

Juveniles And The Law

The Missouri Bar



*Legal
Facts*

When is a Petition Usually Filed?

A petition is usually filed when you are charged with a serious crime, when you have been held more than 24 hours or when you have been in trouble before.

Who Decides If You Can Be Tried as an Adult?

A juvenile court judge will decide whether you will be tried as an adult after reading the charges brought against you, after looking at your record and after holding a hearing. The judge will consider the seriousness of the charges, whether your community needs to be protected from you, whether the crime involved force or violence, whether you hurt another person, whether you have a record of breaking the law and your age.

If you are tried as an adult and found guilty, there are several things that may happen to you. You may be sent immediately to an adult prison. You may spend some time at a juvenile detention center and then be sent later to an adult prison. You may be placed on probation and given a second chance to stay out of trouble. If you are convicted of first degree murder and you were 16 years old at the time you committed the murder, you could receive the death penalty. If you are tried as an adult and found guilty of a crime, you will always be tried as an adult for any crime.

What Happens If You Are Not Tried as an Adult?

A hearing is held in juvenile court. You have the right to a lawyer paid by your parents. If your parents cannot pay a lawyer, the judge will appoint a lawyer for you.

You have a right to plead "not guilty" and have a trial in front of the judge in juvenile court. If you say you are guilty or you are found guilty after the trial, the judge will decide what to do with you.

The hearing and trial in the juvenile court will be open to the public if you are accused of committing a serious crime.

What Might the Court Decide to Do With You?

You might become a ward of the court. That means the court will supervise you. You might be returned home in the custody of your parents, with court ordered visits with the juvenile officer. You might be sent to a foster home, a group home or other institution. You might be ordered to perform community service or pay restitution to the victim. If you cause damage to property or injure a person, your parents may also have to pay up to \$4,000 for damages and injuries.

What Helps the Court Decide Placement For You?

- Your attitude
- The number of times you have been in trouble
- The seriousness of your offense
- Your school record
- What help your family will give
- The kind of friends you have

How Long Can the Court Keep You in Custody?

The court can keep you in custody until you are 21 years of age.

How Does Trouble With the Law Affect You?

•You can lose your driver's license or have it suspended.

•Your school can find out that you have been in trouble with the juvenile court and you could possibly be suspended from school for up to one year.

•Your juvenile court record can be seen by the juvenile court, adult prosecutors and adult judges. If the juvenile court finds you to be a juvenile delinquent because you committed a serious crime, then your juvenile court record will be a public record.

•Your juvenile record can be used to show that you should not be believed as a witness in other court proceedings.

•Your juvenile record can follow you forever.

•Your juvenile record makes it harder to get a job.

•Your juvenile record makes it harder to get into military service.

•You risk losing the respect and trust of other people.

•Although you may ask the court to destroy your juvenile court record at age 17, the court does not have to destroy it.

•If a court finds that you have committed a very serious felony, including sale of drugs, you will be expelled from school and may not be readmitted.

For Legal Advice, See a Lawyer

The Missouri Bar offers a free Lawyer Search function, located at MissouriLawyersHelp.org. Those seeking representation can use the tool to locate lawyers by practice area, geographic location, and spoken language.

The Missouri Bar or the Office of Chief Disciplinary Counsel cannot provide legal advice or refer you to an attorney. If you would like a referral to an attorney in the Springfield or Greene County area, call (417) 831-2783.

When Are You A Juvenile And When Are You An Adult?

The answer to this question is complicated because, under Missouri law, when you are considered an adult and when you are considered a minor or juvenile varies with the circumstance.

*You must be 21 to possess, use or buy alcoholic beverages.

*You must be 21 to serve on a jury.

*You must be 18 to get married without your parents' permission. If you are under 15, you must receive permission from a judge to get married.

*You may vote at 18.

*At age 18, you may sue someone in court and someone may sue you.

*You may make a will, sign a contract and sign a lease at age 18.

*At age 18, if you are a male, you must register for military service.

*You must be at least age 18 to consent to your own medical treatment. If you are under 18 years of age, you must have your parents' permission for any kind of medical treatment, including abortion. There are a few exceptions to this law. Some hospitals or clinics allow you to consent to your own testing and treatment for pregnancy, sexually transmitted diseases, drug and alcohol abuse or AIDS at any age. Others allow you to consent to your own treatment only if you have reached age 13. If you are younger than 18 but are married or in the military, you are considered emancipated, or on your own, and you may seek medical treatment without your parents' permission.

*You may be tried as an adult for any crime for which you are charged at age 17 or older. If you commit an offense at age 16 or younger, the police will refer your case to the juvenile court. At any age, if you are alleged to have committed a serious offense such as murder, sale of drugs, robbery, rape or assault, or if you are a repeat offender, the juvenile court may certify you an adult and transfer you to the adult criminal system. At age 12, the juvenile court can also certify you as an adult for other serious

crimes, such as stealing a car, drug possession and carrying a weapon.

*Missouri has a graduated license program. At age 15, you may get a driving permit. With this permit, you may drive only when a parent or legal guardian, grandparent or driving instructor is with you in the front passenger seat. At age 16, you may apply for an intermediate license as long as you have had a driving permit for 182 days and have done at least 40 hours of driving, with 10 of them taking place at night. You cannot have had any alcohol-related convictions in the past 12 months and no traffic convictions within the past six months. The intermediate license allows you to drive alone except during a late night curfew (1:00 a.m. to 5:00 a.m.). You and your passengers must use seat belts, be free of alcohol and drugs, and obey the traffic laws.

What Are Some Frequent Delinquencies?

*Arson — starting a fire or causing an explosion which damages property. This includes abandoned or vacant property.

*Assault — hitting or striking a person or saying you will do so.

*Burglary — breaking into and entering a house or building with the purpose of committing a crime.

*Driving While Intoxicated — operating any motor vehicle, including a motorcycle or motorized bike, under the influence of drugs or alcohol.

*Drug and Alcohol Offenses — possession of, use of and sale of illegal drugs or alcoholic beverages.

*False Identification — altering a driver's license or other form of identification in such a way that it contains false information or pretending that someone else's identification is yours.

*Harassment and Stalking — Missouri has enacted laws making it a crime to harass or stalk someone through Internet communications. If you threaten or consistently make fun of someone through e-mails, blogs, Face Book and other Internet communication tools, you could be charged with harassment

or stalking.

*Rape — sex with another person of any age without that person's consent. Sex with a person less than 14 years of age is rape even if the person has consented to having sex.

*Receiving Stolen Property — accepting property that you know is stolen.

*Robbery — taking a purse, money or other property from a person by force or threat of injury.

*Sexual Abuse — forcing another person to have sexual contact with you.

*Stealing — taking something without the owner's permission. This includes shoplifting. Acting with, helping or assisting another person to steal even if you do not keep the stolen goods are still considered the crime of stealing.

*Tampering — driving or riding in a car or vehicle without the owner's permission; "joyriding."

*Traffic Laws — if you have a driver's license, you are expected to know and obey all traffic laws.

*Trespassing — going on property without the owner's permission or going on property where there is a fence or a "Keep Out" or "No Trespassing" sign.

*Truancy — skipping school.

*Vandalism — damaging another person's property, such as breaking windows, spray painting and letting the air out of tires.

*Violating Curfew — staying out beyond a certain hour that has been set as a time that all juveniles must be off the streets and in their homes.

*Weapons Violations — carrying guns, razors, knives or metal knuckles on your person or having such items readily available in your car, such as under your car seat, in the glove box or similar storage in your car. Bringing a gun to school is a serious weapons violation that could result in a one-year suspension from school or expulsion from school.

What Should You Do if Taken Into Custody?

If a law enforcement officer takes you to the police station or the juvenile court and intends to keep you

there for a period of time, you are "being taken into custody." If this happens to you, give your name, address and age and your parents' names and phone numbers.

What Are Your Rights if You Are Stopped by a Police Officer?

If you are under 17 years of age and you break the law, you are taken into custody and turned over to the juvenile court. You do not have to say anything until you talk to a lawyer, other than identifying yourself by name, address and age.

The law enforcement officers will take your photograph and fingerprints if you have committed a serious crime. If you are taken into custody for a minor crime, then your fingerprints may be taken only if a judge orders it.

You may be held in detention. Detention is the act of keeping a person confined or imprisoned. You must be told of the reason for your detention, your right to a detention hearing (usually within three days) and your rights during detention.

How Long Can You Be Kept at a Detention Center?

You can be detained up to 24 hours without a court order. You can be detained longer by court order. Your parents must be notified as soon as practicable.

Who Decides How Your Case Will Be Handled?

The juvenile officer assigned to your case will decide how to handle your case. A juvenile court judge hears the evidence against you.

How Are Cases Handled?

Cases are handled by having a meeting at juvenile court with you and your parents or by filing a petition in juvenile court. If you are held more than 24 hours, a petition, a paper which states the charges against you, must be filed.
