

Washington Judicial Colloquies Project

**A Guide for Improving Communication and
Understanding in Juvenile Court**

by TeamChild and the Juvenile Indigent Defense
Action Network

ModelsforChange
Systems Reform in Juvenile Justice

Prepared by TeamChild. The Washington Judicial Colloquies Project Team includes Kim Ambrose, Rosa Peralta, Sarah Cusworth Walker, George Yeannakis and Honorable Dennis Yule.

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ModelsforChange
Systems Reform in Juvenile Justice

Models for Change

Models for Change is an effort to create successful and replicable models of juvenile justice reform through targeted investments in key states, with core support from the John D. and Catherine T. MacArthur Foundation. Models for Change seeks to accelerate progress toward a more effective, fair, and developmentally sound juvenile justice system that holds young people accountable for their actions, provides for their rehabilitation, protects them from harm, increases their life chances, and manages the risk they pose to themselves and to the public. The initiative is underway in Illinois, Pennsylvania, Louisiana, and Washington, and through action networks focusing on key issues, in California, Colorado, Connecticut, Florida, Kansas, Maryland, Massachusetts, New Jersey, North Carolina, Ohio, Texas, and Wisconsin.

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A Guide for Improving Communication and Understanding in Juvenile Court

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Table of Contents

Foreword By Retired Washington Superior Court Judge Dennis Yule	i
Introduction And Overview	1
Language In Our Courts & The Need For Developmentally Appropriate Colloquies	5
Case Study: Developing Judicial Colloquies	8
Suggested Use Of The Colloquies:	12
Bench Colloquy: First Appearance/Conditions Of Release	13
Do's And Don'ts: Release/Conditions Of Release	19
Bench Colloquy: Disposition/Conditions Of Probation	20
Do's And Don'ts: Disposition/Conditions Of Probation	27

Foreword By Retired Washington Superior Court Judge Dennis Yule

Colleagues:

If your experiences are anything like mine during the 23 years I was a superior court judge in Benton and Franklin Counties, there have been occasions (in my experience they were persistent) when you stepped off the bench at the end of a juvenile court hearing or docket, doubtful that much you had tried to explain to the juvenile offenders before you had actually gotten through to them. The language judges and lawyers are accustomed to, which is necessary to make a clear record of what occurs in the courtroom, is a foreign language to kids and to adults who are unfamiliar with the court process.

We've probably all made an effort to translate that language with which we are comfortable into language that is both understood by young offenders and maintains a clear and legally sufficient record. I don't know about you, but I never felt confident that my intuitive efforts actually improved communication much, even with the expert advice of my 15-year-old grandson!!!

Some of you have no doubt heard about or are involved with a major, nationwide juvenile justice reform initiative sponsored and funded by the John D. and Catherine T. MacArthur Foundation, called Models for Change. Washington was the fourth of four core Models for Change states, selected by the Foundation in 2007. One of the products of the Models for Change Initiative has been the formulation of action networks focused on particular areas of improvement in juvenile justice processes and services. In 2008, a Washington team of juvenile justice professionals, assembled and led by TeamChild, has joined teams from seven other states in the Juvenile Indigent Defense Action Network (JIDAN) to focus upon strategies to improve juvenile indigent defense policy and practice.

One of the specific strategies the Washington JIDAN team has chosen to pursue is the development of model colloquies to assist juvenile court judges and juvenile defenders in communicating effectively with juvenile offenders at critical court hearings. We have begun that work with draft bench colloquies for two particularly critical hearings—(1) an accused juvenile's first appearance, at which rights and conditions of release are explained, and (2) disposition hearings, at which the consequences of conviction and conditions of probation are explained.

We began the process of developing the colloquies with a review of research and literature about adolescent development and communication and efforts within the juvenile justice system to improve communication with adolescents. Then we assembled an advisory panel of experts on talking with kids—10 middle school students and 14 high school students at the Discovery Middle School and New Horizons High School of the Pasco School District. Over two afternoons, TeamChild Program Coordinator, Rosa Peralta, and I worked with these two focus groups to review the terminology used in the Benton/Franklin Superior Court's Order Setting Conditions of Release (WPF JU 07-0510) and Order on Adjudication and Disposition.

Most of the youth in the focus groups had experience with the juvenile justice system and therefore had previously been exposed to the language in the forms. Despite this, the two sessions confirmed that the language of the orders, which is the framework and, to varying degrees from court to court, the content of what judges say to the juvenile offenders, is language often not understood by adolescents. The sessions also enlightened us. We learned that some commonly used words and phrases, which had not occurred to us as being unclear, were in fact confusing to the kids. One example comes readily to mind. When we talked with the kids about "appearing in court as required", a number of them, including older high school students, thought we were referring to the way they were supposed to look when they came to court: i.e. hair combed, modestly dressed. We experienced one of those "duh" moments at the end of our discussion when one young man said "Then, why don't you just say 'you have to come to court when you're told to'?"

While we have chosen to focus this project upon communication, at critical points in the juvenile court process, between judges and juveniles accused or adjudicated guilty of crimes, we recognize the primary importance of the detailed communications that occur between juveniles and juvenile probation counselors and defense counsel throughout juvenile court proceedings. Probation counselors and counsel are the critical contacts and messengers juveniles have with the juvenile court system. The objective of this project is to improve the communications between the bench and juveniles that will serve to reinforce the authority of the probation counselors and their conversations with juveniles, not to supplant or unduly duplicate their discussions and explanations or those of counsel. Our consultations with both juvenile court professionals and with juveniles have underscored the importance of juveniles “hearing it from the judge.”

With the work and advice of experts in hand, both adult and juvenile, we began drafting colloquies that we hope will be helpful in bridging the gap between what lawyers and judges need to make a satisfactory record and what kids need to better understand what is happening.

As explained below, the colloquies are designed to be user-friendly tools that can be utilized in various ways. For seasoned judges with substantial experience in juvenile court, we hope that the colloquies will have value as source material and a guideline for review of the methodology they have developed for communicating with kids. For other judges, who may find themselves in juvenile court less frequently, our goal is to provide colloquies that can be used as a script followed verbatim, or as a resource from which to craft personalized outline colloquies.

In drafting these colloquies we recognize that every judge develops a style and method of addressing counsel and litigants during court proceedings that he or she finds appropriate and effective. We also assume that every judge who has presided at juvenile court offender proceedings has given thought and made decisions about how to communicate with kids. Our intention with these colloquies is to provide every judge in juvenile court, whatever his or her experience, with information and alternative approaches that will be helpful in the on-going effort to communicate with juveniles as clearly and effectively as possible.

Honorable Dennis Yule (ret.)
Washington State Superior Court Judge
Benton-Franklin Counties

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Introduction And Overview

The Washington State Judicial Colloquies Project

The Washington State Judicial Colloquies Project

A typical juvenile offender matter involves many court stages – first appearance, conditions of release review, case setting, motions, trials, dispositions and compliance hearings. At these stages, youth are expected to understand the implications of waiver of counsel, plea agreements, conditions of release or probation, the long-term consequences of an adjudication of guilt and the consequences of non-compliance with court orders.

In court, judges make and deliver decisions that are critical to the young people appearing before them. Judges are also tasked with conveying critical information, ordering conditions and expectations, taking pleas, and accepting waivers. Attorneys and juvenile court probation staff play the role of explaining, reinforcing and enforcing this information.

But, countless anecdotes describe youth coming out of court hearings confused about what had happened, unclear about the roles of the various adults in the courtroom, and unsure of what was expected of them.

The Washington State Juvenile Indigent Defense Action Network (JIDAN) team set out to understand the extent of this problem and identify ways to improve a youth's understanding of the expectations of the court in an offender case.

This inquiry resulted in the Washington State Judicial Colloquies Project, which aims to improve young people's comprehension of the conditions of pre-adjudication release and post-adjudication probation commonly ordered in Washington's juvenile offender proceedings. By increasing understanding of the court's expectations, the Project hopes to improve compliance and reduce detention and other sanctions. The Project also aims to increase the awareness of court and juvenile justice stakeholders of the need for more developmentally appropriate language in juvenile court.

As we shared our experiences with others in Washington and around the country, we were flooded with interest and enthusiasm for the tools to replicate the effort. We discovered that the need for a change has long been on the minds of judges, attorneys, court staff and other stakeholders. We developed this guide to help others effect that change.

How To Use This Guide

While the concept of creating a more developmentally appropriate dialogue in court is simple, the development and implementation calls for a collaborative approach that involves all stakeholders in juvenile court, including youth. This guide presents a case study with lessons learned, a road map for initiating a colloquies project, and practical tools that can be used to achieve improved communication and understanding in juvenile court. Our hope is that it will inspire dialogue within jurisdictions about how to adapt court proceedings to the research on adolescent development and language processing skills of young people.

Background: The Models For Change Initiative

The MacArthur Foundation launched its Models for Change Initiative in an effort to create successful and replicable models of juvenile justice reform through targeted investments in four key states. The initiative seeks to accelerate movement toward a more rational, fair, effective, and developmentally appropriate juvenile justice system. Washington was one of four states selected by the Foundation for the Initiative.

The Models for Change Initiative has a number of key objectives for a model system:

Fundamental Fairness. All participants in a model system – including juveniles, victims, and their families and communities – receive fair and unbiased treatment.

Recognition of juvenile-adult differences. A model system takes into account that juveniles are fundamentally and developmentally different from adults.

Recognition of individual differences. In a model system, juvenile justice decision makers treat young people as individuals – recognizing and responding to differences in development, culture, gender, needs and strengths.

Recognition of potential. Youth have strengths and assets and are capable of positive change and growth. Giving up on them is costly for society. Investing in them makes sense.

Safety. Communities and individuals deserve to be and feel safe.

Personal, community, and system responsibility. A model system recognizes and reinforces three kinds of responsibility: that of court-involved juveniles, that of child-and-family serving institutions, and that of systems.

Background: Juvenile Indigent Defense Action Network

As part of its Models for Change Initiative, in 2008 the MacArthur Foundation funded the creation of a Juvenile Indigent Defense Action Network (JIDAN) to engage juvenile justice leadership in targeted strategies to improve juvenile indigent defense policy and practice. In addition to the four Models for Change States (Illinois, Pennsylvania, Louisiana and Washington), the JIDAN includes California, Florida, Massachusetts, and New Jersey.

The action network is an issue-focused forum for the development and exchange of ideas and strategies across states, and for sharing practical information and expertise in support of reform. The vision for reform is to create a model juvenile indigent defense system that ensures the protection of youths' due process rights throughout the duration of the juvenile court process. In this model system, youth have early and timely access to competent, well-trained, and well-resourced counsel, and juvenile defenders have the ability and capacity to provide comprehensive and thorough legal representation to the youth they serve.

Washington's JIDAN team is a diverse mix of professionals who worked or are working on reform of the juvenile justice system, including retired judges, a prosecutor, defense attorneys, researchers, and law school faculty.

Background: The Colloquies Project Team

Washington's JIDAN team formed a workgroup to work on the Washington State Judicial Colloquies Project. The team consisted of retired Judge Dennis Yule, Juvenile Court Administrator Patrick Escamilla, Professor Kim Ambrose, Dr. Sarah Cusworth Walker, Program Coordinator Jodi Martin, Alison Warden, Research Associate Rosa Peralta and Special Counsel George Yeannakis.

Language In Our Courts & The Need For Developmentally Appropriate Colloquies

Language In Our Courts & The Need For Developmentally Appropriate Colloquies

Any young person coming to juvenile court faces a daunting set of obstacles to understanding, making decisions and acting on their rights and responsibilities in court. Age, experience and varying degrees of normal child development will impact how any youth understands and processes information provided to them throughout the proceedings. Yet youth appearing in juvenile court are more likely to have additional challenges understanding and acting on information in court. Research documents the prevalence of language and linguistic delays¹, special education needs², mental health issues³, trauma, and other adverse childhood experiences⁴ in these youth.

All of these factors impact how youth hear, process, and retain information.

The jargon, abstract language and complex terminology frequently used in the courtroom can be impossible to navigate, especially for young people.⁵ Also, the traditional courtroom dynamics make it difficult for youth to speak up when they do not understand a question or terminology. Judges may expect and be accustomed to youth responding in agreement to questions like, “Do you understand that you are waiving your rights? Do you understand that you must follow all the conditions of my order or face additional consequences? Have you had sufficient time to review this plea with your attorney?” Youth may not know that answering “no” to a judge is an option.

Finally, judicial officers are hard pressed to assess the unique communication needs of each youth given the typical time constraints of court and the expertise needed to “diagnose” the challenges a youth might be experiencing.

The large and growing body of research identifying and assessing the health and developmental needs of youth in the juvenile justice system has informed strategies for prevention and intervention at many stages of a juvenile proceeding. However, there is not much if any information available about how courts can improve communication with young people.

The Washington JIDAN Colloquies Project Team set out to develop an understanding of the communication gap for youth and to develop tools for judges to better communicate rights and expectations. We believe that this is a step toward ensuring that youth are meaningfully engaged and understand the court process.

These colloquies can help judges be more effective in communicating with youth because they integrate current adolescent cognitive development research relating to the ways in which children communicate and process critical information.

The following case study describes how the Colloquies Project Team developed and implemented the colloquies in two counties in Washington State. It is intended to be a roadmap for initiating similar colloquies projects in other jurisdictions. The model colloquies provided in this guide are designed as aids for the bench in helping youth and families better understand court proceedings, restrictions placed on youth and obligations required of the youth. Better understanding of these restrictions and obligations will hopefully lead to greater compliance and ultimately more successful outcomes for young people.

Youth appearing in juvenile court are more likely to have additional challenges understanding and acting on information in court.

¹ LaVigne M. and Van Rybroek, G.J., (2011) Breakdown in the Language Zone: The Prevalence of Language Impairments Among Juvenile and Adult Offenders and Why It Matters, 15 UC Davis J. Juv. L. & Pol'y 37

² Quinn MM, RB Rutherford, PE Leone (2005), Youth with Disabilities in Juvenile Corrections: A National Survey, Council for Exceptional Children, Vol. 71, No. 3, pp. 339-345

ALSO SEE: Leone, P. E., Meisel, S. M., & Drakeford, W., (2002), Special education programs for youth with disabilities in juvenile corrections, Journal of Correctional Education, 53, 46–50.

³ Shufelt, J.L. and Cocozza, J., (2006). Youth with Mental Health Disorders in the Juvenile Justice System: Results from a Multi-State Prevalence Study, National Center for Mental Health and Juvenile Justice.

⁴ Ireland, T., Smith, C, Thornberry, T., (2002), Developmental issues in the impact of child maltreatment on later delinquency and drug use. Criminology, 40(2), 359-400.

⁵ Snow, P., & Powell, M., (2002), The language processing and production skills of young offenders: implications for enhancing prevention and intervention strategies. Criminology Research Council grant; 23/00-01

ALSO SEE: Kaban, B., (2004), Rethinking a “knowing, intelligent, and voluntary waiver” in Massachusetts, Journal of the Center for Families, Children and the Court.

Case Study:

Developing Judicial Colloquies

col•lo•quy

noun \kă-lə-kwē\

1: conversation, dialogue

2: a high-level serious discussion:
conference

Field Research — Getting A Baseline

The youth surveyed recalled only a third of the conditions that were ordered.

Juvenile offenders are customarily required to comply with a lengthy list of rules imposed by a judge or juvenile probation counselor. Non-compliance with these rules represents a substantial part of juvenile offender dockets and may be punished by serious sanctions, including detention. Failures to comply, even those of a technical nature that result from lack of understanding, may be seen by a judge or probation counselor as willful failures and become aggravating factors at review or disposition hearings that push offenders deeper into the juvenile justice or adult court system.

The Colloquies Project Team identified two points in a juvenile court proceeding where understanding the court's instructions is critical to a youth's success: Conditions of Release given at first appearance and Conditions of Supervision given at disposition (sentencing).

In Washington State, the conditions of release are explained to youth at the first appearance in court. This is a point in the proceedings where youth may be experiencing court for their first time. If youth do not understand their conditions of release, they may unintentionally violate them which may result in detention time and harsher consequences if there is an adjudication requiring a disposition. Conditions of supervision are conveyed to youth at their disposition hearing. Violating conditions of supervision could result in up to 30 days in detention.

The team identified two counties to conduct surveys to determine baseline understanding of youth attending these hearings.⁶ A researcher sat in on each hearing and logged in the conditions explained by the judge. Another researcher surveyed youth as they left the courtroom. The results of those interviews were startling. The youth were interviewed minutes after the hearings, and most of them were confused and mistaken about what the judge had stated and ordered just moments before. Overall, the youth surveyed recalled only a third of the conditions that were ordered. Seventeen-year-olds, even those who had previous juvenile court experience, were only slightly more likely than fourteen-year-olds to understand the judge's orders. Most of the youth who were detained after the initial appearance did not know why they were not released.

Youth were also confused about the roles of others in the courtroom. For example, one quarter of the youth surveyed were not sure who the prosecutor was or believed that no prosecutor was present during the hearing even though a prosecutor was at every hearing. Thirty percent of the youth stated that they did not have an attorney represent them during the first appearance hearing. This was startling given that 100% of the youth interviewed had a court appointed attorney present with them during the hearings.

The Colloquies Project Team also evaluated the written orders that were provided to youth at these proceedings. Standard court orders, which underscore a judge's oral communication in court, are laden with technical, legal terminology and concepts. For example, Washington's Order on Adjudication and Disposition (WPF JU 07.0800) is the template for juvenile plea forms and is commonly used by juvenile court judges as a guide in speaking to juveniles during plea hearings. It is written at a 12.9 grade reading level, using the Flesch-Kincaid reading grade level test and has a very low readability score (i.e. difficult to read and best understood by university graduates) as measured on the Flesch Reading Ease test.⁷ Both metrics indicate the form's vocabulary is not only well above the average reading level of youth involved in the juvenile justice system but also above the level of most adult defendants in the criminal justice system.

Vocabulary used in Court is not only well above the average reading level of youth involved in the juvenile justice system but also above the level of most adult defendants.

Developing A Tool For Bridging The Gap

The colloquies are written at a 6.5 grade reading level and have a high readability score.

The Colloquies Project Team recognized that adjusting reading level alone does not solve all the challenges that youth have in understanding court proceedings. But it is a step in the right direction, and an opportunity to create awareness and bridge the gap between what research says about the needs of youth and what is required in the courtroom to address those needs.

Based on the results of the survey, a review of the two Orders, and consultation with youth advisors, the Colloquies Project Team developed model colloquies and supporting tools for the courtroom. The Project Team created two bench colloquies and included them in this guide. The colloquies are written at a 6.5 grade reading level and have a high readability score on the Flesch Reading Ease test.

A Do's and Don'ts template accompanies each colloquy. The Do's and Don'ts template can be provided to the juvenile during the hearing to enable them to mark down the conditions as the judge explains them. These Do's and Don'ts forms can be tailored for and customized to local practices. At the conclusion of the hearing the completed Do's and Don'ts form provides a take-home reminder for the juvenile and his or her family of the conditions of release or conditions of probation that the judge has ordered. The sections of the colloquies that address the conditions ordered by the court follow and specifically refer to the Do's and Don'ts Checklist.

Building A Local Team & Making The Case

Judicial leadership was a critical key to success in introducing the colloquies to the local juvenile court teams that would ultimately refine and implement the tool. The retired judge who worked on the Colloquies Project Team helped to pave the way for dialogue with court leadership in the two counties where the colloquies were piloted. The colloquies and companion products were given to judges in the pilot sites. The judges reviewed the forms and convened meetings with all of the local stakeholders to get support for the project. The Colloquy Project Team also held meetings with defense attorneys, prosecutors, court clerks, probation officers, court administrators, commissioners and judges to discuss the administration and implementation of the project in their courtrooms. These meetings were necessary to create awareness and agreement on the goals of the colloquies project. Everyone agreed that improvements could be made on the baseline established by the initial surveys.

Adapting The Colloquy Tools To Local Practice

The Colloquies Project Team worked closely with the pilot sites to develop and tailor the tools to each court's local practices. In one jurisdiction, the tools and their implementation were adapted to accommodate the court's daily rotation of judicial officers.

In the other pilot site, the Team worked with court personnel to tailor the colloquies to match the unique conditions of release and supervision typically ordered in the courtroom.

Implementation- Is It Making A Difference?

The pilot sites implemented and utilized the colloquies and the accompanying forms for three months before the Team returned to repeat the youth survey and court observations. The Team found that the colloquies, written at a 6th grade level, remarkably improved the youths' understanding of the conditions set by the court. In one court, the youth interviewed reported understanding 90% of the conditions of release and probation ordered by the judge. This is a 158% percent change in the level of understanding when compared to the level of understanding prior to the introduction of the colloquies.

The colloquies remarkably improved the youths' understanding of the conditions set by the court. Youth interviewed reported understanding 90% of the conditions of release and probation.

By increasing the level of understanding, youth may experience higher levels of compliance and lower rates of detention.

Benefits

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The dramatic increase in understanding and retention suggests an improvement in the court's communication with youth.

Contact with the court system can be intimidating for adults and even more so for youth. Understanding the process and expectations can decrease the inherent anxiety associated with the risk of incarceration and other unknown consequences. By increasing the level of understanding of the court process for youth and their families, youth may experience higher levels of compliance and lower rates of detention, which could ultimately prevent further penetration into the juvenile court system. These outcomes include not only societal and familial benefits, but may also result in significantly lower costs of adjudication.

While the colloquies are directed to judicial officers, by engaging other stakeholders in the implementation, we saw defense attorneys, juvenile court staff, and others adapt their language and approach to the individual communication needs of youth.

Another important benefit of the colloquies project was the process of bringing juvenile court stakeholders together to understand and address the gaps in understanding that youth may be experiencing in court. This collaborative approach between judicial officers, juvenile court staff, prosecutors, defense attorneys and others is a good foundation for other improvements.

Suggested Use Of The Colloquies:

The Colloquy Project Team designed the colloquy formats for ease of use on the bench. Where there are alternative court scenarios, for example whether the juvenile is accused of a crime or of a probation violation, check boxes are provided and the alternative provisions are shown by enclosure in brackets. Each of these Colloquies can easily be reworked and reformatted to meet the needs of the local jurisdiction. The Do's and Don'ts Checklist was written to cover most of the possible orders youth are given during these hearings. Like the colloquies, the Do's and Don'ts can be customized to meet the needs of specific jurisdictions. The Do's and Don'ts form can also be distributed to the parent/guardian to assist them in following the court's remarks.

⁶ The survey was developed in consultation with youth advisors who also helped the Colloquies Project Team review standard court forms and judicial statements.

⁷ These tests are designed to indicate comprehension difficulty when reading a passage of contemporary academic English. The two tests use the same core measures (word length and sentence length) but have different weighting factors where the results of the two tests correlate approximately inversely: a text with a comparatively high score on the Reading Ease test should have a lower score on the Grade Level test. The grade level test tells you the number of years of education required to understand the text.

Bench Colloquy: First Appearance/ Conditions Of Release

INTRODUCTION: First Appearance/Conditions of Release Colloquy

JUDGE: Good morning/afternoon.

I am Judge _____. Please tell me what your full name is. *(If necessary, clarify correct pronunciation of name)*

(Name) _____, you are in court today because I have been given information that

- You did something wrong that is a crime
- You didn't obey something a judge ordered.

I have to decide *two things today*: first, I have to decide if there is enough information or evidence that you did something wrong where you can be charged with

- a crime
- violating an order

and be placed under the power and control of this court. I will not decide today whether you did something wrong; I will only decide if there is enough information for a person to believe you did something wrong; that is called *"probable cause"*.

If I decide *there is enough information for probable cause*, I have to decide if you should be held in detention and how much control the court should have over you.

PROBABLE CAUSE FINDINGS

The evidence has been given to me in a written document by _____ who swore that the statement is true. This is a short description of what the statement says: *JUDGE MAY READ OR SUMMARIZE THE STATEMENT OR ASK THE PROSECUTOR TO DO SO*

QUESTION TO RESPONDENT'S COUNSEL: you have any reasons why I should not find probable cause?

I've read and thought about the statement I just explained to you. I have decided that:

- There IS NOT enough information at this point for you to be charged with anything. In other words, I am deciding that there is no probable cause. This means that you are not charged with anything and are free to go home.

But, this does not mean that you will never be charged. The prosecutor may get more information from the police and may ask the court again to decide if there is enough information to formally charge you with a crime.

Today there is not enough information to convince me that you should be charged.

If you have any other cases in juvenile court, they are not affected by my decision today. The other cases will continue.

- There is enough information for the prosecutor to charge you with: _____.

In other words I am deciding there is probable cause. There is enough evidence or information for me to believe that you committed the crime. The prosecutor has three days, not counting Saturdays, Sundays or holidays, to provide this court with a written document of the charges against you. This does not mean that I have decided you have committed a crime or violated a judge's order. We will decide later whether you did anything to break the law.

DETENTION FINDINGS

Because I've decided *there is enough evidence* for you to be charged, I now have to decide whether you should be held in detention or if the court should control you in other ways while you have a case here in juvenile court.

Before I decide, I will hear recommendations from the prosecutor, the probation counselor and your lawyer.

(COLLOQUY BETWEEN THE JUDGE AND COUNSEL/PROBATION COUNSELOR)

Are your parents or other adults responsible for you here in court?

(If so, the judge may ask if they wish to say anything about the conditions of release)

PERSONAL RECOGNIZANCE:

My decision is that you will be allowed to live at home while your case is going on. You must promise to come back to court whenever you are told and obey all the rules that I will explain to you. I believe that you can follow the rules that I am going to give you. But, *if you don't come to court* when you are told or if you don't obey all the rules, you will come back and may have to stay in detention and/or I may have to give you more rules to follow.

The next time you have to be in court is on _____ .

NOT RELEASED: My decision is that you will have to stay in detention because:

- I believe if you are released you probably will not come back to court when you are supposed to.
- I believe that you need to be in detention for your safety and protection.
- I believe if you are released you will probably harm or threaten to harm someone else.
- I believe if you are released you will probably pressure or threaten persons who may be witnesses in your case or do other things that will interfere with your case going forward.
- At the time the prosecutor claims you committed a crime in this case, you were charged in court with another crime.
- A court has issued a warrant for your arrest for another crime or probation violation.
- You are on parole from the state Department of Juvenile Rehabilitation on another crime and your parole status must be reviewed before you can be released.

Continued on next page

You will be released from detention if you agree to follow all of the rules we will talk about and you leave money with the court for bail

- in the form of \$ _____ in cash, or if a bail bond in that amount is filed with the court.
- in an amount that the court will decide at a hearing on _____ at _____ .

The court will keep this money to make sure that you come back and follow the rules I will give you. If you do not come back to court or if you break the rules the court may keep the bail money.

CONDITIONS OF RELEASE

There is a very important paper in front of you called 'Do's and Don'ts'. I will go over the rules with you. I want you to check off each of the rules that I give you.

When we are finished you will be able to take the Do's and Don'ts list home with you. This paper will help you keep track of the rules I am going to give you.

If you break any of these rules you will be in more trouble, so it is very important for you to understand each of them. If there is anything you don't understand or are not sure about, I want you to let me know so I can help you understand.

Release DO's

First we will go down the list of the things I am ordering you TO DO.

- Number 1: Orders you to **come to court** when you are told to. Your attorney will write down the date and time of your next court. Please check the box by number [1]
- Number 2: You have to **stay in contact and work with your lawyer**. You should meet with your lawyer, either in person or by phone, whenever your lawyer asks you to. Your lawyer's number is on the form. Check number [2] please.
- Number 3: While you have a case here in juvenile court a **juvenile probation counselor will supervise you**. I am assigning _____ to be your juvenile probation counselor (JPC for short).

Please write in his/her name in the blank line. You must obey all of his/her directions; this includes meeting with him/her whenever you are told to.

When he/she tells you to do something, it's just like me telling you to do something—you have to do it. If you don't obey your JPC, he/she may tell me, and you may have to come to court and explain yourself and I may punish you for disobeying. Please check number [3].

- Number 4: **You must live with** and **obey their rules**. Please write in their names in the blank space _____ and check the box by number [4]

Number 5: **I am going to order house arrest.** This mean you have to **stay at home at all times** except when you have to come to court. There are two possible options for this. Please check box numbers:

5A: This means you are not allowed to leave the house or be at home alone. You will always have one of the adults listed in number 4 with you while you are at home. **A responsible adult must be at home with you at all times** except when you get permission ahead of time from your juvenile probation counselor to stay at home alone.

This means at all times, night and day. "Responsible adult" means a family member or friend of your parents who is 18 or older and is willing and able to be responsible for making sure that you follow these rules. Do you have any questions about this? Please check the box at number [5A].

AND/OR

5B: If you do want to leave the house, you must first get permission ahead of time from your JPC. You cannot leave the house until you get approval from your JPC. Please check the box at number 5B].Number

6: CURFEW

I am ordering you to follow a curfew. A curfew means that you will stay in your home between specific hours. You must be at your home, and not leave your home,

Every night from _____ p.m. until _____ a.m.

Sunday through Thursday nights from _____ p.m. until _____ a.m.

Friday and Saturday nights from _____ p.m. until _____ a.m.

Have you filled in those days and hours and checked off number [6]?

Number 7: **These are other things I would like you to DO:**

1. _____

2. _____

Release DON'Ts

Now, we will go down the list of the things I am ordering you NOT TO DO. I want you to check them off as we go through them.

Number 8: **Immediate Supervision:** You will NOT leave the house without an approved adult listed in #4. You will NOT be outside the house without an approved adult being with you at all times.

This means at all times, night and day. "Responsible/approved adult" means a family member or friend of your parents who is 18 or older and is willing and able to be responsible for making sure that you follow these rules. Do you have any questions about this? Please check the box at number [8]. (Continued on next page.)

- 8A: You are allowed to leave you house alone if you go directly to school, work, or other things approved by your probation counselor. You must go directly back home after school, work, or activity approved by your probation counselor. But you will NOT go anywhere without an approved adult. Mark this box [8A].
- 8B: You will NOT leave the house by yourself for any reason. You must have an approved adult drive you to school or work. An approved adult must pick you up from school or work and take you back home. Mark box [8B].
- Number 9: You cannot travel outside of _____ County. If you need to travel of this county you must first get permission from your probation counselor. Mark box [9].
- Number 10: You **cannot have or drink any alcohol**. You cannot have or use any drugs that a doctor did not prescribe for you. Mark box [10].
- Number 11: You **cannot commit any crimes** or get arrested. This means you will not do anything that will get you into trouble or get you arrested. Mark box [11].
- Number 12: You **cannot contact**, talk to or send messages by mail, phone, email, text messaging, through the internet, other people or by any other way with the following persons: Mark box [12].

- Number 13: You **cannot be around any children** who are under the age of ____ unless there is a responsible adult with you. The adult supervising you must know about the things you are accused of doing and the rules I am ordering. You are not to be alone with any children under the age of ____ . This means that an adult will be present all the time and in the same room as you and the child. This means that an approved adult must always be able to see you and your interactions with the child and under no circumstances are you allowed to be alone with a child under the age of ____ . This is very important so please mark box [13].
- Number 14: You **cannot have, look at or listen** to anything that shows or describes any sexual acts. You are not to have, look or listen to anything that shows the private parts of the human body. This means pictures, books, magazines, anything on the Internet, movies and videos. Mark box [14].
- Number 15: You cannot have any guns or knives or any other weapons. Mark box [15].
- Number 16: Other:

Have you checked off all the rules I am giving to you? Do you understand each of those rules?

That is your personal list of rules that you have to follow while you are in juvenile court. Make sure that you keep it and use it to remind yourself of those rules.

RELEASE DO'S

RELEASE DON'T'S

<input type="checkbox"/> 1	I will come to court and go to all hearings scheduled by the court for my case(s). My next hearing is: _____ at _____ a.m./p.m. and will take place at the Juvenile Court, 1212 W. 1 st Place Street, Suite 100, Thistown, WA 99111.	<input type="checkbox"/> 8	<p>Immediate Supervision: I will NOT leave my house unless a court-approved adult listed in # 4 is able to go along and see me all the time.</p> <p><input type="checkbox"/> 8A I am allowed to attend school, work, or other activities approved by my probation counselor. But, I will NOT go anywhere else without my court-approved adult.</p> <p><input type="checkbox"/> 8B I will NOT leave the house by myself. I will have an approved adult drive me to and from school or work.</p>
<input type="checkbox"/> 2	I will call my lawyer _____. Phone # _____	<input type="checkbox"/> 9	I will NOT travel outside of Thistown County without permission from my probation counselor.
<input type="checkbox"/> 3	I will attend all meetings scheduled by my probation counselor and call as directed. My probation counselor is _____ _____ and the phone # is (000) 555-1212.	<input type="checkbox"/> 10 <input type="checkbox"/> 11	I will NOT drink or have alcohol. I will NOT use or have drugs unless they have been given to me by my doctor. I will NOT commit any crimes or get arrested. I will not do anything illegal that will get me arrested.
<input type="checkbox"/> 4	I will live with _____ at the following address: _____ Phone #: _____. I will obey all their rules. Other adults the court has approved to supervise me are: _____	<input type="checkbox"/> 12	I will have NO CONTACT with the people listed here: a. _____ DOB: _____ b. _____ DOB: _____ c. _____ DOB: _____ This means I will NOT talk to or send messages by mail, phone, email, text messages, or through the internet, other persons, or by any other way.
<input type="checkbox"/> 5	<p>House Arrest: I will stay home. I am only allowed to leave the house to come to court.</p> <p><input type="checkbox"/> 5A I will always have one of the court-approved adults referenced in item # 4 with me at home.</p> <p><input type="checkbox"/> 5B I will get permission from my probation counselor each time I want to leave the house.</p>	<input type="checkbox"/> 13	I will NOT be alone with children 3 or more years younger than me. If I am around children I MUST have a parent or approved adult who knows about what I have been accused of. The parent or adult must know the rules the judge gave me. The parent or adult must be able to see me at all times when children are around me.
<input type="checkbox"/> 6	I will follow Curfew and be home and stay there: <input type="checkbox"/> Every night from _____pm until _____am. <input type="checkbox"/> Sunday to Thursday from _____pm until _____am. <input type="checkbox"/> Saturday and Sunday from _____pm until _____am.	<input type="checkbox"/> 14 <input type="checkbox"/> 15	I will NOT have, look at or listen to anything that shows or describes any sexual acts. I will NOT have or look at anything that shows or describes the uncovered private parts of the human body. I will NOT have or use any guns, knives, or other weapons.
<input type="checkbox"/> 7	Other: _____	<input type="checkbox"/> 16	Other: _____
I understand that if I break any of the rules that the Judge reviewed with me, I may have to return to Detention and will have a Court hearing to address the violations.			
Signature: _____		Date: _____	

Bench Colloquy: Disposition/Conditions Of Probation

INTRODUCTION: Conditions of Probation Colloquy

JUDGE: Good morning/afternoon. We are here because the court has found you guilty of _____ based upon

[Your plea of guilty] [The evidence presented at your trial].

Today I am going to decide what to order you to do because you committed that crime.

Before I decide, I will hear the recommendations of the prosecutor, your probation counselor, your lawyer, your mother/father/guardian and you, if you choose to say something.

REMARKS BY COUNSEL, PARENTS/GUARDIAN AND RESPONDENT

Based upon what I have just heard today and my review of your case, I am now ordering the following:

COMMUNITY SUPERVISION OR PROBATION

The law says that I must give you between 0 and 12 months of community supervision (also called probation) for each of your offenses.

I have decided that you will spend _____ months on probation.

If you are already on probation in another case,

- The time you have already spent on probation in the other case, from today's date on, will count toward the period of probation ordered today. **Concurrent.**

[OR]

- The probation that I order today will not start until you have finished probation on the other case. **Consecutive.**

Probation or community supervision means that you will have rules that you must follow.

A probation counselor will supervise your probation. You have to meet with the probation counselor when he/she tells you.

You have to follow the directions of your juvenile probation counselor—JPC for short. The rules you have to follow are called "conditions of probation" which I will go over with you now.

CONDITIONS OF PROBATION

There is a very important paper on in front of you called “Do’s and Don’ts”. I will go over the rules with you. I want you to check off each of the rules I give to you.

If you break any of these rules you will be in more trouble, and we don’t want that to happen. In fact, your probation counselor can ask you to come back to court if you break any of these rules. The probation counselor can ask the judge/me to put you in detention for up to 30 days.

Probation DO’s

I want you to go through the list with me and put a check by each rule I explain to you. First we will go down the list of the things I am ordering you to do.

Number 1: You have to come to court when you are told. Please check the box by number ____ .

Number 2: **You must live with** _____ **and obey their rules**. Do you understand this rule and promise to obey it? Fill in the blank space and check the box by number ____ .

Number 3: You are going to be on probation (also called community supervision) for ____ months. You will report to your probation counselor at this address _____ .

Community supervision means that a juvenile probation counselor will keep a watchful eye on you. You have to meet with him/her when you are told. You have to follow the directions of your juvenile probation counselor—JPC for short. Please check box ____ .

Number 4: You have to **go to school** every day. Do not miss any classes or days of school without your parents’ permission. Do not get suspended or expelled from school. Please check the box by number ____ .

Number 5: I understand that you are working at a job right now and I want you to **keep working at that job**. If there are any changes in your job, you have to let your juvenile probation counselor know about them right away. Please check box ____ .

Number 6: I am ordering you to follow a **curfew**. A curfew means that you will be at home between certain hours. You must be at home, and not leave your home during these hours:

Every night from ____ p.m. until ____ a.m.

Sunday through Thursday nights from ____ p.m. until ____ a.m.

Friday and Saturday nights from ____ p.m. until ____ a.m. Have you filled in those days and hours and checked off number ____.

Number 7: You have to give a sample of your urine to test for drug/alcohol whenever your juvenile probation counselor asks you for one. Please check off number ____.

NOW, WE WILL GO DOWN THE LIST OF THE THINGS I AM ORDERING YOU NOT TO DO. I WANT YOU TO CHECK THEM OFF AS WE GO THROUGH THEM.

Probation DON'Ts

Now, we will go down the list of the things I am ordering you NOT TO DO. I want you to check them off as we go through them.

- Number 8: You cannot go outside of _____ County.
- Number 9: You cannot have or drink any alcohol or have or use any drugs that a doctor has not prescribed for you.
- Number 10: You cannot commit any crimes or get arrested.
- Number 11: You cannot contact, talk to or send messages by mail, phone, email, text messaging or through the internet, other people or by any other way with the following persons:

- Number 12: **You cannot be around any children** who are under the age of ____ unless there is a responsible adult with you. The adult supervising you must know about the things you are accused of doing and the rules I am ordering. You are not to be alone with any children under the age of ____ . This means that an adult will be present all the time and in the same room as you and the child. This means that approved adult must always be able to see you and your interactions with the child and under no circumstances are you allowed to be alone with a child under the age of ____ .
- Number 13: **You cannot have, look at or listen** to anything that shows or describes any sexual acts. You are not to have, look or listen to anything that shows the private parts of the human body. This means pictures, books, magazines, anything on the Internet, movies and videos.
- Number 14: You cannot have any guns or knives. Or any other weapons.
- Number 15: Other:

DO YOU HAVE ANY QUESTIONS ABOUT ANY OF THESE RULES THAT WE HAVE GONE OVER?

Community Restitution (Service)

The law also says that I must order you to complete between 0 and 150 hours of service to your neighborhood by working for a school, library, community center or other community organization or agency. This is called community service or community restitution.

Your probation counselor will have to approve the place you choose. The probation counselor can also give you some ideas about where you can do your community service hours.

- Number 16: I have decided that you should complete ____ hours of community service for count(s) 1____, 2____, 3____, 4____.

Confinement

The law says that you must be in detention between 0 and 30 days in detention for each of your offenses.

- Number 17: I have decided that you should spend:
____ day(s) in **detention** for count(s) 1____, 2____, 3____, 4____, starting on ____ date.
You will get credit for ____ days that you have already spent in detention.

Work Crew

- Number 18: For **Work Crew** I've decided that you must spend:
____ day(s) for count ____ working on a juvenile work crew (if appropriate); as scheduled by court staff. You will need to meet with _____ to schedule your work crew days, which you have to finish by ____ date.

Financial Penalties

Finally, and this is very important, you are required to pay certain amounts of money to the court—these are called legal financial obligations.

Restitution

You must pay the victim(s) in this case for any damages to them or their property that you caused by committing this crime. This is called restitution. I will hear from the prosecutor and your attorney about how much restitution you should be required to pay.

- Number 19: ***FOR RESTITUTION***
You must pay back the amount of \$ _____ for the following victim(s)
_____ (name). This money is to be paid to the clerk's office (***EXPLAIN WHERE THE OFFICE IS LOCATED***). You must pay at least \$ _____ per month or the amount that your probation counselor tells you to pay each month.

If there are other persons who have **also been found guilty** of this crime, called co-respondents, ***you will all*** be responsible for the entire amount of restitution.

But, if any one of you **does not pay** your share, the rest of the co-respondents can be required to pay the entire amount.

The requirement that you pay restitution **will not go away when you turn 18**. The court can continue to collect this amount from you and you can get in trouble for not paying up until you are at least 28 years old and in some cases longer.

Number 20: RESTITUTION HEARING:

We do not know how much damage you caused to the victim. We need to set another court date so we can tell you how much money you will have to pay for restitution.

This court date will be on _____.

You can decide if you want to come to that court hearing or not. Your lawyer will be at the restitution hearing to represent you. The court will decide the amount of restitution you have to pay during this hearing.

Number 21: Fines

I am ordering you to pay a fine of \$ _____. You must pay at least \$ _____ per month, or as scheduled by your probation counselor.

Number 22: Victims' Compensation Fund Assessment

I am required by law to order you to pay

\$75

\$100

to the Victims' Compensation Fund. I must order this amount in every case. *(Local practice – in some courts this amount is converted to community service hours.)*

You pay this in the clerk's office. You should pay this at a rate of \$ ____ per month or as scheduled by your probation counselor.

Number 23: Attorney Fees

You are ordered to pay \$ _____ toward the cost of providing you with a lawyer. You will set up the payment with your probation officer. He/she will tell you how much and how often you have to make this payment. You must pay the entire amount by the time you complete your community supervision.

Number 24: DNA Fee:

You have to pay \$ _____ toward the cost of taking your DNA.

Number 25: Other:

Number 26: Other:

DO YOU HAVE ANY QUESTIONS ABOUT WHAT YOU HAVE TO PAY TO THE COURT?

OTHER CONSEQUENCES

In addition to the consequences I've just explained to you, in your case the following things will result from the crime you committed.

- You lose your driver's license.
- You have to submit to a blood test for HIV/AIDS.
- You have to provide information about yourself to the sheriff of whatever county you live in and let the sheriff know right away if any of the information changes. This is called registration and you have to register right away.

You cannot have a gun with you or in any of your belongings, including your car or backpack.

- Other:

PROBATION DO'S		PROBATION DON'TS	
No.		No.	
<input type="checkbox"/> 1	I will come to court and go to all meetings scheduled by the court for my case(s).	<input type="checkbox"/> 8	I will NOT travel outside <u>Thistown</u> County without permission.
<input type="checkbox"/> 2	I will live with _____ and obey all their rules.	<input type="checkbox"/> 9	I will NOT drink or have alcohol. I will NOT use or have drugs that were not given to me by my doctor
<input type="checkbox"/> 3	I will be on probation (also called community supervision) for _____ months and I will report to my probation counselor at this address: <u>Juvenile Court, Thistown, WA 99111</u> . Phone: (000) 555-1212	<input type="checkbox"/> 10	I will NOT commit any crimes or get arrested. I will not do anything that will get me into trouble or get me arrested.
<input type="checkbox"/> 4	I will call my probation counselor. I will attend every meeting set by my probation counselor and I will show up to my meetings on time.	<input type="checkbox"/> 11	I will have NO CONTACT with the following persons; a. Name _____ DOB: _____ b. Name _____ DOB: _____ c. Name _____ DOB: _____ d. Name _____ DOB: _____ This means I will NOT talk to or send messages by mail, phone, email, text message, or through the internet, other persons or by any other way.
<input type="checkbox"/> 5	I will go to school every day. I will have no unexcused absences, suspensions or expulsions.	<input type="checkbox"/> 12	I will NOT be alone with children 3 or more years younger than me. If I am around children I MUST have a parent or approved adult who knows about what I have been accused of and the rules the judge gave me. The adult must be able to see me all times when children are around me.
<input type="checkbox"/> 6	I will follow Curfew . This means I must be at home and stay at home: <input type="checkbox"/> Every night from _____ p.m. until _____ a.m. <input type="checkbox"/> Sunday to Thursday from _____ p.m. until _____ a.m. <input type="checkbox"/> Friday and Saturday from _____ p.m. until _____ a.m.	<input type="checkbox"/> 13	I will NOT have, look at or listen to anything that shows or describes any sexual acts. I will NOT have or look at anything that shows or describes the uncovered private parts of the human body
<input type="checkbox"/> 7	I will keep working at the job I have right now. I have to tell my probation counselor if anything changes with my job.	<input type="checkbox"/> 14	I will NOT have or use any guns or knives
<input type="checkbox"/> 8	When my probation counselor asks me to, I will give a sample of my urine to test for drugs or alcohol.	<input type="checkbox"/> 15	Other: _____
OTHER CONDITIONS OF MY PROBATION			
<input type="checkbox"/> 16	COMMUNITY SERVICE: I will complete _____ hrs of community service. My probation counselor must approve the place/location I choose to do community service	<input type="checkbox"/> 21	FINES: I will pay \$ _____ in fines. I will pay at least \$ _____ every month or at another rate required by my probation counselor
<input type="checkbox"/> 17	CONFINEMENT: I will spend _____ days in detention starting _____, I will receive credit for the _____ days that I already spent in detention.	<input type="checkbox"/> 22	VICTIM: I will pay <input type="checkbox"/> \$75 <input type="checkbox"/> \$100 to the victim compensation program of Washington State. I will pay \$ _____ every month. * Instead of paying the victim fee I have to complete _____ hours of community service
<input type="checkbox"/> 18	WORK CREW: I will spend _____ days working on a juvenile work crew. I will go to a meeting on _____ (date) to learn about and schedule my work crew.	<input type="checkbox"/> 23	ATTORNEY FEES: I will pay \$ _____ for the cost of having an attorney. I will pay all of this by the time I am done with community supervision. * Instead of paying the attorney fee I have to complete _____ hours of community service
<input type="checkbox"/> 19	RESTITUTION: I will pay back _____ \$ for the following victim(s) 1. _____ 2. _____ 3. _____ 4. _____	<input type="checkbox"/> 24	DNA: I will pay a \$ _____ DNA collection fee
<input type="checkbox"/> 20	I will pay this money to the clerk's office and will pay at least \$ _____ a month. RESTITUTIONS HEARING: I will come to court on _____/_____/_____ to find out how much I have to pay the victim for the harm I caused.	<input type="checkbox"/> 25	OTHER: _____
<input type="checkbox"/> 26	I understand all of the things the judge has ordered me to do, which I have checked above, and I agree to obey them and any other rules given by the judge and my probation counselor.	<input type="checkbox"/> 26	OTHER: _____
Signature _____		Date: _____	



TeamChild upholds the rights of youth involved, or at risk of involvement, in the Washington State juvenile justice system. By helping them secure the education, healthcare, housing and other supports they need in the community, TeamChild helps young people stay out of the juvenile justice system and achieve positive outcomes in their lives. In addition to providing legal services for youth, TeamChild offers community education and technical assistance.

For more information or to request training based on the colloquies please contact:

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ModelsforChange
Systems Reform in Juvenile Justice
www.modelsforchange.net

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