

Adjudication & Disposition Hearings

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FAMILY CODE SECTION 51.01 PURPOSE AND INTERPRETATION

To provide for the protection of the public and public safety

Consistent with the protection of the public and public safety

- (A) to promote the concept of punishment for public safety;
- (B) to remove, where appropriate, the taint of criminality from children committing certain unlawful acts

“You have so much power”

- Life Happens. Check your G.A.S. meter.
- Take care of yourself so you can continue to take care of your clients.
- This should be the most important case to your client.
 - “What would you do if this was your child?”
 - “He’s a good kid, just made a bad choice.”
 - “Can we pay you money to get our child out of trouble?”
- Build rapport with your client. Visit client’s in detention, they may have no visitors.

INTAKE WITH JUVENILE SERVICES

- Juvenile Services Intake Officer Interview consists of the following:
 - Reason For Offense In Question
 - Rights, If Charged With the Offense
 - Range Of Punishment (Misdemeanor/Felony)
 - Evaluations completed (PACT Assessment)
 - Photo and Fingerprints
 - Intake Officer decides to proceed with Supervisory Caution or submit to District Attorney's office to file
 - Prosecutor files a petition (complaint/indictment)

Obtain and Review Discovery from DA

- 911 Calls
- Police Reports and any Supplemental Reports along with photos
- Police Interviews with Witnesses. Is the State sponsoring the witnesses?
- Dashcam and Bodycam Recordings
- DFPS/APS Records/Interviews
- Medical Records and Billing Records of victim(s)
- Restitution due to the victim(s)
- Victim Impact Statement(s) completed and was money collected

CLIENT MEETING AT OFFICE

- Lay the foundation for who your client is and the duty to your client.
- Tell me your story.
- What outcome are you looking for?
- Law of Parties if applicable
- Review Discovery with child and family
- Explain the Court Process and Terminology and the Players. Right to Bench/Jury Trial
- Family Support available
- Explain Diversion Programs available (drug court, mental health)
- Identify what support is going to be needed at home for Rehabilitation
- Testing needed prior to the plea: Psychological, IQ, Psychosexual, Sex Offender Treatment necessary
- Sex Offender Registration
- Drug Rehabilitation/Placement
- Determinate Sentencing - Grand Jury Presentations
- Driver's License Suspension/DNA Sample
- Immigration consequences
- What are your plans for the future?

ADJUDICATION section 54.03 TFC

- Prosecutor files Petition (Complaint/Indictment)
- Juvenile has been served with Petition
- The TFC requires that the adjudication and the disposition hearing be separate.
- 1st Part is the Adjudication (plea of true after stipulation of evidence)
- Social History Report
 - Section 54.03(d) provides in part that "except in a detention or discretionary transfer hearing, a social history report or social service file shall not be viewed by the court before the adjudication decision and shall not be viewed by the jury at any time."
- 2nd Part Is The Disposition (sentencing/punishment phase) and Restitution Order.
- Ask for a Pass/Reset the Dispo If Necessary (need more info such as psych, wtns, etc.)

Dispositional Hearing section 54.04 TFC

- Section 54.04 sets out the primary requirements for the dispositional hearing and outlines the dispositional powers of the juvenile court.
- Section 54.04(a) provides that the disposition hearing shall be separate, distinct, and subsequent to the adjudication hearing.
- The juvenile court, in its discretion, may schedule the disposition hearing for a different day or may begin the hearing as soon as the adjudication is concluded.

Evidence at the Disposition Hearing

- Call witnesses to offer opinions as to the proper disposition of the case.
- Call victim(s) is applicable.
- Social History Report prepared by Juvenile Services.
- Detention Center Documents admissible.
- Section 54.04(b) provides in part: Prior to the disposition hearing, the court shall provide the attorney for the child with access to all written matter to be considered in disposition.

Restitution Order – 3 Types

- Order child to pay restitution as a condition of probation;
- Ordering child to pay restitution independently of probation and
- Ordering a parent to pay restitution.
