

JUVENILE COURT
POLICY/PROCEDURE

**NOTICE TO VICTIMS
AND ATTENDANCE AT COURT HEARINGS**

POLICY

Statutory responsibilities related to the notification of victims of a child's act(s) for petitions filed are assigned to the District Attorney's office. Procedures related to the notification of victims of their rights to attend hearings, make statements to the court (written or oral), consult as to dispositions, and other rights provided under statute shall be developed and carried out by that office unless otherwise specified by statute.

Statutory responsibilities related to the notification of victims of their rights (not otherwise required of the District Attorney's Office) in formal cases and of their rights related to the opportunity to have input, through victim impact statements or direct contact with the social worker or other means, in cases referred for consideration of Deferred Prosecution Agreement or other informal action will be fulfilled by the Department of Human Services. The Department will provide a statement of rights in formal cases to the District Attorney's Office for inclusion in the initial mailing(s) to victims.

The District Attorney's Office is responsible for notification of victims who wish to be notified of physical custody and/or other court hearings.

In accordance with §938.299(1)(am) a victim of a child's act or alleged act may attend any hearing under this chapter except that the judge may exclude a victim from any portion of a hearing which deals with sensitive personal matters of the child or child's family which do not directly relate to the act/alleged act committed against the victim. A member of the victim's family and, at the request of the victim, a representative of an organization providing support services to the victim, may attend these hearings as well.

Before imposing a disposition or entering a consent decree in a proceeding under §938.12 the Court shall inquire of the District Attorney and Social Worker as to whether the required victim notifications were made and whether or not the victim requested to be or was consulted in developing their recommendations (if the victim had requested such involvement). If the victim is present at the hearing, the court shall allow a victim to make a statement or to submit a written statement to be read to the court. In the event a victim who has requested and has received notification of hearings but does not attend the hearing nor has submitted a written statement by the time of the hearing, the court may proceed to disposition without a statement.

PROCEDURES RELATED TO HEARINGS

A. Notification of Court Hearings

The District Attorney's Office will provide notification to victims of their rights under these provisions and solicit information as to whether or not the victim wishes to attend the permitted hearings. If a victim wishes to be notified of hearings, the District Attorney's Office will provide that notice.

B. Notification of Physical Custody Hearings

The District Attorney's Office will attempt to notify victims of initial physical custody hearings and will inform the Juvenile Reception Center (JRC) of any victims who wish to be notified of subsequent physical custody review hearings. If a victim has requested such notification, JRC will notify the District Attorney's Office of any review hearings, and the District Attorney's Office will notify the victim.

C. Confirmation of Compliance

During a court hearing the court shall inquire of the District Attorney and Social Worker as to whether the required victim notification, contact, and/or consultation was completed. This shall be done on the record and noted in the Court Minutes recorded by the Clerk.

Refer to the Clerk of Courts Juvenile Procedure Manual for further procedure detail.