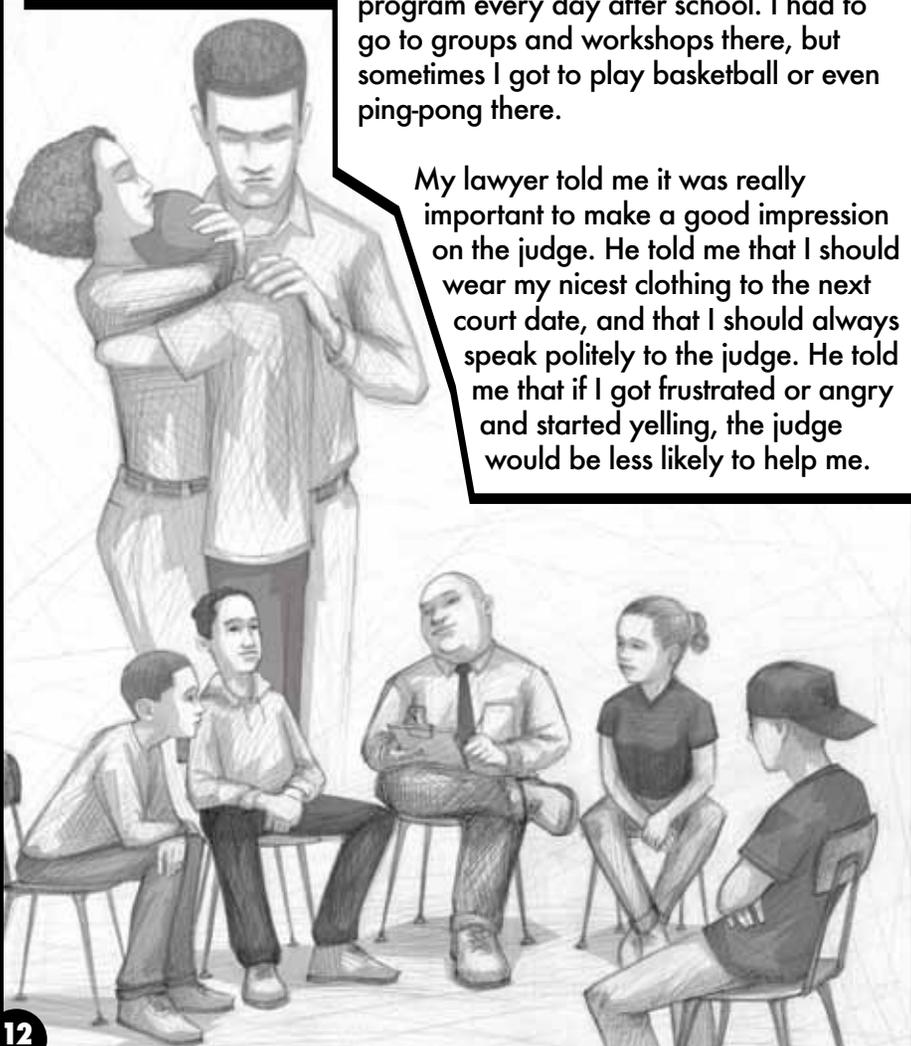
When we had talked, my lawyer and I had agreed that I would not make an **admission**. An admission means saying that I had done what was in the petition.

Because I didn't make an admission, the judge scheduled a **fact-finding hearing**. My lawyer explained that a fact-finding hearing is like a trial. That's where the evidence is given to the judge, and she decides if you're guilty. They scheduled the fact finding hearing for two weeks later. I learned that since I had been at Bridges they have to be scheduled within 14 days. If I had been sent home, it would have had to be scheduled within 60 days.

I was worried that they would send me back to Bridges for that whole time. They talked about it during what they called a **probable cause hearing**, but luckily the judge said I could go home with my parents. The judge said I was being **paroled** to them, but that I had to go to an **ATD** program, or **Alternative to Detention**, every day. I didn't care what they called it or what I had to do – I was so happy to be going home!

During the next two weeks my parents and I talked to my lawyer a few times so that we could prepare for the trial. By then, my mom was less upset and helped me by giving my lawyer a bunch of my school records to show the judge that I'm a good student and that I had never really gotten into trouble before. I went to the ATD program every day after school. I had to go to groups and workshops there, but sometimes I got to play basketball or even ping-pong there.

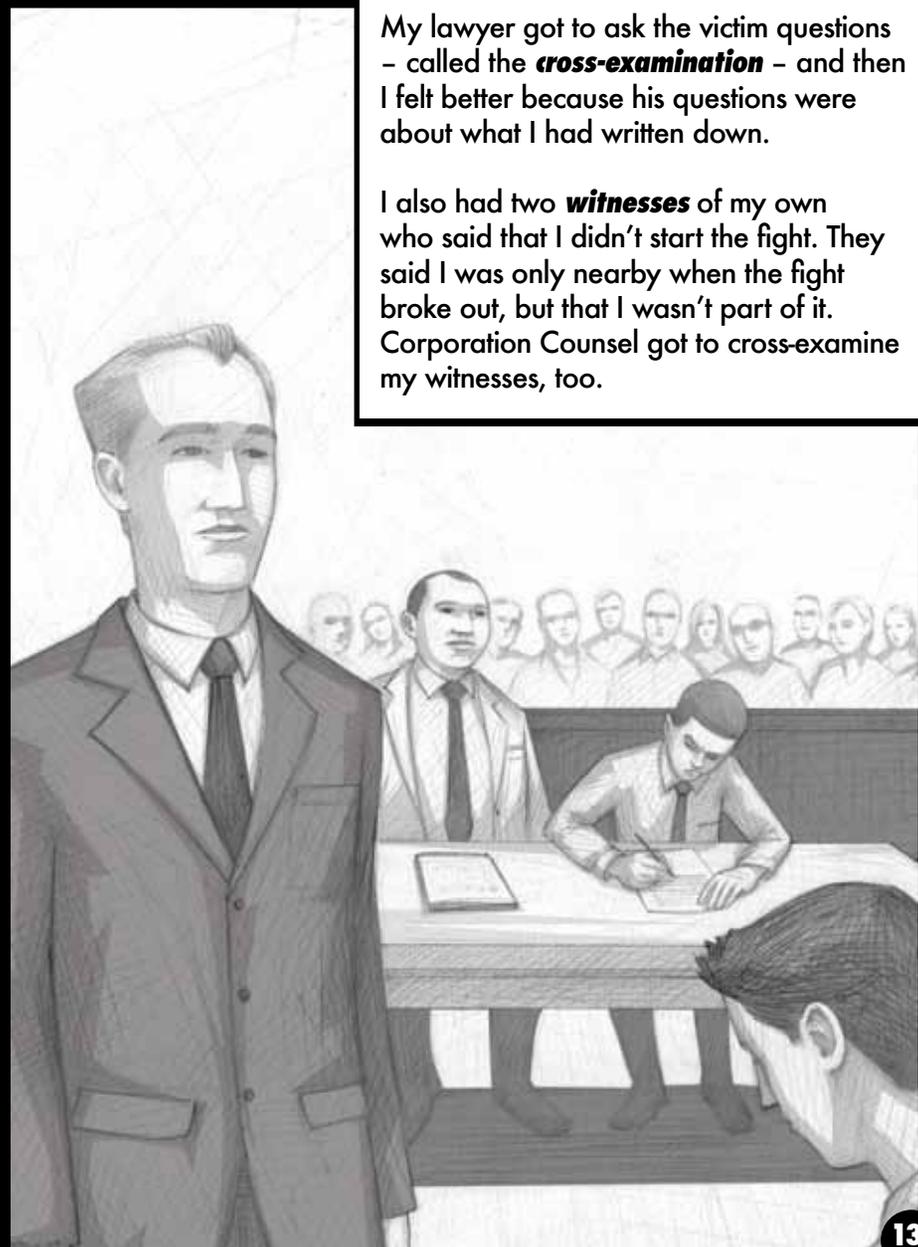
My lawyer told me it was really important to make a good impression on the judge. He told me that I should wear my nicest clothing to the next court date, and that I should always speak politely to the judge. He told me that if I got frustrated or angry and started yelling, the judge would be less likely to help me.



Finally, it was the day of the trial. I followed my lawyer's advice and wore nice pants and a button down shirt. Corporation Counsel had the victim **testify**, and I really didn't like what the victim was saying about me. I started to get angry and say something, but I remembered my lawyer's advice about staying quiet so I wrote down my comments and showed them to my lawyer instead.

My lawyer got to ask the victim questions – called the **cross-examination** – and then I felt better because his questions were about what I had written down.

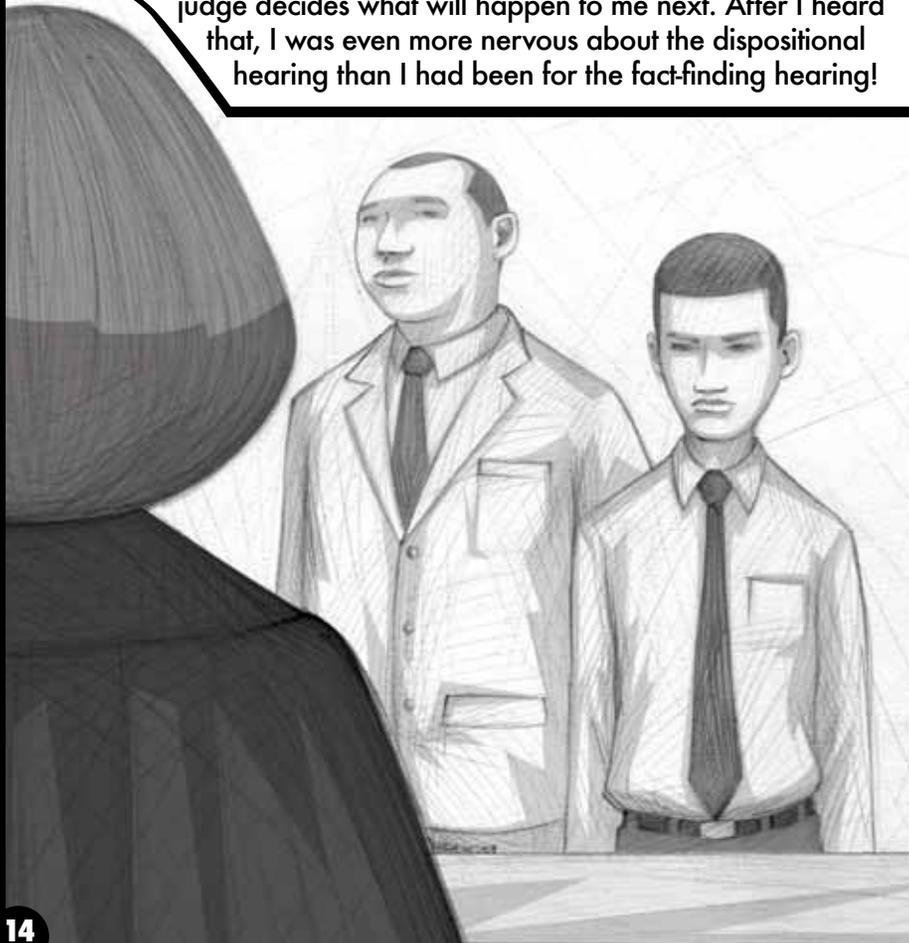
I also had two **witnesses** of my own who said that I didn't start the fight. They said I was only nearby when the fight broke out, but that I wasn't part of it. Corporation Counsel got to cross-examine my witnesses, too.



After everyone testified, the judge said that she was making a finding against me. Then the judge ordered the Department of Probation to do an **I & R** (Investigation and Report). The judge then set another date for another hearing. This one was called a **dispositional hearing**.

That all meant that she thought that I was guilty of something. I was really mad because I hadn't done anything wrong and I had listened to everything my lawyer had told me. My lawyer explained that at the dispositional hearing, there would be another chance to have the case be over without anything really bad happening. He said that my history and the fact that I had made a good impression during the fact-finding would work in my favor at the next hearing.

My lawyer explained that a dispositional hearing is kind of like the sentencing hearing in Criminal Court. At that hearing, the judge decides what will happen to me next. After I heard that, I was even more nervous about the dispositional hearing than I had been for the fact-finding hearing!



At the dispositional hearing the DOP gave their I & R and told the judge all about my grades in school – everything that my mom had told my lawyer. With all the information in front of her, the judge finally made her ruling. She ordered an **ACD**, or Adjournment in Contemplation of Dismissal, meaning if I stay out of trouble for six months, the whole thing will be dropped.



My lawyer told me that the ACD was good, because it means I can keep living my life. The only thing that would have been better is if the judge had outright said I was innocent and dropped the case after the fact-finding hearing. He said the judge could have said I was guilty and sentenced me to an OCFS (New York State Office of Children and Family Services) secure detention facility located upstate for a period of time. He also told me that the judge could have ordered me to **probation**, or issued an order of protection saying that I had to stay away from that kid. He told me that if any of those things had happened, we could have tried to **appeal** the decision. Appealing a decision means asking a higher court to look at the decision your judge made, to see if the judge made any mistakes.

Anyway, the six months are finally up, and it is all over! My lawyer told me my record is sealed, so I don't need to worry about it affecting me getting a job when I am older. Going before the judge is seriously scary, but I learned some good lessons and that it is really important to work with your lawyer, act right in court, and try to understand everything that is going on.



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