

Handbook 2010 Parent Toolkit

Enroll in an after-school program

Find options for employment

Treat or prevent substance abuse

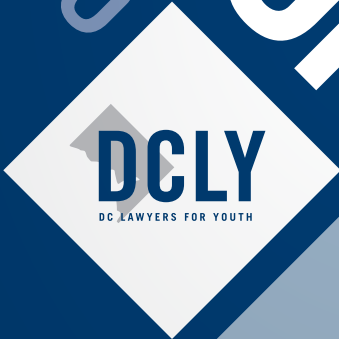
Address mental health needs

Handle school discipline issues

Navigate special education services

Know their legal rights

Understand how the juvenile justice system works



Parent Handbook 2010



Nothing in this Handbook is meant to be or should be considered legal advice. If you have specific legal questions, you should consult with a juvenile defense attorney. This Handbook is not meant to be and should not be considered an endorsement of any organizations listed within. For more information about the organizations listed in this Handbook, you should contact them directly.



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Acknowledgments

DC Lawyers for Youth is excited to present its 2010 Parent Handbook. The goal of the Parent Handbook is to provide District parents, guardians, and youth with valuable information and resources that can help young people to have successful and productive lives. This project has spanned three years of research, writing, and revising in order to provide you with the most comprehensive and accurate information possible. DCLY could not have created this Handbook without the advice, guidance, and support of numerous experts, stakeholders, and concerned members of the larger District community. We thank all of them for their contributions to DCLY's work in the community and to this project in particular.

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- | | | |
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How to Use this Handbook

The purpose of this handbook is to help parents and other caregivers in the District of Columbia address the many challenges facing today's District youth. This guide is a resource for any parent seeking an appropriate educational environment for a child with a learning disability, any parent whose child has been arrested, or any parent searching for ways to keep a motivated and successful student on the right path. We hope that you will use the information that follows as you try to meet your child's various needs. The information in this handbook is current as of April 2010. Check your child's school or your local library for a more current edition. An up-to-date online version of this handbook is also available at www.dcl.org/our-work-initiatives/handbook.

This handbook is not meant to be read cover to cover. You should use it as a reference guide when certain topics become useful to you and your family. These topics include:

- ◆ After-school programs and employment options
- ◆ Substance abuse prevention
- ◆ Mental health services
- ◆ School choice
- ◆ Special education
- ◆ Juvenile rights during police encounters, pre-trial and post-trial events

This handbook attempts to explain complex legal issues and government processes in straightforward language. However, none of the information included in this handbook is or should be considered legal advice. If you have specific legal questions, you should contact a lawyer directly. This handbook will point you in the direction of many useful public and private agencies that can provide you with the services your child needs. Please contact these agencies for more information about their programs.

We have tried to make this handbook simple and easy to follow. Still, there are some legal terms and other words that may be hard to understand. For that reason, we have included a glossary at the end of this handbook that defines many of these terms. These terms are written in ***bold and italics*** throughout the handbook. This handbook uses the terms "attorney" and "lawyer" to mean the same thing. We also use the terms "child," "youth," "young person", and "juvenile" to mean the same thing. The information in this handbook applies to youth under the age of 18.

The table of contents is organized by subject headings and sub-headings to help you to easily locate the information you need. Although we have tried to include as many topics as possible, there are others we could not fully cover. Some of these topics include:

- ◆ Abuse/neglect cases
- ◆ Civil disputes
- ◆ College admissions
- ◆ Identity issues
- ◆ Sexual education

We would like this handbook to grow and change with the changing needs of District youth. We welcome your feedback on how we might improve this resource. If you have any questions or comments about our handbook please leave a voice message at 202-730-9773, or email us at handbook@dcl.org. We will keep track of your comments and consider them for our next edition. Thank you for your continued support!

ACTIVITIES AND PROGRAMS TO HELP YOUR CHILD SUCCEED

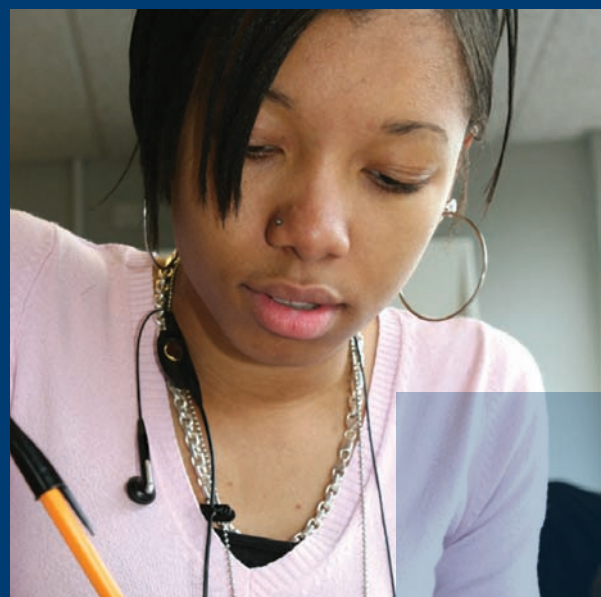
SUPPORT AT HOME

SCHOOLS

JUVENILE JUSTICE

GLOSSARY OF TERMS

ACTIVITIES AND PROGRAMS TO HELP YOUR CHILD SUCCEED



HAVING SUPPORT, especially from a parent or guardian, is crucial to a young person's ability to make positive and healthy choices in his or her life. Being a child or young adult is no easy task. From homework assignments and difficult teachers to peer pressure and family responsibilities, young people face many challenges and demands. In an urban environment like Washington, DC, there are even more obstacles, including greater exposure to crime and police profiling. With your help, your child can be successful in spite of any hurdles along the way.

This section will help you find programs in the District of Columbia that provide support services to young people. You should feel free to call the numbers listed and request additional information. The more support a child has, the more likely that he or she will make positive choices. While enrolling your child in activities and programs early is ideal, it is never too late to get your child involved.

THIS SECTION INCLUDES INFORMATION REGARDING:

- ◆ After-school programs
- ◆ Mentoring programs
- ◆ Employment opportunities and information about obtaining a work permit for your child
- ◆ Access to Medicaid
- ◆ Information to identify and address your child's substance abuse problems
- ◆ Information to identify and address your child's mental health problems

To find more information regarding educational, prevention and treatment resources for young people, you should refer to the Public Defender Service of DC's Directory of Youth Services. You can find this information by calling PDS at 202-628-1200 or 800-341-2582. This information is also available on the Internet at <http://www.pdsdc.org/Resources/ORD/YouthResources09.pdf>

Nothing in this Handbook is meant to be or should be considered legal advice. If you have specific legal questions, you should consult with a juvenile defense attorney. This Handbook is not meant to be and should not be considered an endorsement of any organizations listed within. For more information about the organizations listed in this Handbook, you should contact them directly.

Activities & Employment Opportunities for Young People

One of the best ways to help young people stay out of trouble is to find positive ways for them to use their free time. After-school programs, mentoring, or employment will not only provide your child with an alternative to hanging out on the street or being home alone but will also help your child develop new skills, meet positive role models, and broaden his or her experiences.

EDUCATIONAL AND AFTER-SCHOOL PROGRAMS

The best way to find after-school opportunities for your child is to ask your local school's counselor or librarian, who will often have listings of extracurricular programs in your community. To find your local library, call 202-727-0321 or look it up on the Internet at <http://www.dclibrary.org>.

For other options, try these sources:

District of Columbia Public Schools Office of Out of School Time (OST)

WHAT: DCPS provides coordinated after-school programs, Saturday Scholars, and Summer Scholars programs through a variety of local, community-based organizations. Elementary and middle school students participate in an academic power hour, as well as arts and recreation activities. High school students can participate in credit recovery classes to catch up on their uncompleted credits and college preparatory classes, as well as leadership, arts, and recreational activities. DCPS also provides a school volunteer program for high school students to participate in community service.

PHONE: Contact the school's OST Coordinator or visit the main office of your child's school for additional information. Parents can also contact DCPS at 202-442-5885.

WEBSITE: <http://dcps.dc.gov/DCPS/Teaching+and+Learning/Out-of-School+Time+Programs>

National Association for the Education of Young Children

WHAT: This group has information on before-and after-school activities in four areas – education, arts, sports, and community service. Programs operate at various schools throughout DC.

PHONE: 202-232-8777

WEBSITE: <http://www.naeyc.org>

District of Columbia Parks and Recreation Department

WHAT: The Parks and Recreation Department offers a wide variety of programs specifically designed to keep teens actively engaged throughout the year.

PHONE: 202-673-7647 or 202-671-0372 (Parks and Recreation Department)

WEBSITE: http://app.dpr.dc.gov/DPR/information/rec_center/rec_centers.asp

Greater DC Cares

WHAT: Greater DC Cares maintains information about a large number of local volunteer and non-profit agencies that work with DC youth. Parents can call for more information on after-school or extra-curricular programs.

PHONE: 202-777-4447

WEBSITE: <http://www.greaterdccaes.org/youth.html>

DC Scholars Internship Program

WHAT: The DC Scholars Internship Program offers an unpaid part-time internship inside the White House.

EMAIL: dcscholar_info@whitehouse.gov

WEBSITE: <http://www.whitehouse.gov/about/internships/dcscholars>

The DC Children and Youth Investment Trust Corporation

WHAT: The Trust funds a number of community based organizations and has a wealth of knowledge about community resources and after-school programs.

PHONE: 202-347-4441

WEBSITE: <http://www.cyitc.org>

United Planning Organization (UPO) Career Youth Initiative

WHAT: The central focus of the Career Youth Initiative program is to prepare young adults between the ages of 16 and 25 with the curricula and skills necessary to obtain a GED. Individuals selected for the program must test in at the ninth (9th) grade competency level. The program includes 30 hours per week of classroom training for all participants. The programs are offered in Wards 1, 5, 6, 7, and 8.

WHERE: The Career Youth Initiative has sites all over the city, but UPO is located at 301 Rhode Island Avenue NW.

PHONE: 202-238-4600

WEBSITE: <http://www.upo.org/upo-arra-prog.html>

You should contact the program location that is most convenient. If you cannot reach the local program, call UPO. Individual program contacts are listed below.

Ward 1

Change Inc.

Sheri Robinson

changeinc@hotmail.com

202-387-3725

Ward 5

Center for Empowerment and Employment Training
Margie Joyner or Anita Obarakpor
joynerceet@yahoo.com
202-832-4070
Center City Community Corp.
Linda Braxton
Ljbraxton@centercitycc.org
202-789-0446

Ward 6

STRIVE DC
Chris Hart-Wright
Chris.hartwright@strivedc.org
202-484-1264

Ward 7

Marshall Heights Community Development Organization, Inc
Donna Brown
dbrown@mhcdo.org
202-396-1201

Ward 8

Opportunities Industrialization Center of DC
DyAnne Little
dlittle@oicdc.org
202-563-2104

United Planning Organization Joseph A. Beavers Scholarship Program

WHAT: UPO awards college scholarships to deserving District of Columbia high school and GED graduates. Applications are available at <http://www.upo.org/Scholar-App-2010.pdf>.
WHERE: 301 Rhode Island Avenue NW
CONTACT PERSON: Salim Edward, Assistant Director, Youth Services Division
PHONE: 202-238-4723 or 202-238-4600
EMAIL: sedwards@upo.org or scholarship@upo.org
WEBSITE: <http://www.upo.org>

Serve DC (The Mayor's Office on Volunteerism Program)

WHAT: The mayor's office on volunteerism offers multiple opportunities to the local community, which can be used to meet DCPS's 100 hours of community service requirement for students.
PHONE: 202-727-7925
WEBSITE: <http://www.serve.dc.gov/cncs>
High School students also have the option of volunteering in DC public schools. A new student volunteer application can be found on the DCPS website.



MENTORING

Matching a young person with a positive and committed mentor can be incredibly valuable. Parents should ask about mentoring programs at neighborhood schools and libraries, as well as other community centers, such as churches.

The following are some additional mentoring programs for pre-teen and teenaged youth to try:

Big Brothers Big Sisters of the National Capital Area

WHAT: The Big Brothers Big Sisters' mission is to help children reach their potential through professionally supported, one-to-one relationships with mentors who have an immeasurable impact on youth.
WHERE: 10210 Greenbelt Rd, Ste. 900, Lanham, MD 20706-6210
PHONE: 301-794-9170
WEBSITE: <http://www.bbbsnca.org>

Boys & Girls Club of Greater Washington

WHAT: The Boys & Girls Clubs provide youth with various activities and programs. Programming focuses on five core areas: education and career development; character and leadership development; health and life skills; the arts; and sports, fitness, and recreation.
WHERE: 4103 Benning Road NE, Washington, DC 20019
PHONE: 202-540-2300
CONTACT PERSON: Jim Almond or Dr. Khalid Randolph
WEBSITE: <http://www.bgcgw.org>
EMAIL: jalmond@bgcgw.org or krandolph@bgcgw.org

Asian-American LEAD (AALEAD) Community Center

What: AALEAD's primary goal is to help low-income Asian-American children to move out of poverty and become successful, self-sufficient adults. AALEAD offers after school intervention in a safe space, mentoring, family support, and educational advocacy.
WHERE: 1323 Girard Street NW, Washington, DC 20009
CONTACT PERSON: Rosetta Lai, Executive Director
PHONE: 202-884-0322
WEBSITE: www.aalead.org
EMAIL: info@aalead.org; mrlai@aalead.org

Girls Inc. of the Washington DC Metropolitan Area

WHAT: Girls Incorporated is a national nonprofit youth organization dedicated to inspiring all girls to be strong, smart, and bold. Major programs address math and science education, pregnancy and drug abuse prevention, media literacy, economic literacy, adolescent health, violence prevention, and sports participation.

WHERE: 1001 Connecticut Ave. NW, Suite 740, Washington, DC 20036

PHONE: 202-296-0613

CONTACT PERSON: Denese Lombardi

WEBSITE: <http://www.girlsincdc.org>

EMAIL: denesenal@aol.com

Mentors, Inc.

WHAT: Mentors, Inc. creates and supports mentoring relationships for students in grades 9-12 who are enrolled in any public or charter senior high school. A mentor will work with your child in areas such as career exploration, college preparation, community service, and life skills development. Graduating seniors are eligible to receive college scholarships. Interested parents can call for additional information.

PHONE: 202-783-2310

WEBSITE: <http://www.mentorsinc.org>

Center for Social Justice, Georgetown University

WHAT: Georgetown University operates various mentoring programs for young people in Washington, DC. Interested parents can call about any of the programs listed below.

CONTACT PERSON: Suzanne Tarlov

PHONE: 202-687-8834

EMAIL: st84@georgetown.edu

- ◆ **Best Buddies** enhances the lives of the intellectually disabled by promoting one-to-one friendships between Georgetown students and the intellectually disabled community of DC. Georgetown and community buddies engage in activities together on and off campus.
- ◆ **Dance DC** teaches ballet, tap, and step dance to children living in Southeast DC.
- ◆ **Fashion for Education** seeks to reach out to students in the DC Public Schools and provide opportunities to learn about fashion to further the students' education.
- ◆ **Georgetown First Book** works with local reading programs to provide new books to children who have little or no access to books.
- ◆ **Georgetown Friends of Turning the Page** brings together local community partners to provide parents with the skills and resources to foster within their children a life-long love of learning, thus increasing their children's academic achievement.
- ◆ **GU Melody** provides musical instruction to children living in low-income neighborhoods. Children are also introduced to various types of music through field trips and attendance at concerts or other local performances.



- ◆ **Georgetown University Math and Science Hands-On Enrichment (GUMSHOE)** provides tutoring and other resources to DC Public School students who are struggling with math and science.
- ◆ **GU Students for Education and Tennis (GUSET)** partners with the Washington Tennis and Education Foundation to tutor and mentor low-income children in tennis, homework, and life skills.
- ◆ **GU Urban Debate League (GUDLA)** sends college students to act as judges for debate competitions in local high schools, as well as assists in coaching those debate teams.
- ◆ **GU Young Scholars (GUYS)** is a mentoring program for youth in the Sursum Corda neighborhood. The GUYS program sponsors activities including a career day, speakers, and field trips.
- ◆ **Girl Talk** is a mentoring program aimed at promoting awareness and support for high school girls in DC. Currently, Girl Talk is partnering with Duke Ellington School for the Performing Arts to provide training workshops and group discussions for high school girls on gender-related issues, including eating disorders and sexual harassment.
- ◆ **Male Development Association** provides mentorship to male high school students about academic, health, social and cultural issues.
- ◆ **Strive for College of Georgetown** matches Georgetown mentors with motivated, low-income high school students to guide the students through every step of the college application process.
- ◆ **Sursum Corda Literacy Program** provides tutors to the Sursum Corda community. In addition to tutoring children, the program sponsors field trips to the campus, basketball games, and picnics.

Facilitating Leadership in Youth (FLY)

WHAT: FLY provides intensive tutoring, mentoring, arts education, college preparation, and leadership development training to young people in Anacostia.

PHONE: 202-423-2124

WEBSITE: <http://www.flyyouth.org>

Concerned Black Men (CBM)

WHAT: CBM runs the “Just Say Yes” mentoring program for males age 8 to 17 in DC, Maryland, and Northern Virginia. Parents interested in this mentoring program should bring their child to the bi-weekly meeting on the second or fourth Saturday of the month at CBM’s offices near Ben’s Chili Bowl.

WHERE: 1816 12th Street NW

CONTACT PERSON: Richard Fitzhugh

PHONE: 202-797-7444

WEBSITE: <http://www.cbmdc.org>

Beacon House

WHAT: Beacon House provides mentoring, educational, cultural, recreational, and athletic programs to approximately 400 youth age 5 to 18, primarily residents of the Ward 5, Edgewood Terrace neighborhood in Washington, DC.

WHERE: 601 Edgewood Street NE, Suite 15

PHONE: 202-529-7376

WEBSITE: <http://www.beaconhousedc.org>

College Bound

WHAT: College Bound provides academic mentoring programs for 8th through 12th grade students enrolled in a DC metro area public or public charter school who are dedicated to enrolling in and completing a college education.

WHERE: College Bound has site locations across the city.

Mondays from 6:30-8:30 pm at Sherwood Recreation Center (640 10th Street NE)

Mondays from 6:30-8:30 pm at Gonzaga High School (19 I Street NW)

Wednesdays from 6:00-8:00 pm at Cesar Chavez Public Charter High School (3709 Hayes Street NE)

Thursdays from 6:00-8:00 pm at Beacon House (601 Edgewood Street NE)

PHONE: 202-842-0858

WEBSITE: <http://www.collegebound.org>

Capital Partners for Education (CPE)

WHAT: CPE provides Washington metro area students with private high school scholarships, adult mentors, and academic support and enrichment opportunities. CPE students come from families with average incomes of less than \$30,000 per year.

WHERE: 1413 K Street NW, 2nd Floor

CONTACT PERSON: Regina Leslie

PHONE: 202-682-6020

WEBSITE: <http://www.cpe.org>

Good Samaritan Foundation

WHAT: The Good Samaritan Foundation runs the Student Training Opportunity Program (STOP), a year-round youth development program that offers a safe place with adult supervision for high school students. Students work on homework, strengthen academic skills, develop social skills, explore their creativity and professional interests and participate in moral development and other meaningful activities that help them build positive character traits and a sense of civic responsibility.

WHERE: 1317 8th Street NW

PHONE: 202-637-3580

WEBSITE: <http://www.gsf-dc.org>

Horton's Kids

WHAT: Horton's Kids works with young people in grades K through 12 from the Wellington Park apartment complex in Anacostia. Horton's Kids partners with other organizations to help children participate in recreational and cultural opportunities. Every Sunday afternoon, Horton's Kids participants are taken on mentoring field trips in and around the city.

WHERE: Ward 8 – Office located at 110 Maryland Avenue NE, Suite 207

Contact Person: Brandy Pretlow or Kim Atkinson

PHONE: 202-544-5033; 703-623-6243

WEBSITE: <http://www.hortonskids.org>

EMAIL: kimatkinson@hortonskids.org

Little Lights Urban Ministries (LLUM)

WHAT: LLUM offers after-school tutoring and mentoring programs that provide guidance and encouragement for young people through one-on-one and planned group activities. LLUM serves young people from the Potomac Gardens Public Housing Complex and surrounding neighborhood.

WHERE: 760 7th Street SE

Contact Person: Leah Archer

PHONE: 202-548-4021

WEBSITE: <http://www.littlelights.org>

EMAIL: leah@littlelights.org

Mentoring Today

WHAT: Mentoring Today serves youth who are returning from incarceration and reintegrating into the DC community by providing them with mentoring and advocacy services.

WHERE: 2309 Martin Luther King Jr. Avenue SE

PHONE: 202-678-9001

WEBSITE: <http://www.mentoringtoday.org>

EMAIL: info@mentoringtoday.org

Higher Achievement Program

WHAT: An intensive academic enrichment program for 5th graders. Participants spend 4 days per week from 3:30 to 8:00 pm working on homework and other activities. Students receive a mentor and prepare to enter magnet and private high schools.

WHERE: 317 8th Street NE

PHONE: 202-544-3633

WEBSITE: <http://www.higherachievement.org/index.php>

EMPLOYMENT

Schools and libraries often have information about after-school and weekend jobs. You should encourage youth to check the classifieds of all of the local papers, www.craigslist.com, and other resources. You can also encourage your child to go to businesses where they want to work and ask in person about employment opportunities.

Some fast facts:

- ◆ The minimum working age in the District of Columbia is 14 years old.
- ◆ All youth 14 to 17 years of age are allowed to work no more than 8 hours per day, 6 days per week.
- ◆ Young people under age 16 are not allowed to work nights (between 7:00 pm and 7:00 am during the school year, and between 9:00 pm and 7:00 am from June 1 through Labor Day).
- ◆ No person under the age of 17 is allowed to work between 10:00 pm and 6:00 am.

Getting a Work Permit

Once a youth under 18 gets an offer of employment, he or she will need a work permit and can obtain one from any local DCPS high school. If you have questions about this process, you should call the DC Office of Youth Engagement at 202-442-5099.

DC Code § 32-201:

Youth under 14 years of age are not allowed to work in the District of Columbia, excluding school work and household chores. One exception to this rule is that youth 10 years of age and over may work outside of school hours in the distribution or sale of newspapers.

DC Code § 32-202 lays out the rules regarding what times and how many hours youths under 18 may work.

What If I Can't Find My Child's Birth Certificate or Social Security Card?

You should bring your identification and as much identifying information as possible to the government offices listed below.

- ◆ You can obtain a copy of your child's birth certificate at the Office of Vital Statistics located at 825 North Capitol Street NE, 1st Floor. Call 202-671-5000 for more information.
- ◆ You can obtain a copy of your child's Social Security card by visiting their nearest Social Security Administration office. Call 800-772-1213 to find their nearest local office. When prompted by the phone recording, ask for a copy of a Social Security card and follow the additional prompts.
- ◆ Locations include:
 - 2041 Martin Luther King, Jr, Ave SE 20020
 - 21 M Street NW 20037
 - 1905-B 9 Street NE 20018
 - 20 Eastern Avenue NW 20012

In order to obtain a work permit, a youth must:

- ◆ **Already Have a Job Lined Up:** Work permits will not be issued if your child has not already been hired for a job.
- ◆ **Show Proof of Employment:** Students can meet this requirement in two ways: (1) by picking up a copy of the "Intent to Hire" form from a DCPS high school, providing the form to the employer, and having the student's employer fax a completed copy back to the school; or (2) by asking his or her employer to write a letter to the child's school describing the employment. The letter should be on company letterhead and should include the name of the company, the student's position, and the hours and days the students is scheduled to work. All forms should be available at the student's school.
- ◆ **Obtain Parental Consent:** Youth under age 16 must get permission from a parent or guardian before the DC Public Schools will issue a work permit. Students can meet this requirement if: (1) the student brings their parent or guardian to the school and the parent or guardian gives consent in person; or (2) the student brings to the school a letter signed and dated by his or her parent or guardian, giving consent. The letter should include specific details about the student's employment, including the company name and work hours.

- ◆ **Bring Birth Certificate** (copy or original)

- ◆ **Bring Social Security Card** (copy or original)

- ◆ If the youth brings all the required paperwork listed above to the school office, the youth should be able to obtain his or her work permit the same day. You should call ahead to your local DCPS high school to make sure that the person responsible for issuing work permits will be available when you arrive.
- ◆ The work permit is only valid while the student is working for that particular company. Students will need to repeat the work permit process if they decide to work elsewhere before their 18th birthday.

Summer Jobs

There are special opportunities available for DC youth looking for summer jobs. Each summer, the DC Department of Employment Services **Passport-to-Work Summer Youth Program (SYP)** offers a ten-week, temporary job readiness and academic enrichment program. SYP is limited to youth ages 14 through 21. Important registration details are as follows:

Registration begins in late Winter and lasts until early Spring. For example, the deadline for registration in 2009 was May 1, 2009.

Interested youth must register online at <https://summerjobs.dc.gov/youthreg.aspx>. If you do not have a computer and/or

Internet access, you may register at any DC Public Library, your school, or recreation center. If a youth is under age 18, they must also have a parent or a guardian sign a consent form.

To register, youth are required to have:

- ◆ Date of Birth
- ◆ Eligibility to work (citizenship)
- ◆ Social Security Number
- ◆ DC Residency (must include the applicant's name)
- ◆ Signed Parental Consent Form if youth are under the age of 18

For a list of acceptable documents to prove residency and date of birth, visit the website below: http://does.dc.gov/does/frames.asp?doc=/does/lib/does/pdf/acceptable_document.pdf.

Questions about SYP should be directed to 202-698-3991. Additional information is available online at: <http://www.does.dc.gov/does/cwp/view,a,1232,q,537757.asp>.

For more information about other employment opportunities for youth, contact:

**DC Department of Employment Services
Office of Youth Programs**

PHONE: 202-698-3492; 202-698-5242

WEBSITE: <http://does.dc.gov>

E-MAIL: summerjobs@dc.gov

Addressing the Health Needs of Young People

MEDICAID

DC Medicaid is a health care program that covers medical and dental services for DC residents who have low income and/or low assets, and who are: (1) pregnant; (2) under age 19; (3) parent(s) or caretaker(s) of a child(ren) under age 19; (4) over age 65; (5) blind; or (6) *disabled*. As a general practice, whenever a child enters the juvenile, neglect, or Children In Need of Supervision system, the child is screened for Medicaid eligibility.

Stimulants, such as methylphenidate (Ritalin) and amphetamine/dextroamphetamine (Adderall), are used to treat narcolepsy and ADHD.

To enroll in DC Medicaid, you must apply by completing an application. Applications are available at the DC Department of Health, DC Department of Health Care Finance, Medical Assistance Administration, community health centers, and many DC Giant, Safeway, and CVS stores.

Applications can also be obtained by calling 888-557-1116 (the DC Healthy Families Hotline). Applicants must present valid identification (*i.e.*, driver's license, passport, or birth certificate) and proof of a Social Security number.

SUBSTANCE ABUSE

Substance abuse is a problem that impedes a young person's success. DC provides FREE services to help youth address substance abuse issues. If you suspect that your child might have a substance abuse problem you should look for marked changes in your child's general behavior.

Another alarming trend is the increase in the number of young people who have abused prescription and over-the-counter medications. Prescription medication is only safe for the individuals who have received the prescriptions from a doctor who has examined them and prescribed the right amount of medication for their specific medical conditions. Some prescription medications have potentially dangerous side effects, and others cause dangerous reactions when combined with other substances such as alcohol, cigarettes, or other medications. If a young person is prescribed any medication, it is important to monitor the child's usage so that he or she only takes the amount prescribed by his or her doctor.

Some commonly abused prescription medications include:

1. Opioids, such as oxycodone (OxyContin), hydrocodone (Vicodin), and meperidine (Demerol), which are used to treat pain or relieve coughs or diarrhea.

Common Warning Signs for Drug or Alcohol Abuse:

1. Loss of interest in friends and activities
2. Moodiness
3. Secretiveness
4. A rapid decline in school grades
5. Significant changes in sleeping and eating habits

2. Central Nervous System (CNS) Depressants, such as pentobarbital sodium (Nembutal), diazepam (Valium), and alprazolam (Xanax), which are used to treat anxiety, tension, panic attacks, and sleep disorders.
3. Stimulants, such as methylphenidate (Ritalin) and amphetamine/dextroamphetamine (Adderall), which are used to treat narcolepsy and ADHD.

It is also possible to abuse or become addicted to over-the-counter (OTC) medications. When a person takes the recommended dosage, these medicines do not normally cause problems. But taking over-the-counter drugs in amounts beyond the recommended dosage can cause problems with the senses (especially vision and hearing) and can lead to confusion, stomach pain, numbness, and hallucinations.

The District of Columbia provides District youth with **FREE** access to substance abuse education and treatment through its **Addiction Prevention and Recovery Administration (APRA)**. Services available through APRA include:

- ◆ Referrals for youth seeking outpatient, inpatient, and acute care detoxification

- ◆ Psychological counseling
- ◆ Group therapy
- ◆ Regular urine tests
- ◆ Library resources for parents and youth

Parents seeking assistance should either (1) schedule an appointment for an assessment by calling 202-645-0344, or (2) walk-in with their child at the APRA Assessment Center, 3720 Martin Luther King, Jr. Avenue SE, 2nd floor, 20032. APRA takes calls and walk-in assessments Monday through Friday from 8:30 am to 5:30 pm.

Assessments usually last 30 to 45 minutes and are **CONFIDENTIAL** between APRA and the youth. After an assessment, the parent and youth are referred, if needed, to an appropriate healthcare service provider. Substance abuse treatment services are **FREE** for parents and youth regardless of whether they have insurance. For more information about APRA, their services and referral agencies, call Lonnie Hutchinson at 202-645-0342.



MENTAL HEALTH

Each year, thousands of parents seek mental health services for their children. The teenage years, in particular, can be difficult for young people. Mental health services can help address many of the problems that are common among young people such as grief, depression, stress, social and academic trouble at school, anger management, and other problems.

To get connected to mental health services, parents have several options. To start, you should contact the District's **Access HelpLine** at 888-7-WE-HELP (888-793-4357) or 202-671-3070. If you think your child might need *psychiatric* care, you should take note of any symptoms or unusual behavior that will help in making a *diagnosis*.

Your child's school may also be able to provide assistance. Ask your child's school if there is a social worker that you or your child can speak with. The school social worker may also have access to other mental health resources for your child.

Additionally, the District's Department of Mental Health (DMH) provides mental health services to children, teenagers, and their families. DMH services are offered at public schools, DMH community services agencies (Public Core), and private Core Service Agencies (CSA) (see below). Services offered include:

- ◆ Emergency and inpatient hospital care to children and youth
- ◆ *Psycho-educational* therapy and treatment for children experiencing behavioral, emotional, and learning problems
- ◆ Individual, group, and family therapy
- ◆ Intensive case management
- ◆ Medication

In addition to the District's Access Helpline, DMH provides other free options to District parents who believe that their teen might be experiencing a mental health crisis including:

C.H.A.M.P.S. (Children & Adolescent Mobile Psychiatric Services), which provides emergency outreach & crisis stabilization, as well as transportation and additional services, if needed. Call 202-481-1440 or 202-481-1450 for more information.

For additional information, contact DC Department of Mental Health, Steve Baron, Director, 64 New York Avenue NW Washington, DC 20002, 202-673-7440.



Trouble at Home

Sometimes parents simply need help with a troubled child. There are resources available to parents of children who run away from home, regularly skip school, violate curfew rules, or show defiant behavior at home or school.

The organizations listed below may be useful for parents or guardians looking for intervention:

- ◆ Child & Family Services Agency
202-442-6000
- ◆ DC Department of Mental Health, Access Helpline
888-793-4357
- ◆ Teen Solutions
800-429-6099
- ◆ Children & Adolescent Mobile Psychiatric Services (C.H.A.M.P.S.). Contact Jack Neville at 202-481-1450

NAVIGATING THE SCHOOL SYSTEM TO ENCOURAGE YOUR CHILD'S ACADEMIC SUCCESS

SUPPORT AT HOME

SCHOOLS

JUVENILE JUSTICE

GLOSSARY OF TERMS

NAVIGATING THE SCHOOL SYSTEM TO ENCOURAGE YOUR CHILD'S ACADEMIC SUCCESS



YOUR CHILD'S SUCCESS in school will be an important factor in his or her future success in life. Hard work is not the only element that contributes to academic achievement; parents must also make sure that their child is in the right educational environment. District parents have many options available to them in the public, private, and charter school systems. In order to make sure your child is able to succeed at school, you must know how to seek and make changes when a school is not meeting his or her needs. School behavior problems may be the result of your child's need for additional services, including *special education*. Parents and guardians should learn about the process for obtaining these services and be able to work with school officials.

THIS CHAPTER WILL INCLUDE INFORMATION REGARDING:

- ◆ The importance of parental involvement
- ◆ School choice
- ◆ Charter schools
- ◆ School *discipline* rules and processes
- ◆ Special education procedures, including how to get your child tested and secure the proper services
- ◆ When and how to secure an educational attorney

Nothing in this Handbook is meant to be or should be considered legal advice. If you have specific legal questions, you should consult with a juvenile defense attorney. This Handbook is not meant to be and should not be considered an endorsement of any organizations listed within. For more information about the organizations listed in this Handbook, you should contact them directly.

Parental Involvement

Parental involvement is vital for a child's success in school. There are numerous ways you can participate in your child's educational success.

- ◆ Be proactive and visible. Introduce yourself to the principal, teacher, and other school staff and communicate with them frequently. Make sure the school always has your current contact information.
- ◆ You can reach out to the DCPS Office of Family and Public Engagement for assistance. OFPE's activities include:
 - ◆ Finding ways to strengthen school-based parental involvement
 - ◆ Identifying school, family, and community partnerships that can help increase student learning and development
 - ◆ Creating awareness of a variety of ways parents and schools can connect and work in partnership
 - ◆ Contact Information:
Director/Manager, Peggy O'Brien, Chief
PHONE: 202-442-5885
EMAIL: peggy.obrien@dc.gov
- ◆ Monitor your child's behavior, progress, and performance during the school year.
- ◆ Make sure your child gets to school on time each day. School attendance is required for every child of **school age** in DC.
 - ◆ An absence can be excused in certain situations, including, but not limited to:
 - ◆ Death in student's immediate family
 - ◆ A family member's illness that requires the child to stay home to care for the family member
 - ◆ Student's illness
 - ◆ Observance of a religious holiday
 - ◆ Medical reasons (doctor's appointment, for example).

Numerous unexcused absences can directly affect a child's grade. For example, five unexcused absences will result in a grade reduction, ten unexcused absences in a class will result in a failing grade for the subject. If your child receives a failing grade or grade reduction due to absences and you believe it is unfair, you have the right to a hearing. If you want a hearing, you should submit a written appeal to the

What is an Unexcused Absence?

If a child is absent from school without a valid excuse, he or she is truant. DCPS considers an unexcused absence any instance when a school-aged student is absent from school without a valid excuse, **with or without parental approval**.

Examples of unexcused absences include:

- Babysitting
- Shopping
- Doing errands
- Oversleeping
- Cutting classes
- Job hunting

All DC Public Schools, with the exception of School Without Walls, are closed campuses. This means that students are to remain on campus during school lunch periods.

principal within ten days of your child receiving the failing grade. Each student must present a written verification from his or her parent or guardian regarding the cause of absence prior to (if pre-arranged) or upon return from absence.

There are a few exceptions to the attendance laws. If a 17-year-old has a job and proof of employment, he or she can have flexible school hours. A child who earns a diploma before turning 18 is excused from attending school.

If you find out that your child is not attending school regularly, work with your child and the school to find the source of the problem.

Students who cut class or have an unexcused absence will be subject to the following:

- ◆ Individual or group counseling to address attendance needs.
- ◆ Participation in the creation of and adhere to an Attendance Intervention Plan.
- ◆ High school students with five or more unexcused absences per advisory in any one class may be subject to a grade reduction in that subject or class, absent a successful appeal.
- ◆ Parents of students with five unexcused absences will be requested to participate in a conference regarding their child(ren)'s attendance.
- ◆ Ten or more unexcused absences per advisory in any class will result in a referral to the school's attendance committee for the development of an attendance intervention plan.

- ◆ High school students with ten or more unexcused absences in any one class may receive a grade of “FA” (failure due to absences) in that subject or class, absent a successful appeal.
- ◆ If your elementary or middle school student has ten or more consecutive or twenty or more total unexcused absences, or your high school student has 25 or more unexcused absences in a school year, you can be referred to the Child and Family Services Agency (CFSA) for suspected educational neglect. If a neglect case is opened against you, the court could decide to remove your child from your home.

Parent Relationships with Schools

As a parent, you should work to ensure that schools meet their obligations to your child. You can do this by staying informed of school rules and regulations by regularly communicating with school personnel regarding your child.

Your child’s school has a duty to make sure your child is safe, treated fairly, and educated in an appropriate school setting. Be proactive to make sure the school meets its obligations to your child in school disciplinary decisions and in providing needed special education services. Stay in regular contact with school administrators and teachers at your child’s school to ensure your child is on track. See sections 2 and 3 for more information.

School Choice/Options

In the District of Columbia, most children attend their neighborhood schools. You can contact the District of Columbia Public Schools (DCPS) to find your neighborhood school.

However, you can request a different DCPS school for your child under some circumstances.

- You may apply for a discretionary transfer if you would prefer that your child attend a different school than your neighborhood school. In order to request a discretionary transfer, you must participate in the Out of Boundary Lottery, which occurs every winter. In the lottery, you may select up to five schools that you prefer instead of your neighborhood school. Your child will only receive a spot through the lottery if the school you choose has an opening. Your child’s application may be ranked more highly in the lottery depending on several factors, including whether your child’s sibling attends the requested school and whether the requested school is within several blocks of your home. This is also the process for applying for pre-school, pre-K, and kindergarten slots, since not all local schools offer these grades.
 - ◆ The “out of boundary” transfer process only happens once each school year, usually around February or March.
 - ◆ Contact DCPS at 202-442-5885 or 202-727-1000 for more information.
- You may have the right to request a transfer under the federal “No Child Left Behind” (NCLB) law. This law provides that if your child’s school fails to attain sufficient test scores (this is called making “adequate yearly progress”) for two years in a row, all the students there have the right to transfer to a higher performing school. You should receive a letter over the summer telling you

Parents can also seek a transfer for their child if they attend a “persistently dangerous” school.

According to DC law, a school is persistently dangerous if the yearly number of officially reported violent crimes against students on the school grounds during school hours over a period of two consecutive years is equal to or greater than:

- ◆ Five (5) for schools with enrollments of 500 students or less; or
- ◆ 1% of the school’s official membership for schools with enrollments of 501 students or more.

Students who attend such schools or who are the victims of a violent crime while on the grounds of the school they attend, are allowed to transfer to a safe public elementary or secondary school, including a public charter school, in the same district. **DCPS currently does not have any schools that meet the definition of persistently dangerous.**

Schools at risk of being identified as persistently dangerous are monitored in an effort to address and correct those areas posing risks within the schools. If the need arises, parents of students attending schools identified as persistently dangerous will be provided notice of the school’s status and of the option of allowing their children to transfer.



whether your child’s school failed to make “adequate yearly progress.” If your child’s school has failed to make adequate yearly progress, the school system will identify two higher performing schools for you to choose between. You may also choose to keep your child at his or her original school.

- ◆ NCLB also gives students the right to **free tutoring** if their school fails to make AYP for two years. This is called “supplemental education services.”
- ◆ The No Child Left Behind transfer process only happens **once** each school year, usually around July or August.
- ◆ Contact DCPS at 202-442-5885 or 202-727-1000 for more information. More information is also available on the DCPS website: <http://dcps.dc.gov/>. Search for “school choice”.

C. There are also several DCPS high schools that are open to DC students who apply and are accepted:

Banneker High School
800 Euclid Street NW
202-671-6320

Columbia Heights Education Campus (Bell)
3101 16th Street NW
202-939-7700

Duke Ellington School High School of the Performing Arts
3500 R Street NW
202-282-0123

McKinley High School of Science and Technology
151 T Street NE
202-281-3950

Phelps High School of Architecture, Engineering and Construction
704 26th Street NE
202-729-4360

School Without Walls High School
2130 G Street NW
202-698-3793

These DCPS Senior High Schools do not require an application:

Anacostia Senior High School
1601 16th Street SE
202-698-2155

Ballou Senior High School
3401 4th Street SE
202-645-3400

Cardozo Senior High School
1200 Clifton Street NW
202-673-7385

Coolidge Senior High School
6315 5th Street NW
202-671-6080

Dunbar Senior High School
1301 New Jersey Avenue NW
202-698-3762

Eastern Senior High School
1700 East Capitol Street NE
202-698-4500

Roosevelt Senior High School
4301 13th Street NW
202-576-6130

Spingarn Senior High School
2500 Benning Road NE
202-724-4538

Woodrow Wilson Senior High School
3950 Chesapeake Street NW
202-282-0120

Woodson Academy @ Ron Brown
4800 Meade Street NE
202-724-4632

HD Woodson Senior High School
4650 Benning Road SE
202-939-2030

Charter Schools

DC has an increasing number of public charter schools. Charter schools are similar to DCPS schools in that they are free to parents and do not require admissions tests. However, they are overseen by the DC Public Charter School Board and the Office of the State Superintendent of Education (OSSE), not by DCPS.

- ◆ Charter schools do not have to follow the DCPS discipline rules. Each school may create its own rules. You may want to ask any charter school you are considering to provide you with a copy of their disciplinary policies for you to review before applying.
- ◆ Charter schools must follow the same federal laws as regular public schools regarding the provision of special education services. Some charter schools are independently responsible for providing special education services to their students (these are called “LEA charters”), while other charters rely on DCPS to provide special education services (these are called “District charters”). Charter schools may not discriminate against students with disabilities in admissions decisions.
- ◆ Charter schools must also comply with the “No Child Left Behind Act.”

Charter schools vary in their curriculum, structure, size, and philosophy. In this way, they provide parents with choices that might not be available in other schools.

Most charter schools require you to submit an application for your child. If the school receives too many applications, your child may be placed in a lottery.

ADDRESS: District of Columbia Public Charter School Board
3333 14th Street NW
Suite 210
Washington, DC 20010

LOCATION: One block north of the Columbia Heights Metro Station

PHONE: 202-328-2660

HOURS: Monday - Friday, 9:00 am to 5:30 pm

EMAIL: dcpublic@dcpubliccharter.com

WEBSITE: www.dcpubliccharter.com

DCPS School Discipline

All students have to follow school rules and procedures. When a student breaks a rule, there are several ways that the school can **discipline** that student, such as school-based consequences (detention, time after school, etc.) or suspension. However, the school must follow steps set forth in local and federal law when it disciplines students.

You should also be aware that a child can be prosecuted if his or her violation of the school rules is also a crime. For example, students can be suspended for fighting, but also **arrested** for **assault**. Metropolitan Police Department School Resource Officers can **confiscate** drugs and/or weapons. Public school officials must report your child to the police if he or she is found in possession of drugs and/or weapons. The rules below apply only to public schools; charter and private schools have their own rules.

As a parent, you can help protect your child by becoming familiar with laws on school discipline and by acting quickly if you learn that the school has disciplined your child. Each DCPS school produces a separate parent handbook that will tell you what your child’s rights and responsibilities are. You should ask the school for a copy of the current discipline policies so that you can learn the rules that the school must follow in disciplining your child. Schools are

The entire DCPS student disciplinary code is in Title 5, Chapter 25 of the Code of DC Municipal Regulations. It can be found on the Internet at:

<http://www.dcregs.dc.gov/Gateway/ChapterHome.aspx?ChapterNumber=5-B25>

DC regulations (i.e., the DCMR) do not apply to charter schools and private schools, although federal law still applies.

Each DCPS school produces a student handbook that details student rights and responsibilities. Request a copy and review it with your child. The general rights and responsibilities toward DCPS students can be found at http://cfsa.dc.gov/cfsa/lib/cfsa/educational_guide_for_caregivers.pdf or

<http://dcps.dc.gov/DCPS/Files/downloads/SCHOOLS/Youth%20Engagement/DCMR-Chapter-24-Title-5-Final-Rulemaking-2009.pdf>

If this link does not work search the DCPS website for “youth engagement DCMR.”

required to make copies of DCPS discipline policies available within 30 days of the start of each school year or your child's date of initial enrollment. You may be able to avoid discipline problems by speaking regularly with your child and with teachers and other staff at the school. Sometimes a school might not be aware or may ignore that a disability causes a child's behavioral issues. If you believe that your child's behavior in school is caused by a disability and may be solved by increased services or placement in a different school environment, you can and should request a meeting called a **manifestation determination review**.

The DCPS **disciplinary** rules/regulations are quite complex and can vary greatly depending on the specific circumstances. While it's best for you obtain these rules yourself, this guide covers the basics that a parent should know about DCPS **disciplinary** procedures.

What factors should the school consider when deciding how to discipline my child?

All disciplinary measures must be consistent, fair, and appropriate. The school administration's decision about what punishment to apply will be made after considering any or all of the following factors as well as other relevant information:

- ◆ The nature of the **infraction**
- ◆ Circumstances relating to the infraction
- ◆ The age of the student
- ◆ The student's previous behavioral history
- ◆ The student's previous participation in counseling, conflict resolution efforts such as peer mediation
- ◆ Whether an injury occurred
- ◆ Whether a weapon or controlled substance was involved
- ◆ The safety of other students and staff
- ◆ The educational needs of other students
- ◆ The educational needs of the student to be disciplined



Are there options for disciplining my child that are less severe than suspension or expulsion?

Yes. Schools are strongly encouraged to consider other options. You should work with the school to explore some of these options:

1. **Reprimands**
2. Temporary removal from the classroom
3. Behavior contracts
4. Detention
5. Additional work assignments
6. **Restitution**
7. **Mediation**
8. In-school disciplinary actions
9. Alternative educational programs and placements
10. Rehabilitative programs
11. Community service
12. Anger management
13. Crime awareness/prevention programs
14. Probation
15. Exclusion from extracurricular activity

What behaviors will lead to disciplinary action?

DC Public Schools has created 5 types, or tiers of behavior that will lead to disciplinary action.

- ◆ Tier I behaviors cause minor disruptions to the school environment or are considered unruly behaviors. These behaviors will result in discipline at the classroom level. They can be brought to the school administration if classroom-level interventions are not successful in stopping the behavior. Some examples include:
 - ◆ Refusing to present school identification (ID)
 - ◆ Attending classes without required materials and/or work
 - ◆ Doing something unrelated to school work in class
 - ◆ Behaviors that disrupt or interfere with classroom teaching and learning
 - ◆ Unexcused lateness
 - ◆ Inappropriate displays of affection
 - ◆ Making excessive loud noises in the classroom, hall, or school building

- ◆ Running in the classroom, hall, or school building
- ◆ Talking to students or staff in a rude or disrespectful way
- ◆ Cursing or using obscene/offensive gestures towards other students
- ◆ Refusing to follow staff instructions or school/classroom rules

Some consequences for Tier I behaviors include:

- ◆ Verbal reprimand
- ◆ Teacher/student conference
- ◆ Parental contact in writing or by phone
- ◆ Teacher/parent conference
- ◆ Temporary removal from classroom
- ◆ In-school discipline
- ◆ Behavior contract
- ◆ Tier II behaviors cause disruptions to the school environment, involve damage to school property, or cause minor harm to the student or others. These behaviors will result in school-based discipline and the school administration will be involved in the discipline. Tier II behaviors include:
 - ◆ Using computer/office equipment without permission
 - ◆ Intentional misuse of school equipment, supplies, or facilities
 - ◆ Unauthorized use of mp3 players and cell phones during school hours
 - ◆ Not following the school dress code/uniform policy
 - ◆ Leaving class without permission
 - ◆ Unexcused absence from school
 - ◆ Inappropriate or disruptive physical contact between students
 - ◆ Cursing or making obscene/offensive gestures toward staff
 - ◆ Throwing things that might cause injury or damage property
 - ◆ A documented pattern of Tier I behavior

Some examples of discipline for Tier II behaviors may include:

- ◆ Verbal reprimand
- ◆ Teacher/student or administrator/student conference
- ◆ Parental contact in writing or by phone
- ◆ Administrator/parent conference

- ◆ Temporary removal from classroom
- ◆ In-school discipline
- ◆ Behavior contract
- ◆ If the issue is failing to follow the school dress code, the school may contact the student's parent and require that the parent bring clothes that comply to the student dress code.

◆ Tier III behaviors cause significant disruptions to the school environment or involve harm to the student or others. These behaviors may result in either in-school or out-of-school suspension. Some Tier III behaviors include:

- ◆ Inappropriate use of school computers or networks (restricted websites, offensive emails)
- ◆ Sale or distribution of any item without school permission
- ◆ Possession or distribution of obscene or pornographic material on school grounds
- ◆ Possession or use of tobacco
- ◆ Use of alcohol
- ◆ Use of marijuana, controlled dangerous substances, imitation controlled substances, inhalants, other intoxicants, or drug paraphernalia
- ◆ Use, possession, or distribution of over-the-counter medication without permission
- ◆ Threatening someone or someone's property verbally, in writing, or physically (including intimidating postures)
- ◆ Obscene, seriously offensive behavior or abusive language or gestures
- ◆ Causing significant disruption on school property or at any DCPS-sponsored activity
- ◆ Gambling
- ◆ Saying things that demean someone because of his or her race, gender, sexual orientation, religion, disability, income, etc.
- ◆ Engaging in sexual acts on school premises or at school-related functions
- ◆ Leaving school without permission
- ◆ Cheating or other types of academic dishonesty
- ◆ **Forgery**
- ◆ Lying or giving misleading information to school staff
- ◆ Posting or distributing material or literature, including online material, that is disrespectful, demeaning, humiliating, or damaging to students and/or staff

- ◆ Engaging in behavior that shows gang/neighborhood crew affiliation
- ◆ Hazing
- ◆ Bullying or humiliating/intimidating language or behavior, including Internet bullying
- ◆ Possession of tools or instruments that school administrators consider weapons
- ◆ Engaging in reckless behavior that may cause harm to the student or others

◆ **Extortion**

- ◆ Fighting (no injury or weapon)
- ◆ Trespassing
- ◆ Continually engaging in Tier II behaviors

Discipline for Tier III behaviors may include:

- ◆ Verbal reprimand
- ◆ Teacher/student or administrator/student conference
- ◆ Parental contact in writing or by phone
- ◆ Parent conference
- ◆ Temporary removal from classroom
- ◆ In-school discipline
- ◆ Behavior contract
- ◆ Grade reduction (if issue was related to cheating)
- ◆ In-school suspension
- ◆ Out-of-school suspension (unless issue is unexcused tardiness or absence)

◆ Tier IV behaviors cause disruption to the school operation, destroy school property, or cause significant harm to the student or others. Tier IV behaviors result in out-of-school suspension, except where the behavior is unexcused tardiness or absence. Tier IV behaviors include:

- ◆ Vandalism, destruction of property, or graffiti (tagging)
- ◆ Theft of school or personal property without force
- ◆ Interfering with school authorities
- ◆ Participating in a major disruption of school operations
- ◆ Tampering with school documents or official records
- ◆ Persistent harassment based on race, religion, gender, sexual orientation, disability, etc.
- ◆ Lewd or indecent public behavior or sexual misconduct

- ◆ Sexual harassment
- ◆ Retaliation for reporting harassment or sexual harassment
- ◆ Fighting that creates a substantial risk or results in minor injury
- ◆ Inciting others to violence or disruption
- ◆ Activating false alarm
- ◆ Contaminating/poisoning food
- ◆ Possession of a weapon or imitation of a weapon
- ◆ Using an item not normally considered a weapon to intimidate or threaten someone
- ◆ Continually engaging in Tier III behaviors

◆ Tier V behaviors are illegal, cause significant disruption to school operation, or cause substantial harm to the student or others. Tier V behaviors result in out-of-school suspension or **expulsion**. Tier V behaviors include:

- ◆ Exceptional misconduct at other schools
- ◆ Vandalism/destruction of property over \$500
- ◆ Selling or distributing marijuana, prescription drugs, controlled dangerous substances, imitation controlled substances, inhalants, other intoxicants, controlled or drug paraphernalia
- ◆ Possession or distribution of alcohol
- ◆ Possession of drug paraphernalia or controlled substances
- ◆ Causing serious disruption or damage to school's computer systems, electronic files, or network
- ◆ Possession of fireworks or explosives
- ◆ Theft or attempted theft using force, coercion, intimidation, or threat of violence
- ◆ **Assault** or physical attack on a student or staff
- ◆ Fighting resulting in serious physical injury
- ◆ Participating in a group fight which has been planned, causes major disruption to the school day or results in substantial bodily injury
- ◆ Using an item not normally considered a weapon to injure someone else
- ◆ Use, possession, or bringing to school a loaded or unloaded firearm
- ◆ Deliberate/purposeful acts that cause physical injury to another person

- ◆ Assault with a weapon
- ◆ Actual or attempted sexual assault or sexual aggression
- ◆ Arson
- ◆ Creating a biohazard
- ◆ Bomb threat
- ◆ Any other intentional use of violence, force, *coercion*, threats, intimidation
- ◆ Continually engaging in Tier IV behaviors

For more information on examples of behaviors falling under each Tier, you can look at the school discipline rules on the DCPS website at: <http://dcps.dc.gov/DCPS/Files/downloads/SCHOOLS/Youth%20Engagement/DCPS-Student-Discipline-Policy-Tiers-August-2009.pdf>.

What is the school required to do if they want to take *disciplinary* action against my child?

The school can establish its own procedures for discipline that do not involve removing the student from class for more than half the day. If the discipline involves removing the student from class for half a day or longer, the school must follow two steps:

1. They must give you *notice* about the *disciplinary* action.
2. They must provide your child with a conference to discuss the disciplinary action. The school is usually required to hold this conference *before* suspending, expelling, or excluding your child.

What else should I know about the school's obligation to provide me with notice?

If the school wants to suspend or expel your child, they can give you notice by telephone initially, but they must follow up with written notice to the contact information the school has on file within one day after the decision. The school can use email, certified mail, or hand-delivered mail that requires a signature.

The school must tell you who can hear an appeal to change or reverse the suspension or expulsion.

The school must give you a description of the rule violation and a summary of the facts leading to the disciplinary action.

What happens at the conference?

The school must discuss the reason for the disciplinary action and must tell you the exact rule they believe that your child has broken. They must explain the evidence or facts they have against your child. In addition, they must allow your child to present his or her version of the incident. They must

inform you of your right to examine your child's records and/or a report of the incident before they discipline your child, as well as the student's right to appeal or request a hearing.

What should I do if I receive notice that the school wants to take disciplinary action against my child?

You should act quickly to try to get to the bottom of incident. If you hear about the disciplinary action by phone or from your child, call the school and ask for a written copy of the notice of disciplinary action. Take note of all deadlines for appeals in the notice. Attend the conference with your child. If there are witnesses who might be helpful to explain the incident, arrange for them to attend the conference. Think creatively about ways to address your child's behavior (if appropriate) and share your ideas with the school staff. Cooperate with reasonable efforts to improve your child's behavior.

Does the conference happen before or after my child is suspended/expelled?

In most cases, the conference must happen before a suspension or expulsion. The school must give you and your child a chance to be heard before they decide on a disciplinary action. However, the school can discipline your child before a conference if it is necessary for school safety and security (for example, if the student is accused of setting a series of fires or involved in an increasing number of fights). If this happens, they must hold the conference within 3 days after they impose the disciplinary action.

What happens after the conference?

It depends on the level of the infraction involved. Suspensions over 6 days must be approved by Instructional Superintendent. Expulsions must be approved by Deputy Chief of Youth Engagement.

What if I am not happy with the result of the conference?

1. The normal chain of decision-making in disciplinary actions includes: (a) the school principal; (b) the Instructional Superintendent; (c) the Office of Youth Engagement; and (d) the Chancellor's Office. The DCPS Discipline Code indicates the office that will hear an appeal, based on the level of the infraction. If a parent is unhappy with the school or the Department's disciplinary decision, he or she should advocate for a more appropriate disciplinary action for their child.
2. You also have the right to challenge the disciplinary action taken by the school. You must do this immediately after receiving the results of the conference. Ask the school for a copy of the discipline policy so you can find out how much time you have.

The methods challenging the disciplinary action vary based on the type of discipline:

◆ Short-term and medium-term suspension

If your child is suspended for less than eleven school days, you must appeal within two school days after receiving notice of the suspension.

Short-term suspension is any suspension from one to five school days for middle or high school students or one to three school days for elementary students. Short-term suspensions may be appealed to the principal.

Medium-term suspension is any suspension from six to ten school days. Medium-term suspensions may be appealed to a person designated by the Chancellor. Ask the school for information on this person immediately after you receive notice.

◆ Long-term suspension

If your child is suspended for more than eleven school days, the school must provide a hearing within four days after you receive notice. The process for the hearing is described below. If you do not agree with the results of the hearing, you may appeal the decision directly to the head of the Office of Youth Engagement by submitting a written or oral request within five school days of receiving notice of the decision.

The Office of Youth Engagement will schedule a conference. At the conference, you have the right to present arguments in support of the appeal. Your child also has the right to bring a representative or attorney. However, DCPS does not have to provide you with an attorney.

◆ Expulsion

If your child is expelled, the school must provide a hearing within four days after you receive notice. If you disagree with the results of the hearing, you may appeal directly to the Chancellor's Office within five school days of receiving notice of the expulsion.

The Chancellor's Office will schedule a conference. At the conference, you have the right to present arguments in support of the appeal. Your child also has the right to bring a representative or attorney. However, DCPS does not have to provide you with an attorney.

What is an expulsion?

Students who are expelled are denied the right to attend any DC public school or program for more than 90 days, including all classes and school activities, except a DCPS alternative program. A student can only be expelled for a Tier V offense.

What is the school required to do if it wants to expel my child or place him or her on long-term suspension (longer than eleven days)?

Because these are such an extreme *disciplinary* actions, the school must take extra steps to protect your child's rights:

- ◆ They must provide you with written notice of the proposed suspension/expulsion.
- ◆ The principal must also hold a conference at the school to discuss the proposed suspension/expulsion. After the conference, the principal must submit a copy of the written recommendation for suspension/expulsion to the Chancellor. The principal is required to give you a copy of the recommendations.
- ◆ The Chancellor (or his/her representative) must hold another suspension/expulsion conference at the DCPS office downtown. A hearing must be held. You have a right to bring an attorney and to present evidence on behalf of your child. However, DCPS does not have to provide you with an attorney.

Please note that these first two steps also apply to long-term suspensions (suspensions longer than eleven school days). However, the Chancellor only hears appeals to expulsions.

Can a school discipline a student if the infraction occurs off of school grounds or outside of school hours?

Yes. The rules may be applied when a student is on school grounds, participating in school-sponsored activities, traveling on school-provided transportation, or during a before-school or after-school program, regardless of location or time. Also, if a student has committed an offense outside of school hours that significantly disrupts the school environment, the school can discipline the student.

Can my child be arrested because of something that happened at school?

Yes. In addition to being disciplined at school for a violation of a school rule, your child can be *arrested* and charged with a *delinquent* act in juvenile court. See Section III of this handbook for more information on delinquency.

What happens if I suspect that my child's disciplinary problems are due to a disability?

A child with a documented disability has the right to a "*manifestation determination review*" before they can be removed from school for more than 10 days. If your child has not yet been found eligible for special education, he or she

will have the right to a manifestation determination review if you have requested testing or given the school written notice that you suspect your child has a disability. Schools are also required to provide a manifestation meeting if they should have known your child had a disability.

In the manifestation determination review, the Individualized Education Program (IEP) team will meet and determine whether the child's action was the result of his or her disability. If the action was the result of his or her disability then, in most cases, the child cannot be expelled or suspended for more than ten days. Your child may be placed in an alternative education setting for up to 45 days if the school proves that keeping your child in the current school is substantially likely to result in injury to him or to others.

Children in charter schools are also entitled to manifestation determination reviews.

If you disagree with the result of the manifestation determination review, you may file a request for a due process hearing.

Special Education

Under a federal law called the Individuals with Disabilities Education Act, every public school in the country, including DC public schools and charter schools, has to provide a child with a **disability** a "free and appropriate public education" (FAPE).

This means that if your child has a disability that affects his or her learning, DCPS or your child's charter school must place your child in a school that is appropriate for his or her needs. The school system must do this at no cost to you. If applicable, the school system may also have to provide other services, such as transportation or therapy, which will help your child to learn. Finding a proper educational environment for your child is critically important to his or her academic success. Also, because youth can be **arrested** for crimes they commit at school, you must ensure that your child's school properly identifies any social or emotional disabilities that might affect him or her. Properly addressing your child's social and emotional needs can help him or her to avoid disruptive or detrimental behavior that could lead to in-school discipline, expulsion, or arrest.

As mentioned in the discipline section, sometimes a child's misbehavior in school is the result of a disability and can be addressed by a change in his or her educational placement. Remember that parents and guardians have the right to a hearing (the manifestation determination) to determine whether a child's behavior is a result of a disability, so long as they express their concern in writing that their child may have a disability.

Sometimes the word "disability" can shock and concern parents.

Being identified as a child with a disability does not mean your child can't learn or won't succeed in school. It simply means that in order to succeed, your child might need a different learning environment and services.

Young people in special education programs may resist the new placement, but the help of supportive parents and teachers can make the change smooth and successful.

If your child attends a private or religious school and you are seeking information about special education services, you can also contact your child's cluster school.

The DCPS Cluster Schools are:

- Lafayette Elementary School, 5701 Broad Branch Rd. NW, Washington, DC 20015, Jillian Diesner: 202-535-2090
- Tyler Elementary School, 1001 G St. SE, Washington, DC 20003, Denise Dantley: 202-537-8808
- Brookland EC @ Bunker Hill, 1401 Michigan Ave. NE, Washington, DC 20017, Doris Steele: 202-576-6095
- Hardy Middle School, 1819 35th St. NW, Washington, DC 20007, Christine Gross: 202-729-4350
- Coolidge Senior High School, 6315 5th St. NW, Washington, DC 20011, Cynthia Sheppard: 202- 671-6091

If you don't know which cluster your child's private or religious school belongs to, call the Private and Religious Office at 202-442-5475.

The staff at your child's school can help you make sure that your child receives proper support and services. The DCPS school directory provides a complete alphabetical list of schools. This document is available on the Internet at <http://dcps.dc.gov>. If you need additional help, DCPS has a Critical Response Team (CRT) to help parents. Parents can reach the CRT by calling 202-478-5738 or 202-442-5400. The CRT rapidly responds to constituent concerns and exists for the sole purpose of quickly connecting students, parents, and community members to resources and support systems that address their questions and concerns.

HOW DO I DETERMINE IF MY CHILD NEEDS SPECIAL EDUCATION SERVICES?

For any questions regarding the special education process, including an IEP or to request a hearing, parents should call the DCPS Special Education Office at 202-442-4800.

If your child attends a private or religious school and needs special education services, the process for obtaining such services may be different than described below. You should contact school staff at your child's private or religious school or Gayle Hall with the DCPS Private and Religious Office at 202-442-5475. Ms. Hall's e-mail address is gayle.hall@dc.gov and the Private and Religious Office is located at 1125 New Jersey Ave. NW, 3rd Floor. The email address for the Private and Religious Office is PRO@earlystagesdc.org.

What follows is an overview of the process for obtaining special education services in DC Public Schools.

Step 1: Knowing if Your Child Needs Special Education Services

The first step in the process is to identify children who might have disabilities. As a parent, you can and should speak up if you think your child has a disability and could benefit from special education services. Teachers and other school staff can also initiate the special education process.

You should consider requesting a special education evaluation if your child:

- ◆ Is delayed in reaching *developmental milestones*
- ◆ Is consistently getting poor grades on his or her report card
- ◆ Is continually acting out and getting suspended or excluded from class

You can start this process by filing a request with the principal or special education coordinator at your child's school and asking to meet with the Student Support Team (SST). It is best to make this request in writing so that you will have a

If you suspect that your 3-5 year old child has developmental delays and could benefit from services before reaching school age, you can contact the Early Stages Center. The Early Stages Center can screen your child for any disabilities, meet with you to discuss the results of the screenings, develop an Individualized Education Plan (IEP), and identify DCPS placements that are available and appropriate for your child.

The Early Stages Center is located at 1125 New Jersey Avenue NW. Parents can visit the Early Stages website (www.earlystagesdc.org) or call 202-698-8037 for more information. The website has great information about developmental milestones, FAQ and a parent guide (aka the Early Stages Brochure).

There are three ways parents can schedule an appointment with the Early Stages Center:

1. Parents can refer their child by contacting the Center by phone or via the website.
2. Another person who knows your child may refer him or her to the center by phone, e-mail, or fax.
3. If your child is already involved in a special education program for infants and toddlers, your case manager will refer your child for testing if needed.

record if the school delays in acting on your request, or if your child gets in trouble and you believe that his or her behavior was the result of an (as-yet) unidentified disability.

The SST is responsible for meeting with you and reviewing your concerns. At the scheduled meeting, you and the team will talk about your child's struggles and come up with a plan for providing additional support to your child in a general education setting. This additional support could include extra time with the teacher, a better seat in class, scheduled time with the school's counseling staff, or other interventions, depending on the nature of your concerns.

The SST will determine if the recommended support measures have helped your child make significant improvement. The SST team will meet to review your child's progress and, if the team agrees that the plan it created with you has not worked, it may recommend that your child be tested to see if he or she has a disability that makes your child eligible to receive special education services. If you believe that your child has not made significant improvement after the SST plan has

gone into effect, you should feel free to contact the Special Education Coordinator in your child's school or request a manifestation determination review.

An important note: You do not have to agree to submit your child to the SST process. If you wish to immediately have your child tested to determine if he or she needs special education services, you have a legal right to request that your child is tested.

Step 2: Testing Your Child

After a parent referral, or request, for special education is made, the school will set up a Multidisciplinary Team (MDT) meeting.

According to DC law, the MDT must include these people:

- ◆ Parent(s)
- ◆ One regular education teacher of your child
- ◆ One special education teacher
- ◆ A representative from the school system
- ◆ Someone who can interpret the test results
- ◆ Other person or people who you think should attend, including an educational attorney (see below for more information)
- ◆ Your child, if appropriate

The purpose of the meeting is to determine which tests your child needs. The MDT should also decide who will conduct each test, and when each test will be taken.

Although the types of initial tests will depend on your child's needs, the usual initial tests are:

- ◆ A psycho-educational evaluation, which measures IQ and academic skills
- ◆ A speech and language test
- ◆ A social history

Keep in mind that you, the parent, will have to agree to all testing. You also have the right to obtain your own evaluation if you disagree with the results of any testing done by the school.

Step 3: Reviewing the Test Results

After the evaluations are finished, the school will have another MDT meeting to discuss the test results. The team will decide whether or not your child has a disability that qualifies him or her for special education.

You should request copies of all tests and evaluation write-ups before the meeting so that you can have time to read them.

Other evaluations that you might consider:

- A clinical psychological evaluation, if your child has behavioral or emotional problems
- An occupational evaluation, if your child has motor or coordination problems, such as trouble with handwriting, cutting, or keeping balance
- A vocational assessment if your child is over 14 years old

Ask questions if you don't understand something, and speak up if you disagree with the conclusions or you do not think the test was done well.

In order for your child to be classified as a "child with a disability" under DC law, two things must happen:

1. Your child must be found to have a disability that falls into one of fourteen categories:

- ◆ Autism
- ◆ Deaf-blindness
- ◆ Deafness
- ◆ **Developmental** delay
- ◆ Emotional disturbance
- ◆ Hearing impairment
- ◆ Mental retardation
- ◆ Multiple disabilities
- ◆ Orthopedic impairment
- ◆ Visual impairment, including blindness
- ◆ Traumatic brain injury
- ◆ Other health impairment, including asthma, diabetes, epilepsy, ADHD
- ◆ Learning disability
- ◆ Speech and language impairment

2. The MDT must document that the disability has an adverse effect on the child's educational performance. That means the disability makes it harder for your child to do well in school.

Step 4: Creating an IEP for Special Education Students

IEP stands for "Individualized Education Plan." As its name states, an IEP is a unique plan that is made just for your child.

The IEP includes:

- ◆ The kind of classroom your child needs (special education, general education, or a combination of both)
- ◆ How many hours of special education teaching your child will receive
- ◆ What kind of counseling or therapy your child will receive, if needed, and how many hours per week of counseling/therapy your child will receive
- ◆ Goals for your child to work towards (in the classroom and in therapy)
- ◆ Present levels of performance
- ◆ The least restrictive environment for your child to receive services
- ◆ Any other plans, if appropriate (for example, students in high school will have IEP's that include a transition plan to prepare them for identified post high school goals)

Parents must sign the IEP for initial placement in special education, making it a valid legal document. If you disagree with the IEP, you can request a hearing. It is wise to ask that your disagreement with the IEP be noted in the IEP meeting notes. If the school refuses to do this, you can write an attachment to be included with the notes.

Step 5: Placing Your Child in an Appropriate School

Once the IEP is complete, the school system will need to find a school that can offer the services listed on your child's IEP if your child's current school cannot provide them. If

your child attends a DC public or charter school, DCPS will send your child's file to "site review" for placements to be identified. If your child attends a Local Educational Agency (LEA) charter school, that school will have to identify an appropriate placement. For more information on LEA charter schools, call 202-328-2660, or visit this website: <http://dcpubliccharter.com/home/faqspecedlea.html>.

You have the right to ask questions about any school proposed for your child and ask to visit the school. You also have the right to suggest certain school placements that you feel should be considered.

If you disagree with the school placement recommended for your child, you can request a due process hearing. You also have the right to demand that your child "stay put" at his or her current school if the school system wants to move your child to a school that you don't want him or her to attend. You should write a letter to the special education coordinator saying that you are exercising your right to demand that your child remain at his or her current school. After you do that, the school system will have to initiate a due process hearing if it still wants to move your child. For more information on how to schedule a hearing, parents should call the Office of Special Education at 202-442-4800.

Step 6: Reviewing Your Child's IEP

Federal law requires the school system hold an IEP review meeting at least once a year. The purpose of this meeting is to review your child's goals, discuss your child's progress, and make any necessary changes to the IEP.



You can also request an IEP review at any time if you want to review information from a new test or discuss changes in your child's behavior or performance.

Step 7: Re-evaluation

If your child qualifies for special education services, the school district re-determines whether a student qualifies for special education every three years based on a variety of data. This data includes relevant formal assessments, classroom observations, school, and academic achievement.

- ◆ The district must fully re-test your child if he or she is having regular disciplinary problems. A re-testing may be needed to get to the root of the problem.
- ◆ Dismissal from special education is determined by progress on IEP goals, classroom observations, academic grades, etc. It is not required to test a student in order to dismiss him or her from services. (see Step 3, above).

WHAT HAPPENS IF I BELIEVE MY CHILD'S BEHAVIOR IS CAUSED BY A DISABILITY?

If a child with a disability breaks school rules and faces possible expulsion for longer than ten school days, the Individualized Education Program (IEP) team must meet and decide whether the misconduct was caused by the child's disability. This process is called the manifestation determination hearing. It must be held within the first ten days of the child's suspension.

- ◆ If the IEP team determines that the misconduct was a result of the child's disability, the IEP team must consider whether new strategies are needed to address the behavior. If the IEP team determines that such services are needed, they have to be added to the IEP and provided to your child.
- ◆ If the IEP team determines that the behavior was not a result of disability, the child may be disciplined, suspended, or expelled to the same extent as a child without a disability.

HOW DOES THE PROCESS WORK?

The local education agency (LEA), the parent, and relevant members of the IEP team decide whether a child's conduct was resulted from a disability. If the parents disagree about the cause of the behavior as determined at the manifestation determination review, they can ask for a due process hearing from a panel outside of the IEP team.

- ◆ The team members must find that the child's behavior was caused by, or had a direct and significant relationship to, the child's disability. Parents alone may not be able to prove their case; some parents want an educational attorney and other professionals to help them. Information on how to find an educational attorney follows in this section.

◆ If the child did not have an IEP before the manifestation determination and was not identified as having a disability before the misbehavior, he or she still may be considered a child with a disability when:

- ◆ The parent of the child expressed concern in writing to supervisory or administrative personnel of the child's school, a teacher of the child, or the Office of Special Education that the child was in need of special education and related services;
- ◆ The parent of the child had requested an evaluation of the child;
- ◆ The teacher of the child or other personnel of the LEA expressed specific concerns about a pattern of behavior by the child directly to the Chancellor's Office or the Special Education office.

Parents can and should inform the school in writing about their concerns and may want to find an educational attorney to work with the IEP team to help find the source of their child's behavioral problem.

In special education matters, the parents have the right to make decisions for their child. You know your child best, and you should work with the teachers, special education coordinators, evaluators, placement specialists, and other professionals at each stage of the special education process to ensure that your child's needs are being addressed.

SPECIAL EDUCATION LAW – WHEN YOU MAY NEED A SPECIAL EDUCATION ATTORNEY

Many parents may want a special education attorney to help them in IEP meetings and due process hearings. Special education attorneys may attend MDT meetings with students and their parents to advocate for appropriate special education services. They may be able to help parents negotiate agreements with the school system or to represent parents in due process hearings when an agreement cannot be reached through negotiation.

A. How Special Education Attorneys Can Help

Parents may seek the assistance of an educational attorney for many reasons including:

- ◆ Determining what services a child needs in order to succeed at school.
- ◆ Negotiating with the school system to make sure the child receives the appropriate instruction and services and is placed in a school that can meet his or her needs.
- ◆ Finding a better school placement if the child is not succeeding in his or her current placement.

- ◆ Holding the school district or DCPS responsible if it fails to provide a child with the services and instruction that he or she needs in order to make academic progress.

B. Finding a Special Education Attorney

- ◆ Special Education Attorneys are often provided free of charge when requested during a Family Court proceeding.
- ◆ Attorneys who are appointed by the Family Court must follow the rules of the Family Court’s Special Education Attorney Standards. You can get a copy of this document from the court.

C. Paying for an Education Attorney if you cannot get one for Free

- ◆ Parents need not be involved in a court proceeding to get a special education attorney.
- ◆ Many special education attorneys will work on a contingency basis, which means that (1) if they win the case, they will seek payment from the school system, and (2) if they lose the case, they will not get paid. Even if the special education attorney agrees to work on a contingency basis, however, it is very important to talk to the attorney to understand all payment and fee details before actually hiring the attorney.
- ◆ Other private special education attorneys work on an hourly basis and require payment regardless of the outcome of the case.
- ◆ When figuring out the costs of a special education attorney, parents should consider that they might have to pay the cost of an expert witness’s services. Even if the school system loses the case, the school system is not required to pay for expert witness fees.
- ◆ You should have a written retainer agreement with the attorney that describes exactly what you will be expected to pay.

D. Resources. There are also organizations that provide free legal services for parents or referrals for these services.

ACLU-NCA Fair Discipline Project

WHAT: ACLU-NCA provides free lawyers in school discipline cases.

CONTACT PERSON: Kaitlin Dunne

PHONE: 202-457-0800 x 116

WEBSITE: <http://www.aclu-nca.org>

Advocates for Justice in Education (AJE)

WHAT: AJE refers parents to free educational advocacy. Parents can call for an Intake Interview.

HOURS: Monday through Friday, 9:00 am to 5:00 pm

CONTACT: 2041 Martin Luther King Avenue SE, Suite 400
Washington, DC 20020
202-678-8060/888-327-8060

4201 Georgia Avenue, Washington DC 20011
202-265-9102/202-265-1730

WEBSITE: <http://www.aje-dc.org>

University Legal Services (ULS)

WHAT: Parents can call ULS and ask to speak with the Intake Specialist. After an intake interview, parents will receive a call from an educational advocate. If ULS can take the case, the advocate will ask for more details. If ULS can’t take the case, they will refer you to another educational advocate.

HOURS: 9:00 am to 5:00 pm, Monday through Friday

ADDRESS: 220 I Street NE, Suite 130,
Washington, DC 20002

PHONE: 202-547-0198

WEBSITE: <http://www.uls-dc.org>

University of the District of Columbia, Juvenile Justice Law and Special Education Clinic

WHAT: Parents should call the main number for the clinic and ask to speak with one of the law professors in charge for educational advocacy services or a referral.

ADDRESS: 4200 Connecticut Avenue NW
Washington, DC 20008

TELEPHONE: 202-274-5073

WEBSITE: <http://www.law.udc.edu/?JuvenileClinic>

Please note that an “educational attorney” and an “educational advocate” are not the same thing. If you would like an attorney to represent you in an educational matter regarding your child, you should specifically ask for an attorney.

YOUTH, POLICE, AND THE JUVENILE JUSTICE SYSTEM

SUPPORT AT HOME

SCHOOLS

JUVENILE JUSTICE

GLOSSARY OF TERMS

YOUTH, POLICE, AND THE JUVENILE JUSTICE SYSTEM



JUST AS IS TRUE FOR ADULTS, children have certain legal rights and responsibilities that their parents can help them understand and follow. This section is designed to help parents understand their children's legal rights and responsibilities so a young person may respond in the best way if ever approached, questioned, or **arrested** by police. This section also describes some of the criminal laws that apply to juveniles in the District of Columbia to help you understand the process that will be followed if your child is ever alleged to be **in need of supervision**, such as being suspected of being a **truant**, or arrested in DC. This section also identifies the various people you and your child will meet in the juvenile justice system.

Keep in mind that this section is intended to provide you with general information – not legal advice. Laws are constantly subject to change. If you have a specific legal problem, you should consult an attorney.

THIS SECTION INCLUDES INFORMATION REGARDING:

- ◆ A young person's right to be free from **unlawful** searches and seizures
- ◆ A young person's right not to talk to the police
- ◆ Suggestions regarding what your child should do if he or she gets stopped by the police
- ◆ A young person's right to have a lawyer when accused of committing a crime
- ◆ Suggestions regarding what your child should do if he or she is taken into **police custody**
- ◆ Common crimes that juveniles commit
- ◆ Information regarding how your child can get a lawyer
- ◆ The events that take place before a trial
- ◆ Plea agreements and trials
- ◆ Post trial events including **disposition** (sentencing), **probation**, and **commitment**

To find more information regarding shelter houses and other resources for young people under court supervision, parents should refer to the Public Defender Service of DC's Directory of Youth Services.

You can find this information by calling PDS at 202-628-1200 or 800-341-2582. You can also find this information on the Internet at <http://www.pdsdc.org/Resources/ORD/YouthResources09.pdf>

Nothing in this Handbook is meant to be or should be considered legal advice. If you have specific legal questions, you should consult with a juvenile defense attorney. This Handbook is not meant to be and should not be considered an endorsement of any organizations listed within. For more information about the organizations listed in this Handbook, you should contact them directly.

I. Children Have Rights Too!

Juveniles have many of the same legal rights - protected by the United States Constitution - as adults. By helping your child understand those rights, your child will know the best way to respond to any encounter with the police.

A. JUVENILES ARE PROTECTED FROM UNLAWFUL SEARCHES AND SEIZURES

Children have many of the same rights as adults against unlawful searches and seizures under the *Fourth Amendment* to the U.S. Constitution. Adults and children have the right to go about their everyday lives and business without having the police stop and search them without a good reason.

The Fourth Amendment to the Constitution protects all people, adults and children, from unlawful searches and seizures by the police. The police can only stop and search a juvenile in certain circumstances.

Generally, the police can approach and talk to a person, just as any person can ask another on the street a question. At the same time, a person has the right to refuse to talk to the police and walk away.

For the most part, before the police can hold or *arrest* a person, including a juvenile, police must have *probable cause* to believe that the person has committed or is committing a crime. In general terms, probable cause exists when a normal, ordinary person would believe that someone is *involved* in criminal activity. For example, a police officer may have probable cause to believe a person committed a robbery if the victim of the robbery identifies the person as the robber.

An officer can, however, use force to stop and briefly detain a person, including a juvenile, if he or she has reason to believe, based on his experience in law enforcement, that a crime is taking place. This is called an *investigatory stop*. A police officer does not need to find a person's behavior suspicious in an investigatory stop, as he or she does for probable cause to *arrest* somebody.

Some examples:

A police officer may conduct an investigatory stop if there has been a recent report of robberies in a particular area and the officer observes people engaging in behavior that looks

like they may be casing/checking out a store in that area for a future robbery.

A police officer may not conduct an investigatory stop simply because a person decides to run away from the police when he or she sees them approaching.

A police officer may conduct an investigatory stop if a person attempts to run away from a car during a traffic stop and ignores the officer's instructions to stop running before the officer announces the purpose of the stop.

If a police officer physically stops your child, your child should never struggle with or resist the police officer. Resisting an officer is a crime itself and a charge can be brought, even when a person is completely innocent of any other crime!

1. Police Searches of Belongings

Generally, police may not conduct a *full-scale search* unless they have probable cause for an arrest. In a full-scale search, police can search what a person has on his or her body as well as areas within the person's physical reach, such as the inside of a car. Unless a young person has been *arrested*, a police officer does not have the right to search his or her person or belongings. The young person has the right to respectfully tell the officer "no" if the police officer asks permission to search him or her or his or her things. Once a person has been arrested, police do not need the person's permission to conduct a full-scale search. However, they still need permission or a warrant to search anything else.

If the police ask your child if they can search him or her, or his or her belongings, your child can say "no." Your child can agree to be searched by the police, but anything the police find can be used as evidence to arrest your child or to prove their guilt in a criminal case against your child. If the police ask your child if they can search him or her or his or her belongings, and your child does say "no", the police cannot consider your child's refusal as probable cause or a sign of guilt.

Short of an arrest, police who have *reasonable suspicion* for an investigatory stop and reasonable suspicion to believe that person is armed and dangerous can do a very limited *pat-down body search*. The purpose of this type of search is to make sure the person being stopped is not carrying anything that would endanger the police, such as weapons. The officer

may only search for weapons. Permission is not required for a pat-down search if police have to have a reasonable belief that the person is armed. This reasonable belief exists if, for example, a person has an item in their pocket that from the outside looks like a weapon.

Unless there is probable cause for an **arrest** or reasonable suspicion for a pat-down, the police can search an individual's things **ONLY** if he or she gives the police permission to do so. This is true of juveniles and adults. If a juvenile permits an officer to look through his things, anything the officer finds can be used against the child in court. Any person, adult or child, should give careful thought to the potential consequences before giving his or her permission to be searched by the police.

2. Privacy at School

Students “do not shed their constitutional rights at the school-house gate,” which means that the Fourth Amendment’s protection against unreasonable searches and seizures applies to searches conducted by public school officials. However, in order to maintain discipline in the classroom and on school grounds, school officials have more freedom to search a student at school than police have to search people in the community. For example, school officials do not need a **warrant** (official permission from a judge) before searching the body, purse, backpack, desk, or locker of a student who is under their authority. They must only have a **reasonable basis** for conducting the search. Curiosity, a rumor, or a mere hunch is not a reasonable basis for performing a school search. Here are examples of some legal and illegal searches by school officials in a public or public charter school:

- ◆ School districts are permitted to test public school students for drugs - even without suspicion of drug use - if those students participate in interscholastic athletics or other competitive extracurricular activities.
- ◆ A search is allowed if a school official sees a student using a weapon or in possession of some other **contraband**, even if the official does not see where the item came from or where it went after he sees it.
- ◆ School officials are not allowed to search students based only on a witness’s claim that he saw them exchange a package and believed that it was drug-related.
- ◆ Random searches of students’ lockers and personal belongings for drugs, guns, or any other contraband are banned by the Fourth Amendment protections against illegal searches.

Privacy issues in private schools are a bit more complicated. Private school students can have more or less privacy on school grounds than public school students. While private

schools have a greater right to exclude the public and thereby protect student privacy, they also have a greater right to search students at any time because they are not government entities and are not required to follow the restrictions of the Fourth Amendment. Because school officials at *public* schools, including public charter schools, act as representatives of the government, their actions must be in line with the Fourth Amendment. However, since the Fourth Amendment only protects against searches by government officials and *private* school staff are not government officials, the Fourth Amendment does not apply to searches by private school staff.

Even though juveniles have protections against unlawful searches under the Constitution, the Supreme Court has allowed school officials to have a drug testing policy that requires **all** middle and high school students who participate in competitive extracurricular activities to be drug tested.

3. Privacy at Home

Juveniles have more protection from searches by the police in their homes than at school. Unless there are “*extraordinary circumstances*” (such as a chase or a dangerous or emergency situation), the police may not enter a person’s home without permission or a court order.

If a person who lives in the home gives permission to the police to enter, the police may do so. If two or more people are living together as roommates, and one of them allows police inside to conduct a search, the police may only search areas common to all of the roommates (e.g., living rooms) and rooms that belong to the person who let the police inside. Parents and guardians have greater authority to permit the police to search the entire house, including a young person’s room. You may deny police access to a young person’s room in your home. At the same time, most courts have stated that parents or guardians who live in the home can allow the police to search a young person’s room, even if the child disagrees.

B. JUVENILES DO NOT HAVE TO TALK TO POLICE

Just like adults, juveniles are protected by the **Fifth Amendment** to the U.S. Constitution, which guarantees that a person who is **arrested** has the right not to talk to police or answer any questions. Juveniles are considered more vulnerable to police **coercion** and intimidation than adults are, so courts have added a few extra steps for police to follow before talking to juveniles.

What to Do if Arrested & Questioned

- ◆ Juveniles have the **right to remain silent** and not talk to police, just as adults do.
- ◆ They may refuse to answer any other questions until they have spoken to their parents and an attorney. As soon as your child asks for a lawyer, the police must stop asking your child questions.
- ◆ Even if a youth starts answering questions, he or she may stop at any time.

Like adults, juveniles are also entitled to receive **Miranda warnings** at the time they are arrested. The Miranda warnings must be given in **clear and unequivocal terms** prior to any questioning by the police. This means that the police must make sure that a child understands what the Miranda warnings mean before they can question the child. No person, especially a child, should ever talk to the police until a lawyer is present and until the lawyer advises him or her to do so.

The Miranda Warnings

- 1 The right to remain silent;
- 2 An explanation that anything said can and will be used against the individual in court;
- 3 The right to a lawyer before questioning, and to have a lawyer present during the interrogation (questioning); and
- 4 An explanation that, if the person cannot afford a lawyer, a lawyer will be provided free of charge to represent him or her prior to any questioning.

Once arrested, a juvenile will be asked to fill out an official police card called a PD-47 to show that he or she understands the Miranda rights and whether he or she agrees to give up those rights.

You should be sure your child knows how to fill out the PD-47 so they know how to preserve their rights and can talk to a lawyer before talking to the police if that is their choice. There are four questions on the form.

1. Have you read or had read to you the warning as to your rights?

A juvenile should answer this question “yes” if he or she has read his or her rights or if the rights were read to him or her.

2. Do you understand these rights?

A juvenile should ask questions if he or she does not understand his or her rights, but answer this question “yes” if he or she understands his or her rights.

3. Do you wish to answer any questions?

A juvenile should only answer “yes” if he or she fully understands the consequences of answering police questions and still would like to answer the police questions. The consequences can include the child’s answers being brought up again and possibly used against him or her in court. If at first a juvenile agrees to answer questions without having a lawyer present, he or she may ask to stop the questioning and speak with a lawyer at anytime.

4. Are you willing to answer any questions without having an attorney present?

A juvenile should only answer “yes” if he or she fully understands the consequences of answering police questions without having a lawyer present and still would like to answer the police questions. The consequences can include the child’s answers being brought up again and possibly used against him or her in court. If at first a juvenile agrees to answer questions without having a lawyer present, he or she may ask to stop the questioning and speak with a lawyer at anytime.

These questions are intended to make sure that your child understands what the police can and cannot do when attempting to ask questions. A police officer cannot question your child without first asking your child if he or she would like a lawyer present. If your child does not agree to answer any questions, either with or without a lawyer present, the police must not question him or her. If your child is suspected of criminal activity, any statements by your child may be harmful to him in his delinquency case. It is in your child’s best interest to wait to speak with a lawyer before answering any questions other than their name, address, etc., so that he or

Rev. 8/73

METROPOLITAN POLICE DEPARTMENT
Washington, D.C.

WARNING AS TO YOUR RIGHTS

1. You are under arrest. Before we ask you any questions, you must understand what your rights are.
2. You have the right to remain silent. You are not required to say anything to us at anytime or to answer any questions. Anything you say can be used against you in court.
3. You have the right to talk to a lawyer for advice before we question you and to have him with you during questioning.
4. If you cannot afford a lawyer and want one, a lawyer will be provided for you.
5. If you want to answer questions now without a lawyer present you will still have the right to stop answering at any time. You also have the right to stop answering at any time until you talk to a lawyer.

1. Have you read or had read to you the warning as to your rights?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
2. Do you understand these rights?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
3. Do you wish to answer any questions?	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
4. Are you willing to answer any questions without having an attorney present?	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
5. Signature of defendant:	<i>John Doe</i>	6. Time: 6:28 PM
7. Signature of Officer:	<i>Officer Smith</i>	9. Date: 7/4/09
8. Signature of Witness:	<i>Officer C. Lake</i>	

Defendant Refused Signature Defendant not advised

What if Your Child Witnesses a Crime?

Cooperating with police investigations can help police solve crimes in your community and make it a safer place to live. There may be peer pressure for your child not to report information to the police if he or she is a witness to a crime. Parents and guardians can help young people to face this peer pressure and report crimes to the police when appropriate. If your child has been arrested or charged with a crime, he or she should request to speak and consult with an attorney before making any statements to the police.

You or your child can report a crime even if you don't want to leave your name. The Metropolitan Police Department has a toll free crime tip line at 888-919-CRIME (2746). The tip line is staffed by detectives 24 hours a day, seven days a week.

Anyone who has information concerning a homicide, gangs, guns, or other violent offenses can call the anonymous tip line, and a detective will report all information.

Citizens can also text information to 50411, the MPD text tip line. Text messages are monitored by members of the department 24 hours a day, seven days a week.

she fully understands what the police are asking. If your child would like to answer the police officers' questions about the cause of his arrest or any other subject, he or she can do so, by marking "yes" where indicated on the form. If, however, your child answers the form as seen in the image above, the police must not question him or her.

The example of the PD-47 card on the previous page shows how it should look when complete if a juvenile would like to protect his or her right to not talk to the police until an attorney is present.

C. JUVENILES HAVE THE RIGHT TO A LAWYER

Under the *Sixth Amendment to the Constitution*, any person – adult or child – who is *arrested* and charged with a criminal offense or delinquent act has the right to an attorney. If the person cannot afford an attorney, the court will be sure one is provided at no charge.

A juvenile who is arrested in the District will be assigned a lawyer before his or her first court hearing. The lawyer will either be a public defender from the Public Defender Service for the District of Columbia, a private attorney from the Criminal Justice Act panel, or a trained and certified student attorney provided by one of the District's law schools.

Juveniles who have been arrested should avoid talking to anyone except their lawyers about any criminal charges brought against them or about anything that happened that led to their arrest. This warning includes parents. Discussions between a juvenile client and his or her attorney are *privileged* – meaning, that with very few exceptions, no one can force the juvenile's attorney to share anything their juvenile client has said. But if the juvenile talks to anyone other than his

attorney, including his mother or father, then that person may be forced to share whatever the juvenile talked about, even if the person wants to keep it private. For example, a parent may be required to testify about information he or she knows about the case. **There is no privilege between parents and their children.** Conversations between a juvenile and his or her attorney (or the attorney's staff, including investigators) are not *confidential* if they take place in front of anyone else, or if what was said is ever shared with anyone else, including parents. Parents should be sure their children understand never to talk to anyone about why they may have been arrested until there is an attorney present. Parents should also not ask to talk to their child about the arrest, or anything the child discusses with his or her attorney.

D. WHAT HAPPENS IF THE POLICE VIOLATE THESE RIGHTS?

If a law enforcement official violates a youth's constitutional rights under the Fourth, Fifth, or Sixth Amendment, the court may find that the exclusionary rule applies. The *exclusionary rule* deals with how the police get evidence and affects what the evidence may show the court. Under this rule, if a judge finds that the police violated your child's *Fourth, Fifth or Sixth Amendment rights*, the judge may find that the *prosecutor* is not allowed to use at trial anything the police learned through violating the child's rights. There may be exceptions if your child decides to testify at trial.

Toll Free Complaint Hotline: 866-588-0569

Office of Police Complaints

www.policecomplaints.dc.gov

1400 I Street NW # 700

Washington, DC 20005

202-727-3838

The exclusionary rule does not always prevent the police from violating your child's rights; it simply prevents a prosecutor from using the tainted evidence. If you believe that the police have violated your child's rights, used any excessive force, or abused their power in any other way, you should call the Office of Police Complaints (OPC). OPC's toll-free hotline allows citizens to make police misconduct complaints 24 hours a day, seven days a week. Monday through Friday, 8:30 am to 5:00 pm, an OPC investigator will take information regarding complaints and answer any questions you may have about the process. When the office is closed (nights, weekends, and holidays), the caller may leave a voicemail message and an OPC investigator will contact him or her during the next business day.

Complaints of alleged misconduct by police must be received by OPC within 45 days of the incident that led to the complaint.

II. Juveniles and Crime

Some people mistakenly believe that children under a certain age cannot be charged with committing any crime. But in the District of Columbia, any person, of any age, can be **arrested** and prosecuted for crimes. A child's age, experience and the seriousness of the charge can, however, impact which court – family juvenile court or adult criminal court – handles the case.

Parents should remind their children that juveniles can be arrested and prosecuted for things that happen in school.

Parents should talk to their children about some of the laws that may apply to them as they go through their teenage years in the District of Columbia.

AIDING AND ABETTING

Juveniles who help others commit a crime, even if they themselves do not commit the act, can be charged with **aiding and abetting** and face the same consequences as anyone who actually committed the crime. Even serving as a **lookout** while someone else does something illegal may result in the lookout facing the same consequences as the others who actually committed the underlying crime.

ALCOHOL

The legal age for drinking alcohol in the District of Columbia is 21. Those under 21 are not allowed to have alcohol in any situation. And anyone, adult or minor, who has an open container of alcohol in public – other than at a bar or restaurant – can be charged with an additional crime.

What is the Difference Between Felonies and Misdemeanors?

- A felony is a crime serious enough to carry a minimum punishment of one year or more in state prison, since a year or less can be served in a local jail.
- A misdemeanor is a lesser crime punishable by a fine and/or jail time for up to one year.
- Misdemeanors are different from felonies, which can be punished by a state or federal prison term.
- Some typical misdemeanors include: petty theft, disturbing the peace, simple assault and battery, drunk driving without injury to others, and drunkenness.
- Some crimes can be charged either as a felony or misdemeanor depending on the circumstances and the decision of the prosecutor.
- Felonies count for adult sentencing purposes whereas misdemeanors don't.

BURGLARY

A person can be arrested for burglary if there is **probable cause** to believe that he went into a home with the purpose of breaking or taking away property that was inside or of committing any other crime inside the premises.

CURFEW VIOLATIONS

In the District of Columbia, a person 16 or younger may not be in or on a street, park or other outdoor public place, in a vehicle, or on the premises of any establishment within the District of Columbia during **curfew** hours. The juvenile's

parent or guardian may be fined up to \$500 or have to perform **community service** if he or she knowingly permits a child to violate the curfew law, or if the parent does not control the child enough and the child is able to break the curfew. A child who breaks curfew may be ordered to perform up to 25 hours of community service.

The curfew hours depend on the time of year.

July and August only:

- ◆ Curfew hours are 12:01 am to 6:00 am, seven days a week.

From September through June:

- ◆ Curfew begins at 11 pm on Sunday through Thursday nights, and continues until 6:00 am the following day.
- ◆ Curfew hours are 12:01 am to 6:00 am on Saturday and Sunday (curfew on “Friday night” begins at 12:01 am Saturday; curfew on “Saturday night” begins at 12:01 am Sunday).

Persons under the age of 17 do not have to follow curfew if they:

- ◆ Are with a parent, guardian, or anyone over 21;
- ◆ Complete an errand their parents or guardians told them to complete, without stopping or doing anything else besides the errand;
- ◆ Ride in a vehicle that crosses state lines;
- ◆ Work or are returning home from a job, without stopping or doing anything else;
- ◆ Become involved in an emergency;
- ◆ Stand on a sidewalk that connects their house to their neighbor’s, so long as the neighbor did not complain to police;
- ◆ Attend an official school, religious, or other recreational activity sponsored by the District of Columbia, a civic organization, or other similar group that takes responsibility for them (this includes traveling to and from the activity); or
- ◆ Exercise their First Amendment rights, including the free exercise of speech, religion, and right of assembly (e.g. attending church).

In most cases, police will take youth who violate curfew to one of two Curfew Centers:

Douglass Community Center
2100 Stanton Terrace SE or

Franklin Reeves Center
2nd Floor Community Room
14th and U Streets NW

The police will contact either the child’s parent, guardian, or some other responsible adult to pick the juvenile up right away. If no one picks up the child by 6:00 am, the juvenile will be handed over to the DC Child and Family Services Agency (CFSA). Children younger than 12 who are picked up on curfew violations will immediately be turned over to the CFSA.

CONTEMPT OF COURT

An individual can be charged with contempt of court when the court finds that he or she has disobeyed or been disrespectful of the court’s authority. This charge can include disrespectful conduct in the court or willful disobedience of a court order, including failing to appear for a scheduled hearing.

DRIVING OFFENSES

1. Drinking & Driving. In the District of Columbia, it is against the law for anyone – driver or passenger – to possess an open container of alcohol in any automobile. A person commits the crime of “driving while impaired” (DWI) if he or she is under 21 and has any measurable alcohol in his or her blood, breath, or urine. A person commits the crime of “driving under the influence” (DUI) if he or she operates a motor vehicle “while under the influence” of alcohol. A person commits “operating while impaired” (OWI) if he or she operates a motor vehicle “while impaired” by alcohol. If one’s blood alcohol level is 0.05 or higher, he or she is presumed to be in violation of DUI or operating while impaired (OWI).
2. Reckless Driving. In the District of Columbia, a person can be **arrested** and charged with reckless driving for driving in a way that disregards the safety of other people or their property.
3. Driving Without a License. Anyone can be arrested for driving without a license in the District of Columbia. The law requires drivers to have their licenses with them whenever they are driving.
3. No Permit. Anyone who operates a vehicle without having obtained a learner’s permit may be arrested.
4. Other Violations. There are many other traffic infractions that can get a driver in trouble even without an arrest. In the District of Columbia, a driver can be fined for talking on a cell phone while driving or for not wearing a seatbelt, among other things.

DRUG-RELATED CRIMES

1. Possession of a Controlled Substance (Drugs). It is illegal for a person to have a controlled substance, including any drug, such as marijuana, heroin, cocaine, LSD, amphetamines, barbiturates, or ecstasy. A person “actually” possesses drugs by having the drugs on him (on his body or in his clothes) or in his car. Many juveniles do not understand that marijuana is illegal just like heroin or cocaine, and being in possession of it opens them up to criminal charges.

Even if someone does not actually possess an illegal drug on his person, he can “**constructively**” *possess* drugs when (a) the drugs are nearby, (b) he knows the drugs are there, and (c) there is some other factor that shows he had control over the drugs (such as ownership of the car or home where the drugs were found).

2. Possession of Drug Paraphernalia. It is also illegal to have drug paraphernalia, or things associated with drugs. This includes Ziploc bags that are typically used to package drugs and other items used to do drugs – like rolling papers, pipes, and glass straws.

3. Possession of a Controlled Substance (Drugs) with Intent to Distribute. When a young person is arrested with a larger quantity of a drug than he or she would typically use at one time, the juvenile could be charged with possession with intent to sell or distribute that drug. This is a very serious crime.

4. Distribution of a Controlled Substance (Drugs). When a person sells or gives away a controlled substance, he can be **arrested for distribution**. “Distribute” means to give or attempt to give to another person – regardless of whether the drugs are actually sold.

FIGHTING

Fighting is a very common way that young people get in trouble with the law. In the District of Columbia, a child can be charged with a crime for a fight that occurs on school grounds or at home. Even a fight between family members could be considered a crime. Fighting can lead to **attempted battery assault**, charged when a person tries to hit another person, either with fists or some other object. Even if there is no fight, a person could be charged with **intent to frighten assault** if he tries to scare another person or threatens someone in a way that makes that person fear that he or she will be hurt.

A juvenile may also face charges for felony assault with a dangerous weapon if he or she uses a weapon, such as a gun or knife, to cause injury. But “dangerous weapon” can also be a foot used to kick someone, a snowball, or any other object that can be thrown or used to hurt someone.

When Fighting Leads to Arrests

Many juveniles believe they cannot be arrested for fighting with their sisters or brothers when at home. The truth is that a juvenile can be arrested and charged with assault for fighting with his or her brother, sister, mother, father, or any other relative, regardless of whether at home or somewhere else.

Resisting Arrest

There are also more serious charges associated with fighting, even if no punches are thrown. For example, a juvenile can be charged with **assaulting** a police officer if he resists, opposes, or interferes with a police officer. This charge can include behavior that may not typically be thought of as assault, such as yelling threats at an officer, pushing an officer aside, or interfering with the officer’s official work.

Gangs

A recent law in the District of Columbia creates several new criminal charges for involvement with a **criminal street gang**. The law defines a criminal street gang as an association or group of six or more people that either (1) makes committing a crime a condition of gang membership or (2) has as “one of its purposes or frequent activities the violation of the criminal laws of the District of Columbia.”

Children should know that it is a criminal offense to knowingly invite, recruit, encourage, or cause another person to become a member or participate in a criminal street gang, as well as to participate in any illegal gang activities themselves.

Graffiti & Other Vandalism

It is against the law to damage, **deface**, or destroy someone else’s property. The severity of the crime and punishment goes up if the value of the damage is more than \$200. Property does not need to belong to another individual for the crime to occur; a person may also face a graffiti charge for damaging public property, such as a park or a building.

Guns (and Other Weapons)

In the District of Columbia, it is illegal for anyone to possess a gun or other illegal weapon without a license. Illegal weapons include blackjacks, slingshots, sand clubs, sand bags, metal knuckles, stilettos, switch-blade knives, and any other knives with blades longer than three inches. An illegal weapon is also anything used to create serious bodily injury. Juveniles should stay away from anything that could be considered a weapon and never carry guns or bullets.

Receiving Stolen Property

Some young people mistakenly think that buying or receiving something that was stolen is not illegal because they themselves did not steal it. This is not true. The crime of **receiving stolen property** occurs where the person who bought, received, or possessed the stolen property knew or *should have known* that the property was stolen.

Sex Crimes

A young person can be charged with misdemeanor **sexual abuse** for touching another person's breasts, buttocks, or private parts without permission. There are also First through Fourth Degree Sexual Abuse charges for more serious **sexual assaults**, such as forced touching or rape.

Parents should be sure their children understand how even "playing games" can lead to sex crime charges, regardless of whether their child intended to engage in any sexual act. Being found guilty of certain sex crimes may require registration as a sex offender. Sex offender registration can impact a person's life in many ways as this information is available to the public, schools, rental offices, potential employers, and other entities.

Stalking

A person can be arrested for **stalking** if he or she is accused of repeatedly following or harassing another person with the intention of causing emotional distress, or of seriously upsetting the person.

Stealing – Property Crimes

The following are potential charges for a person who steals someone else's property:

1. **Theft**. There are many kinds of **theft**. Theft can simply be taking something that belongs to someone else or a person can commit theft when he or she doesn't pay for something, like a meal at a restaurant or merchandise in a store. Fraudulently using or stealing a credit card, check, or ATM card is also a theft offense.
2. **Shoplifting**. If a juvenile takes something from a store without paying for it in full, then he or she can be charged with theft or **shoplifting**. Shoplifting also occurs when a person removes or changes a price tag or identification mark imprinted on or attached to something for sale.
3. **Identity Theft**. A person can be charged with **identity theft** if he or she uses someone else's personal information, such as an address, phone, or Social Security number, to get property or money.

Stealing – Crimes Against Persons

Robbery, extortion, and car-jacking are considered "crimes against persons" rather than property crimes and are far more serious because they involve committing violence against somebody, through force, fear, or intimidation. Unlike theft, these crimes are done directly to the person who owns the property.

Stolen Cars

Stealing cars and joyriding are common crimes in the District of Columbia. A young person can be charged with **unauthorized use of a vehicle (UUV)** if he or she is the driver OR the passenger of a stolen car – even if that person was not the one who actually stole it. Both are felonies and considered very serious crimes by judges.

1. **Unauthorized Use of a Motor Vehicle**. Anyone who takes a car and drives it without permission may face a UUV charge, even if the person driving took the car from someone he or she knows. Someone who helps take a car without the owner knowing also faces a UUV charge for **aiding and abetting**, even if he never gets in the car.
2. **Unauthorized Use of a Motor Vehicle – Passenger**. Anyone who rides in a car that he or she knows or *even should know* is being driven without the permission of the owner may face a "UUV – Passenger" charge. The District of Columbia does not treat passengers in stolen cars any differently than drivers.

Threats to Do Bodily Harm

In the District of Columbia, a person can be charged with **threats** if he or she says anything to someone that suggests "a menace or fear of serious bodily harm or injury." This crime can be charged even if the threatened person never hears the threatening words.

Trespassing or Unlawful Entry

In the District of Columbia, a person can be arrested for **unlawful entry** if he or she goes into any public or private property without permission. The same charge can be brought if a person remains on public or private property after being asked or told to leave the property.

Truancy

A juvenile in the District of Columbia is **truant** if he or she misses school without an excuse. A police officer may take a child into custody so long as the officer has reasonable grounds to believe that the child is truant. You should always make sure your child is in school or that if he or she is out of school for a valid reason, that he or she is with a responsible adult or has some other means to prove that they are not truant, if asked.

III. When Juveniles Are Taken Into Police Custody

Juveniles are taken into police custody in two situations:

- (1) when a police officer has reasonable grounds to believe the child is in need of supervision, such as being truant and not in school; and
- (2) when a juvenile is arrested and charged with a crime.

The following points will help parents understand what happens if their child is taken into custody or arrested in the District of Columbia, and will identify the various people that they will encounter in the juvenile justice system.

A. CHILDREN IN NEED OF SUPERVISION

It is the general policy of Court Social Services to release – or “divert” – a child who is alleged to be in need of supervision away from the court system and into services in the community. Nonetheless, a few cases are charged and brought before a judge – or *petitioned* – each year.

- ◆ The term “child in need of supervision” means a child who:
 - ◆ Is subject to mandatory school attendance and often truant from school without justification;
 - ◆ Has committed an offense that only a child can commit;
 - ◆ Regularly disobeys the reasonable and lawful commands of his or her parent or guardian; or
 - ◆ Is otherwise in need of care or rehabilitation.

Any child who is alleged to be a Child In Need of Supervision may not be securely detained unless doing so is necessary to protect the child. Truancy is one of the more common situations in which a child will be found in need of supervision. Parents who believe that their child may be in need of services should seek out the services listed in Section 1 of this Handbook and the PDS Directory of Youth Services, located on the Internet at: <http://www.pdsdc.org/Resources/ORD/YouthResourcesDirectory.pdf>.

1. General Laws About Truancy

DC law allows police officers to take a child into custody when there are “reasonable grounds” to believe that the child is *truant*. A child is truant if he or she is absent from school without an excuse (an unexcused absence).

All uniformed law enforcement officers in the District are responsible for truancy enforcement.

If a truant is picked up by the police, he or she will be transported in a police vehicle to the student’s school. The truant’s parents will be notified of the student’s truancy status. The

truant student and his or her guardian will be required to attend a truancy conference at the local school to determine the reasons for the unexcused absence or absences.

2. Disciplinary Action for Truancy

Parents Can Face Penalties for their Child’s Repeated Truancy

Under DC law, parents or guardians who fail to have their children attend school are subject to the following:

- ◆ Truancy charges may be filed against the student or parent;
- ◆ Neglect charges may be filed against the parent;
- ◆ Parents may be fined or jailed;
- ◆ School-aged students may be picked up by law enforcement officers during school hours for suspected truancy;
- ◆ Students may be referred to Court Diversion and other community-based interventions; and
- ◆ Parents and students may be assigned community service and placed under court supervision/probation.

B. WHAT HAPPENS IF YOUR CHILD IS ARRESTED AND CHARGED WITH A CRIME

Juvenile *delinquency* cases are heard in the Juvenile Branch of the Family Division of the DC Superior Court. In the District of Columbia, the juvenile justice system tries to balance the goal of rehabilitating youth who have been found *involved* in criminal behavior with the need to protect the public. Many court-sponsored and community programs are in place to help rehabilitate District youth who have become involved in the juvenile justice system. These programs, many of which were discussed in Part I of this Handbook, are intended to get kids “back on track.”

Confidentiality of Juvenile Records

For the most part, all information about a juvenile who is arrested and charged with a crime is completely confidential – in other words, the general public in the District of Columbia is not entitled to information about any juvenile proceedings. For example, the media generally cannot report the names of juveniles who have been arrested on suspicion of committing a crime. However, certain people – such as the victims of a crime – may be granted access to information in the youth’s court file.

Under DC Law, juvenile records are sealed and juvenile proceedings are closed to the general public. The only individuals who are allowed access to juvenile case records without seeking permission from the court are those individuals who need such information to conduct the work of the court, or to prosecute or defend the accused.



This group includes judges and professional staff of the Superior Court; the Attorney General or the assistant attorney generals assigned to the Family court; the child (the respondent) or his parents/guardians; the child's attorney or individuals delivering services to the child by request of the Family Court (such as DCPS); the Department of Mental Health or the Department of Human Services. Individuals authorized to access juvenile records may only share those records with service providers and their authorized personnel if the person or entity agrees to keep the information confidential and that agrees it won't use the information for a purpose other than that for which the information was provided.

Other individuals seeking to gain access to juvenile case records must apply to the court for access to the records and demonstrate why there is a need for the information. If the judge approves this request, the judge can still decide to keep certain portions of the case records confidential.

The Office of the Attorney General can make juvenile case records public if the judge determines that the child has escaped detention and is likely to pose a threat to the public; releasing the information is necessary to protect public safety; or the child has been charged with a crime of violence.

The Council of the District of Columbia is currently considering passing a law that would roll back some of the confidentiality requirements regarding alleged and actual juvenile crime. This law had not passed as of the publication of this Handbook.

Juvenile records may be expunged and sealed two years after your child's case is closed if your child is not found guilty of another offense or not found in need of supervision by the court. Expungement and sealing mean that the delinquency proceedings will be treated as if they never occurred as a matter of law. This will only happen if your child files a motion with

the court to request it, so please follow up with your child's attorney to make sure that the motion is filed. If your child was found to be involved in a case with a co-respondent and that co-respondent's records were sealed, your child still must apply to have his or her own juvenile records sealed.

In certain instances involving very serious crimes, juveniles may be charged as adults in the DC criminal court, where none of the proceedings are confidential.

Rights in Court

Juveniles enjoy similar – although not identical – rights as adults during the course of a court proceeding. Some of these rights include:

- ◆ The right to be told the charges against them;
- ◆ The right to an attorney;
- ◆ The right to have the attorney explain and inform the child (client) of the many stages of the case and its progress at all times;
- ◆ The right to call witnesses favorable to the child at trial and other appropriate stages of the case;
- ◆ The right to confront and question witnesses during *trial*;
- ◆ The right against *self-incrimination*;
- ◆ The right against *double-jeopardy*;
- ◆ The right to a fair and speedy trial; and
- ◆ The right to ask the court to dismiss a case for social reasons if the juvenile is receiving adequate care and rehabilitation at home.

Pre-Trial Events

1. How Does My Child Get A Lawyer?

a. **Young people have the right to a lawyer.**

All youth *arrested* and charged with a crime have a constitutional right to an attorney. Under the United States Constitution, your child has a right to be represented by counsel. You may hire for your child a defense attorney of your choosing. If you cannot afford to hire a defense attorney, a lawyer will be appointed for your child. Practically all children arrested and charged with a crime in DC are provided an attorney when the child appears in the DC Superior Court right after his or her *arrest*. If the parent earns an income over a specified amount, he or she may be ordered to pay for all or part of the court-appointed attorney's fees. If there are serious problems with your child's court-appointed attorney, your child may ask the judge assigned to his or her case to replace the attorney.

Even if a parent hires an attorney for their child, that attorney represents the child and not the parent. A hired attorney is still required to keep conversations with your child (her client) *confidential*.

b. If you cannot afford a lawyer for your child, the court will assign one to him or her.

Once your child is arrested, brought to DC Superior Court and charged with a crime, the Criminal Justice Act (CJA) office appoints a lawyer to represent your child. This appointment can come from one of three places:

- (i) The CJA panel of independent private lawyers;
- (ii) The Public Defender Service for the District of Columbia; or
- (iii) A local law school's legal clinic.

c. When will your child be provided with a lawyer?

Your child is not provided an attorney until he or she is brought to the DC Superior Court and charged with a crime. If you ever need the name and phone number for your child's lawyer, you may call the Juvenile Clerk's Office at the DC Superior Court at 202-879-1558. If you have the name of your child's attorney, but not his or her contact information, you can also call the CJA office at 202-824-2830 for more information. If you know your child's attorney works for the Public Defender Service for the District of Columbia (PDS), you can contact them at 202-628-1200.

Attorneys are often assigned hours *after* your child is arrested. Before being brought to DC Superior Court, your child will likely be brought to a police station and then to the Youth Services Center, 1000 Mt. Olivet Road NE, 202-576-5179. You and your child should request that a lawyer be provided immediately upon arrest. The police will not provide a lawyer at that time without a request. Asking for an attorney, however, prevents the police from asking your child questions or using your child's statements against him or her at trial.

d. What is the role of my child's lawyer?

Your child's attorney is there to represent and work with your child to defend him or her in what can be a very complicated juvenile justice system. Unlike other people in the system (the *prosecutor*, the judge, the probation officer), your child's attorney works for your child and not for the District or for the court. Your child's attorney also does not work for the parents. Nonetheless, as parents, you should consult with your child's attorney at all stages of the process. Successful communication between you, your child, and your child's attorney is crucial to the process – especially before your child's court date.

2. Arrest & Detention Decision

Juveniles who are arrested in DC based on a belief that they have violated one or more DC laws will first be taken by the arresting police officers to one of two locations.

If your child is believed to have committed a misdemeanor, he or she will be taken to:

The DC Youth Services Center
1000 Mount Olivet Road NE
Washington, DC 20002
202-576-5179

If your child is believed to have committed a felony, he or she will be taken to:

MPD Youth Investigations Branch
1700 Rhode Island Ave NE
Washington, DC 20018
202-576-6768

When a youth is arrested, police officers will ask the youth questions about the circumstances surrounding the arrest and will contact the youth's parents to notify them of the arrest. The police should read the Miranda warnings as soon as the child is arrested and the juvenile should ask to speak with an attorney.

A Youth Division officer will decide either to release the youth without referring the case to DC Superior Court or to refer the child to the court for further processing. If the case is not referred to court, the child will be free to return home with his or her parents. Youths accused of minor crimes or those with little prior court contact are often released. If referred to court, (a) the Court Social Services (CSS) will do an intake screening and decide whether to divert the youth away from court and into other services, and/or (b) the prosecutor will decide whether to actually bring charges against the youth, known as to "paper" or "no paper" the case.

So there are three points at which a case can get diverted away from court or dismissed: (a) at the police station by the Youth Division Officer, (b) at the CSS intake, or (c) by the prosecutor. If the case is papered and the youth is charged, then the judge will decide whether to release or detain the juvenile while the juvenile awaits a trial.

Youth Division officers, Court Social Services intake officers, and judges will consider the following factors when deciding whether to recommend or order that a youth be detained:

- ◆ Home Situation
 - ◆ Who resides in the home?
 - ◆ Does the youth pose discipline problems in the home?

- ◆ What special home responsibilities does the youth have?
- ◆ Is the youth the subject of a neglect petition?
- ◆ **Prior Criminal Record**
 - ◆ Has there been a prior arrest?
 - ◆ What were the nature and disposition of the prior charges?
 - ◆ How long ago was the last charge?
 - ◆ Is the youth currently under court supervision?
 - ◆ What type of supervision?
 - ◆ How has the youth adjusted to the court supervision?
- ◆ **Narcotics or Alcohol Use**
 - ◆ What has been the frequency of use?
 - ◆ When did use begin?
 - ◆ What prior attempts at rehabilitation have been made?
- ◆ **School Situation**
 - ◆ Does the youth pose discipline or truancy problems in school?
 - ◆ How is the youth progressing academically?
 - ◆ Is the youth in a special education program or a special school?
 - ◆ Is the youth involved in positive extracurricular activities?
- ◆ **Work Situation**
 - ◆ Has the youth worked before?
 - ◆ Is the youth working now?
 - ◆ How long has the youth been on the job?
 - ◆ Can the youth return to work?
 - ◆ How does the youth use the money earned?

All youth held overnight prior to an initial hearing undergo urine tests at the courthouse to determine drug use. Test results are usually available before the hearing.

3. Court Social Services and *Intake Interviews*

If the police decide to refer the child to Superior Court, the Court Social Services Division will interview the child and his or her parent to determine whether the child is eligible for diversion programs and to make a recommendation to the judge about whether the child should be released to his or her parents or detained under government supervision.

At the time of your child's arrest and booking, the police will probably take personal property from him or her including house keys, school identification cards, money, etc. You and your child may be eager to get that property back. However, police will not return any property they consider to be evidence of the crime alleged, but you and your child can retrieve non-evidentiary personal property.

How to Retrieve the Property

When your child is in the cellblock, he or she will be required to wear a blue armband. If you or your child remove the armband when he or she is released, **DO NOT** throw the armband away. The armband will make it easier to retrieve personal property later.

Your child's personal property can be picked up at the police district where he or she was initially arrested. The arresting officers are supposed to collect your child's personal property and enter it on the property book at the district where they are employed. Your child should receive a "property receipt."

Even though your child may be taken to YSC or the MPD Youth Investigations Branch on Rhode Island Avenue after their arrest, no property taken by police during their arrest will be logged or stored there. Property taken by the police (keys, money, shoestrings) will be stored at the police district where your child is arrested. However, property taken by YSC staff (street clothes, shoes) when your child is checked into the juvenile detention facility will be at the detention facility. If your child's clothing is not returned when he or she goes to court, you should call Mr. Conyers at YSC between 8 and 4 pm at 202-576-5179 to schedule an appointment to retrieve the property.

To retrieve personal property from the police district where your child was arrested, the child should bring some form of government issued ID such as a public school ID. The parent's identification or the blue armband may also work. If arrested, your child should keep everything he is given by the police – the property receipt, the blue armband – and should try to bring some form of identification with them to recover their property.

The mission of the Family Court - Court Social Services Division is to assist the District of Columbia Superior Court's Family Court and juvenile justice system in the rehabilitation of youths through the provision of comprehensive services and probation supervision with an eye toward public safety to prevent recidivism and protect the community.

Court Social Services ("CSS") serves as the juvenile probation unit, providing court supervision, detention alternatives, and social services to juveniles charged with *delinquency* or *status offenses*. CSS is a key player in the process from the time a child is *arrested* through any finding of involvement and sentence of probation or until the juvenile is committed to the Department of Youth Rehabilitative Services (DYRS).

The *intake interview* is **VERY important to the families in the juvenile justice system** because it is the child's initial contact with Court Social Services and is the key factor in whether a child is released or detained following the initial appearance before the judge. Everything stated in an intake interview may be and usually is relayed to the judge in charge of the juvenile's case.

a. What Happens During an Intake Interview?

The Court Social Services intake worker will ask both parent

In some cases – particularly for minor offenses committed by youth with no prior record – the intake worker may decide that the matter does not need to progress any further. If so, he or she can recommend to the *prosecutor* to drop the case. If the prosecutor agrees, the case will be "no petitioned" or *no papered* and the charges against the child will be dropped. The intake worker's ability to recommend against prosecution makes it important for a child and his or her parents to make a good impression on the intake worker.

and child in separate interviews background questions about the child, such as whether the child has had any disciplinary problems at home or at school, whether the child has had previous arrests, or if the parent is opposed to bringing his or her child home following an initial hearing. The interview is designed to inform the judge who will later hear the juvenile's case about the child's character and home life so that the judge will understand the needs of the juvenile who appears

before him or here and the needs of their families in order to best achieve rehabilitation.

b. Information from Intake Interviews Is Used in Court

If the intake worker and the prosecutor decide that the case should be prosecuted, the intake worker must compile the information he or she receives from the child and his or her parents into a report for the juvenile's initial court hearing. The court relies on this report to determine whether:

- (i) to release the child to his or her parents pending further court action, or
- (ii) to keep the child under government supervision.

It is important for parents to be truthful in answering the intake worker's questions. However, it is also important to remember that anything a parent tells the intake worker probably will find its way into the intake worker's court report and will impact whether the youth is released or not following his or her initial hearing.

Understandably, parents are often very angry at the child at the time of arrest. The parents may also want the court to lock the child up to "teach a child a lesson." However, there are very significant disadvantages to this strategy:

- ◆ Once the juvenile is detained, the parent loses the power to decide when the child will be able to come home.
- ◆ Only the judge will make that determination, and only at specific points in the juvenile's court proceedings.
- ◆ A decision by the judge to keep a child under court supervision can mean the child will spend weeks, if not months, in a detention facility pending further proceedings – even if the parents later decide they want the child home and are willing to provide the supervision the judge may require.
- ◆ Although parents may often feel overwhelmed and upset that their child has been arrested, often services can be

A child and/or his parent/guardians' statements during the intake interview can be used by the prosecution at the initial hearing. Therefore, a child accused of committing a crime should be careful about the statements he or she makes in an intake interview. It is also very important for parents to express their willingness to provide any supervision required at the intake interview, even though parents may feel overwhelmed or unhappy about their child's arrest.

put in place for the child that will both help the parent provide supervision and keep the child at home so that he can attend school, etc.

If your child is ultimately found guilty or “involved” in the delinquent behavior for which he is arrested, Court Social Services will later be asked to recommend a course of treatment at the disposition (or sentencing) hearing. The information provided by parents in the first intake interview will be kept in the file and will be used in deciding whether the child should be placed on **probation**, or be **committed** to the Department of Human Services. If placed on probation, your child will most likely live at home under special conditions. If your child is committed, city workers and not the parents decide on the child’s placement at locations such as New Beginnings.

If parents have been having trouble with their child at home, parents might express an interest, either to the Court Social Services social worker or, later, to the child’s attorney, in community services that are available to assist parents. This can be a good alternative to detaining the child.

c. Diversion by Court Social Services

At the intake interview Court Social Services may decide that your child is eligible for a diversion program, such as Youth Court. First time misdemeanor arrestees are usually eligible for diversion. If eligible for a diversion program, your child is released to a parent or guardian with notice to appear at the assigned program. If so, you and your child may agree to participate in these programs instead of challenging your child’s charges in court. If your child agrees to participate in diversion, he or she must follow all conditions indicated by CSS. If your child fails to follow the conditions, she may be eventually referred to court for formal charges. Current diversion programs in the District include the following:

Youth and Families in Crisis, LLC

WHAT: Community-based youth and family development programs, including youth diversion, personal transformation, crisis intervention, clinical consultation, and peer mediation circles.

WHERE: 3707 Dianna Road, Suitland, MD 20746

CONTACT PERSON: Saleem Hylton or K. Ivy Hylton

PHONE: 301-395-0459 or 301-395-0460

WEBSITE: http://youthandfamiliesin crisis.com/Youth_Programs.html

E-MAIL: ivyhylton@aol.com



Time Dollar Youth Court

WHAT: Diversion program for at-risk youth and first time offenders (non-violent). The youth’s delinquent and social difficulties are reviewed by peer jurors and appropriate sanctions are administered.

WHERE: 510 4th Street NW, Building B (3rd Floor)
Washington, DC 20001

CONTACT PERSON: Carolyn Dallas, Director

PHONE: 202-508-1612

WEBSITE: <http://www.tdyc.org-a.googlepages.com/>

For more information about these and other diversion programs, contact the Court Social Services at 202-508-1900 or Terry Hall at Juvenile Information Control Office at 202-508-1972.

d. Consent Decree

If the prosecutor and your child (through his or her attorney) agree, your child could agree to enter a consent decree. Under a consent decree, the court will suspend the case against your child. Your child will have to agree to abide by conditions set by the court. These conditions may contain any term that could be imposed in an order of probation, including, but not limited to regular school attendance, mandatory drug testing and/or psychological counseling.

If your child meets the conditions outlined in the consent decree for six months (or a shorter period, if designated by the consent decree), the case against your child will be dismissed. The case against your child can be revived if your child fails to comply with the conditions set in the consent decree or if

your child is rearrested on another charge. Evidence regarding a violation of the terms of the consent decree cannot be admitted for any purpose at the fact-finding hearing, but may be admitted at a detention hearing.

e. Timing of Parents' Interview with CSS and the Child's Release or Detention Pending the Initial Court Hearing

If Court Social Services determines that your child is not eligible for diversion or if your child declines to participate in a diversion program, Court Social Services will decide whether your child should go home or face detention before his first appearance before the judge.

(i) If your child is detained pending his or her first court appearance, the CSS worker will interview the child during his or her overnight detention at the Youth Services Center at 1000 Mount Olivet Road NE. The parents' intake interview will likely take place at the DC Superior Court on the next business day, before their child's initial appearance before a judge. The Court Social Services office is located in room 4310 of the DC's Superior Court, located in the Moultrie Courthouse, 500 Indiana Avenue NW, Washington, DC 20001. By law, if Court Social Services decides that your child should be detained, the child **must** be brought to court on the next business day. Business days include Saturday for purposes of the first court appearance. So, if your child is arrested on a Wednesday and detained pending his or her first court hearing, that court hearing must be scheduled for Thursday. Youth arrested and detained on Saturday may not have an initial hearing until Monday.

(ii) If Court Social Services would like to release your child pending his or her first appearance before the court, a parent or guardian (or other responsible adult connected to the child) will generally need to be available for an intake interview before the child can be released. Depending on the time of day, the intake interview may take place at the DC Superior Court or at the Youth Services Center. You will be contacted and provided with appropriate instructions.

If your child is released by Court Social Services pending his or her first court hearing, you and your child will be given a date and time to appear together at the DC Superior Court.

- ◆ Metro
 - ◆ Red Line Metro to Judiciary Square.
 - ◆ Green/Yellow Metro to Archives-Navy Memorial
- ◆ Metro Bus
 - ◆ 42 (on 9th Street)
 - ◆ 70, 71 (on 7th Street)
 - ◆ 80 (on H Street)
 - ◆ D1, D3, D6 (on E Street)
 - ◆ P6 (on H Street)

- ◆ X2 (on H Street)
- ◆ 30, 32, 34, 35, 36 (on Pennsylvania Avenue)

Upon arriving at the courthouse, the child and parent should check in at the Court Social Services office at the courthouse, Room 4310.

4. Eligibility Determinations for Court-Appointed Lawyers

After parents meet with a Court Social Services intake worker, parents will be interviewed regarding their ability to pay legal fees for an attorney for their child. In many cases, a child will be eligible to receive free legal assistance from a court-appointed attorney.

5. Your Child's Attorney

If parents qualify for a court-appointed attorney, their child will be assigned an attorney from one of several sources:

- ◆ Lawyers from the Public Defender Service (PDS) for the District of Columbia work full-time representing District residents in need. PDS has a group of attorneys specifically designated for representing juveniles who have been **arrested** as well as youth who have been contacted by the prosecutor's office (Attorney General or U.S. Attorney's Office) to testify as a witness in either a grand jury proceeding or another type of hearing. The Public Defender Service is located at 633 Indiana Avenue NW – one block from Superior Court. Their phone number is 202-628-1200.
- ◆ Criminal Justice Act (CJA) attorneys are attorneys who are licensed to practice in the District of Columbia and who spend a portion of their time representing juveniles in Superior Court.
- ◆ Finally, some District of Columbia law schools provide defense attorneys for youth through clinical programs. Area law schools that provide representation for juveniles in delinquency cases include:

Georgetown University Law Center

Juvenile Justice Clinic

111 F St NW
Washington, DC 20001
202-662-9590

University of the District of Columbia David A. Clarke School of Law

Juvenile and Special Education Law Clinic

4200 Connecticut Avenue, NW
Building 39, Room 210
Washington DC, 20008
202-274-7314

UDC Clinic students primarily represent juveniles in special education advocacy cases, but parents should call for more information.

DC Law Students in Court

616 8th Street NW, Suite 500
Washington, DC 20001
202-638-1351

Whoever the child's attorney turns out to be, he or she will be one of the first people that parents meet when they come to Superior Court for the child's first court appearance. Parents probably will meet their child's attorney outside JM-15 on the Family Court level, the courtroom where their child's initial hearing will take place.

If parents have concerns about their ability to control their child at home, they may want to speak to their child's attorney about community agencies that could provide assistance while permitting the child to avoid "lock-up." Such options may include:

- ◆ **Intensive Supervision & Third-Party Monitoring.** A caseworker from an intensive supervision program can be assigned to work with your child and your family. This caseworker can help to make sure that your child complies not only with District of Columbia laws, but also with any "reasonable" restrictions that you place on your child at home. Intensive supervision likely will involve phone calls and visits from the responsible caseworker and may or may not involve **electronic monitoring** of the juvenile's whereabouts by way of an ankle bracelet or other monitoring device.

Several agencies have contracts with DYRS & Court Social Services to provide third-party monitoring of a youth's compliance with their conditions of release pending **trial**. These groups include: (1) the Home Detention Program; (2) the Intensive Third-Party Monitoring Program ("ITPM") for males; (3) the Leaders of Today in Solidarity ("LOTS") team for girls; and (4) the Intensive Third-Party Monitoring Program for females. The Third-Party Monitoring Program is often sourced out to private community-based organizations such as Sasha Bruce or Peacaholics.

- ◆ **Evening Reporting Center (ERC).** This program, operated by a District non-profit group, provides highly structured and well-supervised group activities during the high-risk time periods (after school and evenings) for youth awaiting trial or sentencing. There are two ERCs in the district – one at the Latin American Youth Center in Northwest and one at ARCH in Southeast. Each serves approximately 20 to 30 youth per day. The ERC provides transportation to and from the center.
 - ◆ ARCH is located at 1231 Good Hope Road SE, Washington, DC 20020 and serves Wards 7, 8 & PG County, MD. For more information contact Sheila Burt at 202-

If parents have concerns about their ability to control their child at home, they may want to speak to their child's attorney about community agencies that could provide assistance while permitting the child to avoid "lock-up."

889-5000, ext 181. or Anthony Brown (ext. 145).

- ◆ The Latin American Youth Center (LAYC) is located at 1419 Columbia Road NW, Washington, DC 20009, and serves Wards 1 through 6. For more information, call 202-462-5696. Their website is www.layc-dc.org.
- ◆ **Balanced and Restorative Justice Center (BARJ).** This program, operated by Court Social Services, provides many of the same activities as ERC but is available only in Southeast DC BARJ also does not provide transportation to and from its location. For more information, call Leah Gurowitz at 202-879-1700.
- ◆ Other options may include after-school programs, Boys and Girls Clubs (see above), Peacaholics (202-562-1895), and therapy programs such as Multi-Systemic Therapy with Youth Villages (703-516-6940).

6. Initial Hearing.

Once all the background work has been completed, the child's initial hearing will take place. The first time a juvenile charged with a crime appears before a judge is at the "initial hearing," where the charges are read to the juvenile and he or she has a chance to plead not guilty.

a. **Participants.** At this hearing will be a Superior Court judge, the juvenile and his or her attorney, parents and other concerned relatives, one or more **prosecutors** from the District of Columbia, and the Court Social Services social worker who conducted the intake interview.

b. **Purpose.** At the initial hearing, your child will be presented with a **petition**, which is a plain, to-the-point, and specific written statement of the facts involved in the offense the

government claims your child has committed. You should make sure that your child has an opportunity to read the petition and speak with his or her lawyer so that your child fully understands the charges.

At the initial hearing, your child will also be asked to plead not guilty or guilty to the charges brought against him or her. Your child should discuss with his or her attorney whether he or she wants to plead guilty or not guilty before the initial hearing begins (see the section on plea agreements below).

One of the court's main jobs during the initial hearing is to determine whether to send your child home pending further court action, or to detain your child in a secure facility under court supervision. The parent plays a crucial role in the judge's decision.

Your Child Can Request a Mental Health Examination

If you believe that your child has a mental disability, you should tell your child's attorney as soon as possible. Your child has the right to request a hearing to determine whether your child's ability to assist his or her attorney or understand the case against him including the nature of the charges and the range of options the judge can choose when sentencing your child.

If such a request is granted, your child will be examined by a psychiatrist or psychologist to determine whether he or she lacks the mental ability to proceed.

c. First Meeting between Attorney and Client. Your child will not likely have a lot of time to discuss his case and the facts leading to his arrest before the initial hearing. Your child should provide his or her attorney with as many details as possible, as early as possible, to prepare the attorney for the initial hearing. Your child should be as truthful and informative with his or her attorney as possible, because your child can give up certain rights by waiting to claim them. By giving an attorney as much information as possible, the attorney will be in a better position to help your child and protect his or her legal rights.

d. A Parent's Role During the Hearing. Though the judge will read the report provided by Court Social Services after the intake interview, the judge will also likely ask parents additional questions about the child's behavior at home

and at school, and if parents feel comfortable supervising their child until his or her next hearing. For example, the judge may ask parents if they will be able to ensure that their child attends school, follows any court-mandated *curfews*, attends any required drug testing, and attends follow-up court hearings. Parents' responses to the judge's questions are very important. While the other factors are important, judges are more likely to allow a child to live at home prior to trial if parents show a willingness to take their child home and aid their participation in the assigned programs. If the judge shows an unwillingness to send the child home, then the parent should show support for some of the less-restrictive, community-based supervision programs discussed above.

At the end of the hearing, the court will ask parents to sign a form called a "Parental Participation Order" promising that they will return to court with their child (if their child is released to them) or on their own (if their child is detained) on a specified date and time for a "status hearing." (See "Status Hearings" below.) The Order also binds parents to ensure that they or their child follow any court-ordered conditions, such as taking parenting classes or attending drug treatment or counseling sessions.

Parents who fail to comply with the Participation Order can be held in *contempt of court*. In addition, a judge may issue a *bench warrant* for the arrest of any parent who, for no good reason, misses follow-up court proceedings in violation of the Participation Order.

7. Release Decision

If the judge decides to release your child back into your custody, the judge will typically instruct your child to report to court with you for a second hearing within a few days. This second hearing is usually the "status hearing."

- ◆ Youth are more likely to be released to their parents pending an initial hearing if they are charged with only a minor crime, or if they have had no prior arrests.
- ◆ Youth are also more likely to be released when the parents come to court and ask for their child's release, with a promise that the parents will make sure the child returns to court, stays out of trouble, and follows any rules the judge may set until the next court hearing.

The parents must return to court and be present for any hearing the judge requires of the child.

If a child is eligible to be released, but no family can come to take the child home, the child may be sent to a shelter home. Common shelter homes used for this purpose are:

Sasha Bruce House

1022 Maryland Avenue NE
Washington, DC 20002
Contact: George Johnson
202-546-4900

Harambee House

1438 Morris Road SE
Washington, DC 20020
Contact: Cynthia Munson
202-889-9774

For the names, addresses and telephone numbers of all youth shelter homes in the District, call the Department of Youth Rehabilitative Services (DYRS) at 202-576-8175 or visit the DYRS website at: <http://dyrs.dc.gov/DC/DYRS/Youth+Services/Residential+Facilities/Shelter+Facilities>.

8. Detention Decision

If it appears that the child should be removed from the home while awaiting future court dates, either to be securely detained at a facility or placed in a shelter house, then the court must conduct a separate hearing about the crime in question. A juvenile cannot be detained unless a judge first finds that there is probable cause to believe that the juvenile has committed a crime. This hearing is to determine whether such **probable cause** exists and typically occurs at the same time and place as the child's initial hearing. During this hearing, the **prosecutor** will present witnesses, usually a police officer, who will describe the events leading up to the juvenile's arrest.

The detention hearing is not a trial. The police officer can testify about information that he did not personally hear or see but was told to him by other witnesses. The child will be able to present his side of the story at a trial that will take place within a few weeks.

Juveniles have the right to present witnesses in their defense during the initial hearing, but probably should not do so for several reasons:

- ◆ At this early stage, your child's defense lawyer hasn't had a chance to fully understand the prosecutor's case.
- ◆ The prosecutor's burden at the initial hearing is so low that witnesses for the defense can hardly ever defeat probable cause.
- ◆ Your child's defense attorney is likely meeting the defense witness for the first time and is unlikely to know at this point how the witness's testimony will fit with the eventual trial strategy.
- ◆ The defense attorney will not have time to prepare the witness for direct or cross-examination.

Your child should consult with his or her attorney before making any decisions regarding witness testimony.

Interviews of Detained Youth are Prohibited

Except for staff members of a shelter or detention facility, authorized service providers, or probation officers, no one is permitted to interview a child held in a detention facility without the child's parent or attorney present unless the child's parent or attorney has been informed of the interview and given written permission for the interview to be held without him or her present.

- ◆ Any defense testimony at the initial hearing is under oath and thus locked in the fashion it is given forever.

If the judge decides that there is **probable cause** the child committed the crime in question and the child has been recommended for detention pending further proceedings, the child will not return home with his or her family.

The child may be detained in one of several locations:

- a. Youth Services Center (secure detention).

All females, and some males, who are ordered to be securely detained while awaiting **trial** are housed at the District's Youth Services Center (YSC).

If the judge decides that your child should be securely detained (i.e., the most severe type of detention), then your child will likely go to the Youth Services Center, located at 1000 Mount Olivet Road NE in Washington, DC 20002. Visitation is allowed at the Youth Services Center on Saturdays and Sundays only. Specific visiting hours vary according to where the child is placed in the facility.

Family members should call the YSC at 202-576-5179 to see when they will be permitted to visit with their children.

- b. New Beginnings (secure detention).

Those males who are not detained at the YSC are housed at New Beginnings. Females are not housed at New Beginnings.

New Beginnings is located in Laurel, Maryland, about 23 miles from DC. For more information call the main telephone number for the Department of Youth Rehabilitative Services at 202-576-8175. The primary contact at New Beginnings is David Muhammed.



Visitation hours at New Beginnings are Saturday and Sunday, from 12:30 pm – 2:30 pm. Visits are held in the cafeteria, and there is no need to call ahead to schedule a visit. Parents may not speak to children detained at New Beginnings over the telephone, but must visit in person.

Parents wishing to visit their children at New Beginnings may take a free shuttle from the Minnesota Avenue subway stop to the facility. Driving directions are: Take the Baltimore-Washington Parkway north to Route 198. Watch for a sign on the left-hand side of the highway that reads “Forest Haven.” Turn left and follow the road until it splits. Bear right and follow the road for one-quarter mile until you see signs for New Beginnings.

c. Shelter House (less restrictive detention).

If a judge decides that a youth should not be sent home pending trial, but finds that the youth does not need “secure” detention, the child may be placed in a less-restrictive facility called a “shelter house.” Shelter homes are in the community but are supervised 24 hours per day by shelter house staff.

Because of the limited number of shelter homes in the District, and because each shelter house holds only about ten children, there often is not enough room to house all the juveniles who have been assigned to shelter homes pending trial. In these cases, the youth will be held in one of the secure detention facilities until a shelter house space opens up for them. You will generally be contacted when your child arrives at a shelter house. You should provide this information to your child’s attorney as soon as possible. Address and phone number for shelter houses can be found at www.dyrs.dc.gov. Click on the link for “Community Residential Programs” and then “Shelter Facilities.” Parents can also call Ms. Monita Laurent, Supervisor of the Shelter Home Licensing Office, at 202-724-4127 for more information.

9. Status Hearings

Following his or her initial hearing, the child may have one or more “status hearings” before the case either goes to trial or the child pleads guilty. At the status hearing, the lawyers will discuss the case with the judge (i.e., if the child is going to go to trial, any issues between the defense and government). The judge will check on the child’s progress at these hearings. For children released pending trial, the judge will also check the child’s school attendance and compliance with any court-ordered drug-testing or other conditions of release. At these hearings, the judge will also decide on a schedule for the remainder of the case. For children who are detained pending trial, status hearings may provide the child’s lawyer and parent with an opportunity to argue for the child’s release, if, for example, the child has displayed exemplary behavior at the detention facility or the shelter house.

These hearings will all occur in front of the same judge, who likely will be the child’s judge for the remainder of the case. There is a one-family, one-court rule in DC so it is likely that if your child or anyone else in your family has future cases in Family Court, the same judge will hear those cases as well.

Parents should remind their child that even if they start out at home, a judge can decide to detain a juvenile if he or she does not follow the rules set out by the judge at the previous hearing. If your child fails to appear for a status hearing, the judge may issue a bench warrant for his or her arrest. It is also extremely important that parents accompany their child to any status hearings. At the hearings, the judge may directly question parents about their child’s progress. And parental absences from hearings may lead the judge to determine that the child is not being properly supervised at home, which in turn could lead to the child being removed from the home pending **trial**. Moreover, it is the law that the parent who signed the Parental Participation Order appear at all hearings with the juvenile. Failure to do so may result in a **contempt of court** charge being brought against the parent.

10. Importance of the Attorney-Client Privilege

The juvenile facing **delinquency** charges has a special relationship with his or her attorney that the parents do not share. Parents must remember that the attorney is there to represent the juvenile – not the parents. This means the communications between child and attorney are **privileged** and generally cannot be repeated to the **prosecutor** or the judge unless the child allows it to be shared or other rare circumstances. Communications between the juvenile and the parents, or between the attorney and the parents, are NOT privileged and the judge may force parents to repeat anything their child has told them, or anything the parent told the attorney. Attorneys will discourage the youth from discussing the charges with their parents or anyone else.

If a parent feels that their child's arrest was in some way linked to mental health or learning difficulties, or to drug abuse, the parent can inquire about community services available to assist juveniles in each of these areas.

Even though it is natural for parents to want to ask if the charges against their child are true, or to ask what the child's attorney has said, doing so may break the **attorney-client privilege** and result in this information getting passed to the judge or in the parent being subpoenaed to testify against the child. Parents serve their children best by preserving the attorney-client privilege and not speaking with them about the facts of their case.

11. Other Obligations

a. Drug Testing. Juveniles **arrested** in the District of Columbia, particularly those who are arrested for a drug offense, may be required to undergo court-ordered drug testing. If the judge determines that the child should be drug tested, the judge will provide the child and his or her parents with all the necessary information about the frequency and duration of testing. Testing is usually required once per week or once every two weeks. The drug testing facility is located on the basement level of DC Superior Court in Room C-220.

b. Mental Health, Drug, Educational & Mentoring Services. If a parent feels that their child's arrest was in some way linked to mental health or learning difficulties, or to drug abuse, the parent can inquire about community services available to assist juveniles in each of these areas.

c. Academic Services. Children in the juvenile justice system often fall behind in school or need additional help to maintain regular attendance, which is crucial for creating a positive impression on the judge. Parents may want to inquire about getting a tutor or other educational help for their child. Parents may also want to inquire about getting a mentor for their child to help the child get through difficult times associated with being involved in the juvenile justice system and to stay on track in the future. For more information, see Parts I & II of this Handbook.

12. Pre-Trial Contact with Your Child's Lawyer

Between the initial hearing and trial, your child's attorney will begin preparing for trial by investigating the charges, looking for witnesses, conducting interviews with your child and other witnesses, and having discussions with the **prosecutors**. In addition, your child's attorney will monitor your child's progress at home, in school, and with any court required programs.

13. Plea Agreements and Trials

Once the judge determines whether to detain or release a child until trial, and after setting up a schedule for status and other hearings, the next significant event for the juvenile charged with a crime is the actual trial to determine guilt or innocence. The attorney will represent the child throughout the process, serving as his or her advocate according to what the child wants, not what the parent or attorney thinks may be best for the child.

The juvenile who is guilty, has a desire to take responsibility for his behavior, and who has a strong family and support systems to assist in rehabilitation, may enter a **plea agreement** with the prosecutor. In a plea agreement, the child pleads guilty, or involved, to the crime charged or a lesser charge of a similar nature, and the prosecutor recommends a specific course of action – usually **probation** – for the child's rehabilitation. If the prosecutor offers a plea agreement to a juvenile charged **delinquent**, the defense attorney should guide the child through every step of the process and make sure he or she understands every consequence of entering into a plea agreement.

In order for a child to plead guilty, a judge must be satisfied that the child is guilty of the crime he is admitting he committed and understands the consequences of pleading guilty. The judge will ask the child if he understands that he has the right to a trial and that pleading guilty means there

If your child and the government attorney agree, the judge can hold a disposition hearing immediately after your child pleads guilty or is found involved, unless the case involves a victim of the crime.

will be no trial. The judge will also ask the child questions about the facts related to the charged crime to make sure that the child's recounting of the facts demonstrate that he committed the crime he is admitting to. Finally, the judge will ask the child if he understands that by pleading guilty that he gives up his right to appeal except in certain limited circumstances. A child should consult with his attorney before accepting any plea agreement.

In deciding whether to go to trial or plead guilty, the child will want to talk to his lawyer about whether or not police obtained evidence against him illegally – for example, by an illegal search of his person or property. If a juvenile does not want to enter into a plea agreement, then the child can either plead to all the charges in the petition or the case will go to trial before a judge in court.

At **trial**, the prosecutor and the youth (through his lawyer) will be able to present evidence, call witnesses, and make arguments to the judge, just as with an adult trial. There are no juries in juvenile trials and the proceedings are entirely **confidential**. Once again, the attorney will guide the child through every step of the trial process and argue his or her case before the judge. Following the trial, the juvenile will either be found innocent or involved in the crime charged. If found innocent, the child is released and no further court proceedings will occur. If the youth is found involved, the case will move to the **disposition** or sentencing stage. The judge will decide whether the child will return home pending sentencing or be detained until the hearing.

A child may change his decision to plead guilty, after initially doing so, if the child's attorney raises the issue with the judge before the disposition/sentencing stage and the judge agrees to allow the child to change his or her plea. The judge will not always grant this request even if it is made in time, but **cannot** grant the request after sentencing. If a child is having second thoughts about pleading guilty, he or she should discuss this issue with his or her attorney.

C. Post-Trial Events

1. General

If a juvenile pleads guilty or **involved** to the charges against him or her, or if he or she is found involved in a crime through a formal trial, the child will either be:

- ◆ placed on **probation** for a maximum term of one year and allowed to return home, or
- ◆ **committed** to the supervision of the District of Columbia for a period of months or years, up until his or her 21st birthday.

These decisions are made at a dispositional hearing, or **disposition**, which is usually held some weeks after the child pleads guilty or is found involved in the charges. At or after a disposition hearing, a juvenile has the right to ask the court to dismiss a case for social reasons if the juvenile is receiving adequate care and rehabilitation at home. If a juvenile asks the court to dismiss the charges against him or her, the court will grant a hearing where both the juvenile (through his or her attorney) and the prosecutor will have an opportunity to make arguments in favor of and opposing dismissal.

If your child and the government attorney agree, the judge can hold a disposition hearing immediately after your child pleads guilty or is found involved, unless the case involves a victim of the crime. If the case involves a victim of crime, the judge will set the disposition hearing for some reasonable time in the future to allow the victim of the crime to submit a "victim impact statement" to the court. If your child is detained between pleading guilty or being found involved and disposition, the disposition hearing must be held within fifteen days. If your child's crime involves a victim, the judge may hear from victims of the crime or members of their immediate family in court at the disposition hearing, in addition to reading the "victim impact statement" in advance of the disposition.

2. The Social Study

Prior to a disposition, a diagnostic probation officer prepares a report for the judge. This report is called a **social study** and the judge can use it to help him or her determine whether to place the child on probation or to commit the child to the District of Columbia. Like others in the DC juvenile justice process, the diagnostic probation officer will want to speak to the child's parents about the child's behavior at home and at school.

Just like speaking to the Court Social Services social worker on the first day of a child's case, it is important that parents are truthful in their conversations with their child's diagnostic probation officer. Parents should try to present their child in the best possible light. If parents feel that their child would do well on probation, so long as the child had the benefit of appropriate community services, it is important for parents to communicate that to the diagnostic probation officer.

Also like the Court Social Services social worker, the diagnostic probation officer's **social study** has a strong influence on the judge's ultimate decisions regarding your child's case. It is important to remember that if your child is placed on probation as opposed to being committed to the District, he or she will, in most cases, be allowed to return home, to school, and to other normal activities.

3. Disposition

The **dispositional** hearing is the opportunity for the judge to determine whether a juvenile found involved in a crime (or **adjudicated delinquent**) will best achieve rehabilitation through a period of **probation** or by **commitment** to the District. In addition to reviewing the social study, the judge will hear arguments from the prosecutor and the juvenile's attorney regarding the best placement for the youth. The purpose of this process is to provide the judge with enough information to determine the treatment required to help your child rehabilitate. Parents may be asked questions to aid the judge's decision, and so it is very important that parents indicate whether they are willing to have their child return home with support services. Without confidence that adequate services or supervision are available, or if the judge is concerned the juvenile poses a threat to public safety, the judge may continue the case and place your child in a detention facility pending disposition. At a dispositional hearing, the judge has three general options available:

◆ Dismissal of the case for social reasons

Before the court may impose disposition, the government must prove that your child committed a crime (delinquent act) *and* that he or she is in need of care and rehabilitation. In some rare cases, attorneys can present evidence to show



that a child is not in need of care and rehabilitation even though they did commit a delinquent act.

◆ Probation

If a judge places your child on probation, he or she will retain a large measure of discretion to create a detailed plan for your child. The judge will also be able to follow your child's progress and make changes if he or she sees fit.

◆ Commitment

If the judge commits your child, legal custody transfers to the Department of Youth Rehabilitation Services (DYRS). The judge can recommend a treatment plan for your child, but will have little or no control to see that DYRS follows this plan.

If your child is placed on probation, the judge may decide that you and your child must pay **restitution** before the judge will close the case. Restitution is a sum of money paid to a person or organization in order to return a loss, damage, or injury caused. For example, if your child was found to be involved in a robbery, the judge may rule that you and your child must repay the victim for whatever property was damaged or stolen in the course of the robbery. Failure to pay restitution may lead to stiffer penalties for your child or even a case being opened against the parent for **contempt of court**.

4. Probation

If a child is placed on probation, the child will be released to the community after agreeing to follow certain rules while on probation, such as not getting **rearrested**, not using drugs, maintaining a court-ordered or parental **curfew**, and attending school regularly. It is extremely important that parents help their child to follow any rules of probation, including any court-ordered drug testing. The length of probation terms vary, but most are for one year.

The judge will often schedule probation review hearings in

order to see that the child is being properly supervised and to allow parents to report on their child's progress toward rehabilitation while on probation. It is critical that parents continue to attend each and every scheduled hearing with the child. It is possible that if the child is doing well, the judge will terminate probation at an earlier date because the child is no longer in need of care and rehabilitation.

Finally, if a child is placed on probation, a probation officer will be appointed to monitor the child's compliance with the terms of probation. This person probably will be a different person than the diagnostic probation officer who prepared the child's social study. It is just as important that parents communicate with this probation officer in a regular and positive manner.

If a child repeatedly fails to meet the requirements of their probation, or commits another criminal offense, their probation can be revoked. If a judge revokes a child's probation, then he or she may face an even stricter penalty.

5. Commitment

If a child is committed to the District of Columbia, the District obtains legal custody of the child, potentially until the child's 21st birthday. Parents' rights regarding their children are extremely limited while their child is committed.

If a child is committed, he or she is placed under the custody of the District of Columbia, not the parents. This means the Department of Youth Rehabilitation Services (DYRS) will determine where and with whom the child will live – including whether to send the child to a formal juvenile detention facility (such as a group house or New Beginnings), when and how to discipline the child, and how to meet the child's daily needs (such as food, clothing, shelter, and medical care).

DYRS will sometimes place a committed child at home with his or her parents or another relative, though actual custody remains with the District. Parents whose child is placed in

a secure facility like New Beginnings will have the right to visit the child, according to that facility's rules, and will also retain other "residual" rights and responsibilities regarding the child, such as determining the child's religious affiliation.

A committed child will be assigned a social worker from the Department of Youth Rehabilitation Services. It is extremely important that parents develop and maintain a good relationship with their child's DYRS worker and communicate with this worker about developments in the child's progress. This will enable parents to assist their child by reporting positive developments and addressing any problems promptly.

The court will often schedule review hearings to check on the child's progress and on the services being provided by DYRS. Despite the restrictions on parents' legal rights during their child's commitment, it remains extremely important for parents to attend each and every one of their child's court hearings so that the judge will know that the child has a safe and stable home to which to return when the commitment period is over.

Unless the court places your child on restrictive commitment, DYRS will determine when the commitment is to be terminated. If the court places your child on restrictive commitment, DYRS cannot terminate the commitment prior to the end of the commitment without the court's permission. For example, if your child is committed to DYRS restrictively, until his or her 17th birthday, DYRS cannot terminate the commitment before your child turns 17.

CONCLUSION

We hope that this handbook has been useful for you. We are very interested in any feedback that you may have. If you have any questions or comments, please leave a voice message at 202-730-9773 or email us at handbook@dclj.org.

GLOSSARY OF TERMS

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Acute:

Extremely great or serious; crucial.

Aiding and Abetting:

If one person helps another person commit a crime, then the law holds the first person responsible for the conduct of that other person just as though the first person had done the criminal acts himself. A person charged with aiding and abetting is usually not present when the crime itself occurs, but he or she knows of the crime before or after the fact, and may help the crime occur through advice, actions, or financial support.

Arrest:

An arrest occurs when a person has been taken into custody by the police and is no longer free to leave or move about.

Assault:

The threat or attempt to strike another person. It does not matter if the assaulter actually strikes the other person, as long as the target is aware of the danger. An assaulter must have the ability to actually carry through the attack.

Attempted Battery:

When a person tries to hit another person, either with fists or some other object.

Attorney-Client Privilege:

The rule that an attorney may not make known and is not required to make known what her client tells her or what she tells her client (orally, by letter, or any other form of communication). This rule was created so that a person would be able to speak freely and honestly with his/her attorney without fear of having that information made known to others.

Bench Warrant:

A warrant issued by a judge, often to command someone to appear before the judge.

Biohazard:

The health risk posed by the possible release of any disease-producing germ or agent into the environment.

Clear and Unequivocal Terms (*Miranda*):

When police officers give a child *Miranda* warnings, they must make sure that the child understands what the *Miranda* warnings mean before they can question the child.

Coercion:

Using force or the power to use force in order to get a person to do something. Usually refers to government or police force.

Community Service:

Service that a person performs for the benefit of his or her local community. Judges sometimes require youth who are found involved with crimes to perform community service.

Confidential:

Spoken, written, acted on, etc., in strict privacy or secrecy; secret.

Confiscate:

To take by or as if by authority; appropriate.

Constructive Possession:

A person constructively possesses an object if (1) the object is nearby, (2) he knows the object is there, and (3) there is some other factor that shows he intended to possess the object (such as ownership of the place where the object was found).

Contempt of Court:

There are two main types of contempt: (a) being rude or disrespectful to the judge or attorneys, or causing a disturbance in the courtroom, particularly after being warned by the judge; (b) purposefully disobeying an order of the court.

Contraband:

Any item that is illegal or against the rules to possess.

Curfew:

A rule setting a specific time in the evening after which no persons in a certain group may be out of their home.

Defacing:

Injuring the face or appearance of something.

Delinquent:

A person who is under age (usually below 18) and found to have committed a crime, but who may not be sentenced as an adult.

Detoxification:

Treatment for persons addicted to alcohol or drugs in order to rid a person of the substances or the effects of their substance abuse.

Developmental Milestones:

A set of skills or age-specific tasks that most children can do at a certain age range.

Diagnosis:

The process of testing the nature and status of a patient's disease from its signs and symptoms.

Disability:

The lack of a physical or mental ability or capacity, especially one that keeps a person from living a full, normal life or from holding a job.

Discipline:

A consequence for an act of misbehavior. In the criminal context, it is a penalty inflicted on an offender through a judicial procedure.

Discretionary:

To use one's own individual choice or judgment.

Disposition:

The court's final decision on a criminal charge against a youth. This is usually where the judge decides what will happen to a youth involved in a crime; sentencing.

Distribution:

The act or instance of dividing, giving, or dealing out some object.

Double Jeopardy:

The right under the Fifth Amendment to the Constitution which forbids a person from being put on trial twice for the same crime based on the same set of facts.

Electronic Monitoring:

Where the court requires an agency to follow the location of a youth by using a device placed on the youth's body or clothing.

Excessive Force:

Where a police officer uses more force than necessary under the circumstances to make a lawful arrest.

Exclusionary Rule:

The rule that evidence secured illegally and in bad faith cannot be used in a criminal trial.

Extortion:

Getting money or property by threatening a person's property or loved ones, bullying, or falsely claiming a right (such as pretending to be an IRS agent).

Felony:

A felony is a crime serious enough to carry a minimum punishment of one year or more in prison. Misdemeanors are different from felonies, which can be punished by a state or federal prison term. Some crimes can be charged either as a felony or misdemeanor depending on the circumstances and the decision of the prosecutor.

Fifth Amendment:

The Fifth Amendment to the Constitution of the United States guarantees, among other things, that a person who is arrested has a right not to talk to police or answer any questions.

Fourth Amendment:

The Fourth Amendment to the Constitution of the United States protects all people, adults and children, from unlawful searches and seizures by the police or other government officials.

Full-Scale Search:

Where the police search what a person has on his or her body as well as areas within the person's physical reach, such as the inside of a car.

Gang (or criminal street gang):

A group of persons connected together for some criminal or illegal purpose.

Identity Theft:

A term used to refer to fraud that involves pretending to be someone else in order to steal money or get other benefits.

Infraction:

To break a rule or commit a violation.

Intake Interview:

A talk with Court Social Services about your child, your home, and your background. This information is used by the judge to decide whether to send your child home or keep him or her locked up.

Intent-to-Frighten Assault:

Where a person tries to scare another person or threatens someone in a way that makes that person fear that he or she will be hurt.

Investigatory Stop:

When the police hold a person for a short period of time because suspicious activity suggests that a crime has or will take place.

Involved:

Being found "involved" in a crime in family court is the same idea as being found "guilty" in an adult court.

Lookout:

A person who goes along with criminals during a crime and warns them of danger (e.g., of oncoming police or witnesses). Although lookouts do not usually help in committing the main crime, they can still be charged with aiding and abetting.

Manifestation Determination Review:

The process where a school determines whether a child's misconduct was the result of a disability.

Mediation:

A process to solve disagreements or differences between people or groups of people, led by a fair and neutral party.

Miranda Warnings:

A warning given by police to criminal suspects in police custody before asking them questions related to a crime.

Misdemeanor:

A misdemeanor is a lesser crime punishable by a fine and/or county jail time for up to one year. Misdemeanors are different

from felonies, which can be punished by a state or federal prison term. Some typical misdemeanors include petty theft, disturbing the peace, simple assault, battery or drunk driving without injury to others, and drunkenness. Some crimes can be charged either as a felony or misdemeanor depending on the circumstances and the decision of the prosecutor.

No Paper:

When a government attorney decides not to bring a case against a person; the charges are dropped.

Notice:

A warning of something; announcement of a person or organization's decision.

Pat-Down Search:

Also known as "frisking," this is a search of a person's outer clothing where a police officer runs his or her hands along the outside of a person's clothes to feel for hidden weapons.

Person In Need Of Supervision:

Persons in need of supervision include those juveniles who run away from home, are truant from school, violate curfew rules, or show defiant behavior at home or school.

Petition:

A plain, to-the-point, and specific written statement of the facts involved in the offense the government claims your child has committed.

Plagiarism:

To use or present the language or thoughts of another student or author as one's own work without permission of the original student or author.

Plea Agreement:

An agreement in a criminal case where the prosecutor offers the defendant a chance to admit guilt, usually to a lesser charge or to the original criminal charge, with a recommendation of a lighter than the maximum sentence.

Probable Cause:

The standard by which a police officer has the right to make an arrest, conduct a personal or property search, or to obtain a warrant for arrest.

Probation:

A chance to remain free given by a judge to a person found involved or guilty of a crime instead of being sent to jail if the person can avoid trouble and meet any other requirements the judge sets out.

Prosecutor:

The government's attorney in a criminal case.

Psychiatric:

A branch of medicine dealing with mental, emotional, or behavioral disorders.

Psycho-Educational:

Education offered to people who have a mental disorder, such as schizophrenia, depression, anxiety disorders, eating disorders, or personality disorders. Family members are usually included in psycho-educational therapy. A goal is for the patient to understand and be better able to deal with his or her illness.

Reasonable Basis:

The amount of suspicion required before a school official can search a student or his property. Curiosity, a rumor, or a mere hunch is not a reasonable basis for conducting a school search.

Reasonable Suspicion:

The amount of suspicion required before a police officer can conduct an investigatory stop, where the officer could reasonably believe a person has been, is, or is about to be engaged in criminal activity. A mere hunch is not sufficient for reasonable suspicion.

Receiving Stolen Property:

Where a person bought, received, or possessed stolen property and knew or should have known that the property was stolen.

Rehabilitation:

The process of returning the good standing of a person in the community and the eyes of the law.

Reprimand:

A severe scolding, especially a formal one by a person in power.

Restitution:

A sum of money paid to a person or organization in order to return a loss, damage, or injury caused.

Right to Remain Silent:

A legal right given to people undergoing police questioning or at trial. The right covers a number of issues centered around the right to refuse to answer questions.

Robbery:

The direct taking of property (including money) from a person (victim) through force, threat, or intimidation.

School-Aged Child:

A school-aged child is any child who is five years old or older by December 31st of the current school year, but who has not yet reached his/her 18th birthday.

Sex Abuse/Assault:

The forcing of undesired sexual acts by one person upon another.

Self-Incrimination:

The act of accusing oneself of a crime for which a person can then be prosecuted. The Fifth Amendment to the Constitution of the United States protects witnesses from being forced to incriminate themselves. The Fifth Amendment gives people the right to refuse to answer any questions or make any statements when to do so would help establish that the person committed a crime or is connected to any criminal activity.

Shoplifting:

Stealing goods from a retail store.

Sixth Amendment:

The Sixth Amendment to the Constitution of the United States protects the right of any person – adult or child – who is arrested and charged with a criminal offense to have an attorney represent him or her in a court of law.

Social Study:

A report made by a diagnostic probation officer before a juvenile's sentencing (disposition) to help the judge decide whether to place a juvenile on probation or hand out some other sentencing decision. The diagnostic probation officer will want to speak to the child's parents about the child's behavior at home and at school and to learn other information.

Special Education:

Educational programs designed for students with a disability whose learning needs cannot be met by a standard school curriculum, including, but not limited to, special assignments, classes or programs, educational placements of children by school committees, and youth services and social services consistent with DC law and regulations.

Stalking:

When a person very closely follows, watches, or contacts another person without permission.

Status Offense:

A crime that cannot be committed by an adult, such as truancy.

Stepping Back:

Where a judge decides at sentencing to send a youth back to jail. Judges will "step back" a youth when the judge is not sure that the youth can get the help she or her needs in the community or believes that the youth is a threat to public safety.

Theft:

A crime where a person takes personal property of another on purpose and without permission or consent. The thief must also intend to take the property and use it for his or her own goals, including reselling it.

Threats:

A statement of a desire to cause injury or punish another person.

Trespass:

A wrongful entry upon the lands of another.

Trial:

In juvenile proceedings, the process by which a judge or court hears evidence from all sides in a case and decides whether a youth should be found guilty or "involved" in a crime.

Truancy:

When a student stays away from school without permission and/or an acceptable reason.

Unlawful Entry:

Where a person enters another person's land or property without permission.

Unauthorized Use of a Vehicle (UUV):

Where a person is the driver of OR the passenger in a stolen car – even if that person was not the one who actually stole the vehicle.

Warrant:

An order signed by a judge that allows the police to search, arrest or bring a person before the judge.



ABOUT DC LAWYERS FOR YOUTH

DC Lawyers for Youth (DCLY) was founded in 2006 by alumni of the Georgetown Juvenile Justice Clinic. The purpose of DCLY is to improve the juvenile justice system in Washington, DC, through advocacy, direct service, and education. By bridging the worlds of ideas and action, DCLY will empower and engage the District's legal community and youth to effect positive change.

Our Approach

We believe that positive change cannot occur if we limit our view of the juvenile justice system to the period between when a child gets arrested and the time he gets released from the custody of the Department of Youth Rehabilitation Services (DYRS). As a result, we take a holistic approach to improving the juvenile justice system organizing our efforts by the three phases of the system: prevention, representation, and rehabilitation.

1. Prevention

Investing early in our youth will make it less likely that they will get arrested. This is the best outcome for our youth and all of the system's stakeholders. Lowering arrest rates will reduce the number of juveniles that our courts and social services have to process, freeing up resources and enabling our courts and social service programs to focus on those youth most in need.

2. Representation

Improving the quality of legal representation for youth begins with recognition that the juvenile defender is both attorney and social worker, and ensuring that all juvenile defenders receive the support necessary to effectively play both roles. Focusing on this dual role of effective juvenile defenders will not only protect the constitutional rights of our youth recognized in *In re Gault*, but also ensure that those youth most in need will receive a plan for services that is tailored to the unique needs of the individual.

3. Rehabilitation

Improving the services provided to our youth who are subject to court or DYRS supervision will ensure that the rehabilitative goal of the juvenile justice system is realized. Investing in effective re-entry programs will help rehabilitated youth from falling back into the court system.

For more information about DCLY and our work,
please visit our website at www.dcly.org.

