

## Rights of Victims and Witnesses

As a victim of a crime, you have a right to participate in the prosecution. Your rights include:

### Right to be Notified of:

- Victim rights
- Content of plea bargain agreements
- Changes in the scheduling of court proceedings: including date, time and place of sentencing
- Decision not to prosecute a domestic assault or harassment case
- Release, transfer, or escape and apprehension of offender from prison or institution

### Right to Participate in Prosecution:

- Right to inform the court of the impact of the crime at pretrial and sentencing or disposition hearings
- Right to have input in pretrial diversion program for crimes against persons
- Right to object to a plea bargain
- Right to request a speedy trial
- Right to bring a supportive person to pretrial hearing
- Right to attend sentencing or disposition hearings
- Right to give written objections to proposed disposition or final sentence
- Right to be notified of the outcome of the case

### Right to protection from harm:

- Tampering with a witness is a crime in Minnesota. If you are threatened, coerced, or feel pressured, call your local law enforcement agency immediately and notify the prosecutor
- Victims/witnesses do not have to give their addresses in open court
- Victims have the right to secure a waiting area during court

### Right to apply for Financial Assistance:

- Victims may be eligible for financial assistance from the Minnesota Crime Victim Reparations Board for certain costs incurred as a result of a crime. These costs may include medical care, counseling costs, lost wages, child care, or funeral expenses— not property damage or loss. Claims must be filed within three years of the injury, except cases involving child abuse. For an application and/or more information, call the Waseca County General Crime Victims Office, CADA of Waseca County, or the Waseca County Attorney's Office. To contact the Board directly, call 1-800-247-0390, TTY 1-800-627-3529.
- Victims can request the court to order the juvenile to pay restitution.
- Parents' liability for damages done by a minor is outlined in Minn. Statutes Sec. 540.18 subd. 1. Recovery under this section shall be limited to special damages. If you think this may apply to your situation, please contact an advocate for more information and to discuss your rights.

### CADA of Waseca County

105 South State St.  
Waseca, MN 56093  
1-507-835-7828

### Waseca County General Crime Victims Office

508 South State St.  
Waseca, MN 56093  
1-507-835-9759

### Waseca County Attorney's Office

Victim/Witness Coordinator  
307 N. State St.  
Waseca, MN 56093  
1-507-835-0523



*and your rights as a victim*

## General Information

A juvenile has committed a crime against you, your family, or your property. You probably have many questions about what happens after an arrest is made. How does the legal system work? Does the court treat juveniles differently than adults? What are your rights as a crime victim?

This brochure explains how the court system works when a juvenile is arrested and charged with a crime. It will also help you understand and be involved in the legal process.

### How juvenile cases are handled...

In a juvenile case, the victim does not bring charges against the accused. A crime is considered a wrong against the State, and the people of the State file charges. The County Attorney represents the State, filing a petition against the juvenile and charging him or her with a crime.

A delinquent act is an act committed by a juvenile that would be a crime if committed by a person over the age of 18. When a juvenile has been charged with a delinquent act, the legal process is significantly different from the process used for adults.

Generally juvenile proceedings are private and the public is excluded from attending the hearings. Only those persons who have a direct interest in the case, including victims, or in the work of the court are allowed at hearings. There are some exceptions regarding the release of juvenile names to victims and attendance at juvenile hearings. If this pertains to you the Victim/Witness Program will notify you.

The juvenile justice system works to treat and rehabilitate juvenile offenders. In addition, juvenile courts move quickly to resolve cases and provide the accused more privacy than adults charged with similar crimes.

## Investigation and charging

A crime committed by a juvenile is investigated like any other crime. After the crime is reported, the officer conducts an investigation to decide if there is enough evidence, reports are sent to the county attorney's office or a citation may be issued.

Next, the county attorney's staff will review the information, decide whether the evidence supports charges, and, if so, file charges. If there is not enough evidence, the case may be rejected or returned to the officer for additional investigation.

## Detention

A juvenile taken into custody and arrested for a delinquent act may be detained. A juvenile is only detained if they are found to be a danger to themselves or others; would fail to stay in the custody or care of parents; or would fail to appear for court hearings. The arresting officer may release the juvenile to the custody of a parent or guardian, place the juvenile in a shelter, or continue the detention. The law requires that a juvenile be released from detention unless certain extreme circumstances exist. Most juveniles in detention must come before the court within 24 to 48 hours for a detention hearing. Most juvenile offenders are not detained. They are summoned to court by a mailed notice.

## Locations of hearings

The three types of hearings in juvenile cases may take place in different locations. A juvenile offender's admit/deny or initial hearing usually occurs in the county where he or she lives, although there are some exceptions. The trial hearing occurs in the county where the crime was committed. The disposition hearing takes place in the county of residence.

## Juvenile Court Hearings:

### Admit/Deny Hearing-

At the admit/deny hearing the juvenile will appear in court and be asked to "admit" or "deny" the offense alleged in the petition. Juveniles are appointed an attorney in delinquency matters or may hire their own attorney. An admission is equivalent to a guilty plea. Upon admission, the juvenile's case goes to disposition (sentencing), either immediately or in the future. A denial leads to a pretrial and

### Pretrial Hearing-

In some jurisdictions, the judge may order a pretrial hearing to decide issues of law before trial. Civilian witnesses are usually not called to testify at these hearings. Plea agreements may be reached at these hearings and the case may be resolved before going forward to trial.

### Trial-

In most cases, juvenile trials are held before the judge. However, in some situations a juvenile can request a jury trial. A juvenile offender has the same legal protections during trial as an adult charged with a similar crime. The judge or jury will make a determination that the petition is "proven" or "not proven." If the judge finds that the petition has been proven, the case proceeds to a disposition hearing.

### Disposition-

Once the juvenile is found guilty by a judge or jury (or enters an admission), a disposition hearing is scheduled. The judge has many options, including a warning, restitution, fines, community service, probation, foster care, out-of-home placement, or detention. The disposition will depend on the offense, the juvenile's attitude, the juvenile's criminal history, or the availability of appropriate services.