

Juvenile Justice

Frequently Asked Questions

What is a Juvenile Delinquent?

A Juvenile Delinquent is a child between ages 10 and 17 who has committed an offense. All juvenile delinquency cases are heard in Juvenile Court. In San Antonio there are three Juvenile Courts: The 289th District Court, located at 600 Mission Road, San Antonio, Texas 78210. The 386th District Court and the 436th District Court, both of which are located at 235 E. Mitchell, San Antonio, Texas 78210

A youth who is 14 or 15 years old and has committed a very serious felony, may be tried as an adult in the Criminal District Court. If found guilty, the youth is subject to more serious penalties than a Juvenile Delinquent.

Where does my child go when he/she is arrested?

The Bexar County Detention Center is located at 600 Mission Rd. San Antonio, Texas 78210.

Depending on your child's age and the alleged offense, the Police Officer may process the case in a few different ways. The Police may do one of the following:

1. Release your child to you
2. Bring your child to the designated juvenile official if there is probable cause to believe that your child engaged in delinquent conduct, conduct indicating a need for supervision, or conduct that violates a condition of probation.
3. Bring your child to a detention facility.
4. Bring your child to a medical facility.
5. Release to your child's school if the principle agrees to assume responsibility for your child.

What happens after my child is arrested?

The Juvenile Probation Department conducts a preliminary investigation to determine:

1. Whether your child is a "child" under the Family Code.
2. Whether there is probable cause that your child broke the law or violated a condition of probation or a condition of release from detention.

If your child is younger than 12, the probation department may refer your child to an appropriate juvenile services provider or if the probation department feels your child does not require service, may place your child on a deferred prosecution probation, for no longer than 6 months.

Does my child need a lawyer?

Your child will need a lawyer to represent him or her in Juvenile Court if a juvenile case is filed. The Court will assign one free of cost if you cannot afford one.

While the court case is pending, does my child get to come home?

The Juvenile Court Judge, Associate Judge or Referee decides whether your child should remain in detention pending court action. A Judge's order of detention is good for 10 working days. If your child is not released, he will have a subsequent detention hearing to determine every 10 days (sometimes sooner) to review his detention.

The judge can send your child home with conditions to insure his appearance at a later court date.

What is a Deferred Prosecution?

A Deferred Prosecution is a type of probation without an adjudication being made on the original charge or referral. Because there is no adjudication a contract with conditions for your child and signed by your child may be necessary. Your child will be expected to follow the rules and conditions of the deferred prosecution contract and the Probation Officer. Because there is no adjudication, no adjudication will be recorded in your child record. A violation of the deferred prosecution contract would result in your child being brought back to court on the original charge or referral. A deferred prosecution can last up to 6 months subject to extensions, but no longer than a total of one year.

What is an Adjudication Hearing?

An Adjudication Hearing is similar to a criminal trial in the adult Court system. The Judge hears evidence from the prosecutor and the child's attorney to determine whether the child committed the offense described in the petition. If the Court finds that the child committed the offense, it will schedule a Disposition Hearing to determine whether the child is in need of probation supervision, treatment, or placement.

What happens at the Disposition Hearing?

The Disposition Hearing is similar to the sentencing hearing in the adult system. In juvenile court (except in very rare situations) the disposition is decided by the judge not a jury. The Judge receives evidence from the probation officer about your child's case history, behavior, and progress. The Court may order a Mental Health Study if the Judge feels that information will be helpful in determining the disposition of the case. Parents and other people with information helpful to the Court may also testify.

Based on the testimonies and any supporting documents, the Court decides which option would best meet the needs of your child. The Court has the following options:

1. Send the youth home without any conditions.
2. Send your child home, under Probation supervision
3. Send your child to a residential placement facility.
4. If your child is adjudicated for a felony offense, he or she may be committed to the Texas Juvenile Justice Department.

What is expected of my child if he is placed in a community-based program or under Probation supervision?

Your child is expected to follow the rules and conditions of the program and the Probation Officer. Probation could ask the Court to place him or her in a residential placement program if your child does not follow these rules.