Your Rights as a Victim

Your rights as a victim are found in Chapter 57, Texas Family Code. A victim, victim's guardian, or close relative of a deceased victim has rights:

- Protection from harm or threats of harm arising from cooperating with prosecution efforts.
- Victim or victim's family safety, will be considered in decision-making regarding the juvenile offender.
- To provide victim impact information.
- To receive information about victim compensation and available victim services.
- A separate waiting area, or minimal contact with the juvenile and his or her relatives.
- Prompt return of property held as evidence when it is no longer needed.

The following rights if requested:

- Information on juvenile justice procedures.
- Notification of relevant court proceedings and any schedule changes.
- Participation in the parole or transfer process
- Notification of a transfer, release, discharge or escape.
- Employer notification of necessary absences from work.
- Any other victim's rights under Article 56.02, Code of Criminal Procedure

Victim Notification

It is important to note you are not automatically notified about juvenile proceedings. Some victims want to know about proceedings and others do not. If you choose to be notified, you must contact your county juvenile probation office, court and/or TJJD, if applicable, to request notification. The juvenile probation victim assistance coordinator in your county, or a TJJD victim assistance representative, can explain how notification works and what to expect.

- **County juvenile court and probation departments**

  Counties in Texas operate their own juvenile courts and may have local detention facilities. This is usually the best place to get information about your case.

- **Texas Juvenile Justice Department (TJJD)**

  TJJD is the state agency that provides funding, technical assistance, and training to county juvenile boards. It also establishes uniform standards and collects statewide data.

  TJJD is the state's operated juvenile correctional agency, providing for the care, custody, and treatment of the most chronic or serious young offenders in the state.

Texas Juvenile Justice Department
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Austin, TX 78711

(512) 490-7289
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JUVENILE JUSTICE in Texas

Information for Victims & Survivors

Because You Matter…

People react to becoming crime victims in different ways depending on the extent or severity of the pain and loss. Regardless, being victimized often has an understandably profound emotional and psychological effect. Know that you are a valued and important part of the administration of justice. This guide highlights information to help you understand the process and your rights.

The System's Dual Mission

Often, people think of the juvenile justice system as a penal system similar to that of adults, but for children. There are similarities, but also key differences. The adult system focuses on public safety and accountability for unlawful conduct. In the juvenile system, there is also an emphasis on rehabilitation. The goal is educating youth about discipline, values, learning, and work ethic.

Who is a Juvenile Offender?

A juvenile offender in Texas is someone who is at least 10 years old, but not yet 17, and committed an act defined as *delinquent conduct* or *conduct in need of supervision*. Once committed to the juvenile system a youth may remain until he or she reaches age 19. Youth as young as 14 years old can be certified to stand trial as adults.

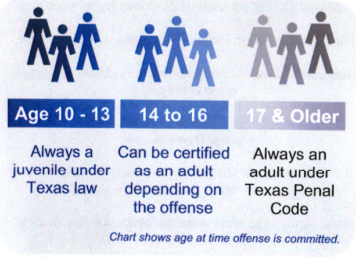


Chart shows age at time offense is committed.

Your Involvement in the Process

As a victim, you have the right be involved in writing and in person if you wish. First, complete the *Juvenile Victim Information Sheet* so the court and other agencies can contact you. Also, use the *Juvenile Victim Impact Statement* and the *Just for Kids Victim Information Sheet* to describe how the crime has affected you and your family. The forms are considered in all juvenile proceedings. In addition to participating in writing, you can be present at all public court proceedings, subject to the judge's approval. Your county juvenile probation victim assistance coordinator, or a TJJD victim assistance representative, can ensure you are afforded your rights by including you and involving you in the process, as much as you wish and are legally allowed.

Additional Victims' Resources

Texas Attorney General's Office
www.oag.state.tx.us

Office for Victims of Crime (OVC)
www.ojp.usdoj.gov/ovc

National Criminal Justice Reference Service
www.ncjrs.gov

Office on Violence Against Women (OVAW)
www.ovw.usdoj.gov

Mothers Against Drunk Driving (MADD)
www.madd.org

National Center for Victims of Crime **www.ncvc.org**

National Center on Elder Abuse **www.ncea.aoa.gov**

National Victims' Constitutional Amendment Passage
www.nvcap.org

National Organization for Victim Assistance
www.trynova.org

Parents of Murdered Children (POMC)
www.pomc.com

Safe Campuses Now **www.safecampusesnow.org**

Understanding the System

The juvenile probation victim assistance coordinator in your county or a TJJD victim assistance representative can explain the system in detail, but here is a brief summary:

The Preliminary Investigation

For minor violations, law enforcement may simply warn juveniles and release them to their parents. When further action is needed to protect the public or to prevent future offenses, the case is forwarded to local juvenile probation officials.

The Intake Process

Intake is the process where juvenile probation officials review the case and decide the course ahead. A juvenile's case may be resolved through mediation, deferred prosecution, or formal juvenile court action. At intake, juvenile officials decide whether the juvenile will be released to his or her guardian, or be held in secure juvenile detention.

Detention

If a juvenile is detained, the juvenile court generally must hold a hearing within two working days. At this initial hearing, and subsequent hearings held every ten working days, the judge must determine if there is just cause to keep the juvenile detained. Detention hearings may take place before the victim is contacted. If you have concern for your safety, notify law enforcement and the juvenile probation department immediately.

Deferred Prosecution

Juvenile probation officers may decide not to proceed with juvenile court action and instead place the juvenile on deferred prosecution for no more than six months. During that time, the juvenile must meet certain terms or the case could be referred to the prosecutor's office for court action. Making restitution to the victim or performing community service may be included in the juvenile's deferred prosecution program.

Adjudication

In a court proceeding called an adjudication hearing, the juvenile accused of the crime, the juvenile's family and attorney appear before a judge or jury that will decide if the juvenile committed a delinquent act, or exhibits conduct indicating a need for supervision. If a court finds the juvenile has engaged in delinquent conduct, or conduct indicating a need for supervision, the court will schedule a separate disposition hearing. The adjudication hearing is like the guilt, or innocence phase, of an adult trial. Using the same comparison, the disposition hearing is the equivalent of the punishment phase of an adult trial.

Disposition

At the disposition hearing, the court may order:

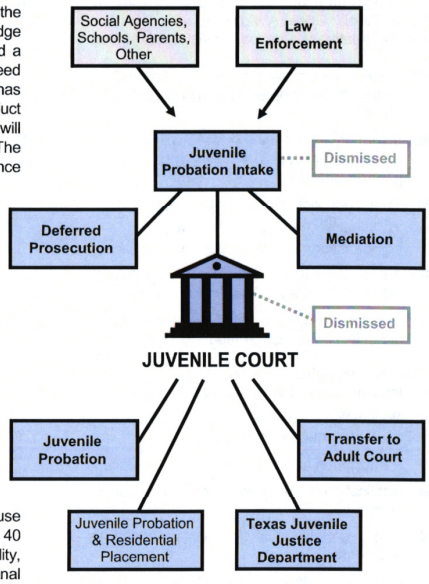
- Juvenile probation
- Juvenile probation and placement in a residential facility,
- Or, commitment to a Texas Juvenile Justice Department (TJJD), state operated facility.

For certain serious offenses, the court may use determinate sentencing, which carries up to 40 years. The sentence begins in a TJJD facility, followed by TJJD or adult parole or an optional court transfer to adult prison for the remainder of the determinate sentence.

At the disposition hearing, victims have the right to provide pertinent information about the impact of the offense on the victim and the victim's family before the court makes its decision. One way to do this is to meet with the juvenile probation victim assistance coordinator conducting a pre-disposition investigation. Another way is to complete the *Juvenile Victim Impact Statement*.

Victims', victims' guardians, or close relatives of deceased victims', may attend public court proceedings about the juvenile offender's conduct.

Navigating the System



Crime Victims' Compensation

Passed by the Texas Legislature in 1979, the Crime Victims' Compensation Act created a fund and established eligibility guidelines for the provision of certain benefits for crime victims. The revenue in the fund comes from payments made by convicted offenders for court costs, fees, and fines. Compensation varies depending on the types of crimes committed. The fund is administered by the Office of the Attorney General Crime Victims' Compensation Division.