



YOU AND THE JUVENILE COURT

Vlaamse overheid



jongere welzijn
JONG LEVEN RICHTING GEVEN

INTRODUCTION

This brochure will give you information about judicial youth care. It explains how judicial youth care works, how you end up there, who works there and what they can do for you and your family.

THE JUVENILE COURT

The juvenile court is a court for minors. Minors do not appear in the same courts as adults.

You do not end up in juvenile court for no reason. You cannot go to the juvenile judge yourself. The **prosecutor**, also known as the Public Prosecutor's Office, judges the severity of your situation and decides whether it is necessary to engage the juvenile judge.

THE JUVENILE JUDGE

Judges who work for a juvenile court are called juvenile judges.

The juvenile judge can take important decisions regarding you and your family. The juvenile judge takes your opinion into consideration, but can nonetheless take decisions that you or your parent(s) do not agree with. This may be very difficult, but the juvenile judge's decision has to be enforced. If the juvenile judge wishes, he can call upon the police to do so. It is important for you to cooperate as much as possible. If you do not agree with the decision, you can lodge an appeal. You will have to ask your lawyer to do so.

If you wish to discuss something with the juvenile judge, you can always request a meeting. The juvenile judge will then decide whether or not he will grant you the meeting. A meeting usually takes place in his office (cabinet). Besides the juvenile judge and the registrar, your lawyer and a consultant from the sociale dienst voor gerechtelijke jeugdhulp will usually also attend the meeting.

The juvenile judge keeps a file on your situation. The juvenile judge commissions **the sociale dienst voor gerechtelijke jeugdhulp (social service for judicial youth care)** to further investigate your situation. This service must inform the juvenile judge regularly about your situation.

THE LAWYER

When you end up in juvenile court, you are entitled to free advice and assistance from a juvenile lawyer. A juvenile lawyer is versed in juvenile law – he has additional education in this regard – and specifically defends the interests of minors. He does not represent your parents. They can also take a lawyer to represent them in juvenile court.

You are entitled to assistance from a lawyer every time you have to appear before the juvenile judge, before he takes measures and for every new decision.

Your case cannot be dealt with in juvenile court if your lawyer is not present!

HOW TO FIND A LAWYER?

The juvenile court's registry can help you find a lawyer or you can ask your consultant at the sociale dienst voor gerechtelijke jeugdhulp. They can arrange for a lawyer to be appointed to you without you having to pay for it. You can also choose a lawyer yourself, but then you will have to pay for him yourself.

You can always request your lawyer's data at the juvenile court's registry.

WHAT DOES YOUR LAWYER DO?

The lawyer must be fully aware of your situation. He talks to you about it and you can also request a meeting with him. He can look into your file. His main tasks are: representing you in juvenile court, giving advice and ensuring that you are treated correctly throughout the entire judicial proceedings.

Your lawyer is bound by professional confidentiality. Whatever you discuss with him is confidential and cannot simply be passed on to anyone. However, he can discuss certain issues with the juvenile judge or your parents.

THE SOCIALE DIENST VOOR GERECHTELIJKE JEUGDHULP

The juvenile judge is assisted by **the sociale dienst voor gerechtelijke jeugdhulp (social service for judicial youth care)**. He commissions this service to further investigate your situation before deciding which measure he will take for you and your parents.

The sociale dienst voor gerechtelijke jeugdhulp is a **public service**. The service is part of the agentschap Jongerenwelzijn (Youth Welfare Agency) within the Flemish government. This agency is responsible for organizing special youth care in Flanders, namely:

- ⌚ Voluntary (extrajudicial) and (judicially) imposed assistance to children and young people in alarming situations;
- ⌚ Assistance to young people who have committed acts categorized as an offence.

The most important task of Jongerenwelzijn is to ensure that every youngster in Flanders is given the opportunity to grow up properly.

WHO IS YOUR CONSULTANT?

The sociale dienst voor gerechtelijke jeugdhulp employs consultants. Each family is assigned a **fixed consultant**. Your consultant will follow up on your situation throughout the entire judicial proceedings. You do not have to do anything yourself to receive a consultant. The consultant will contact you and your family to arrange a first discussion.

The consultant will involve you, your parents and the youth workers in his search for personalized assistance, meaning a solution that **helps you specifically**.

YOUR CONSULTANT

Name:

.....

E-mail address:

.....

Telephone number:

.....

Reachable on (permanence):

.....

WHAT DOES YOUR CONSULTANT DO?

The consultant will invite you to discuss how you ended up in juvenile court. He will ask all sorts of questions to figure out what your situation is exactly. He could for instance ask what you have already tried in the past to resolve the problems and how that has worked out for you, what is still going well, what has gone wrong and what your opinion is about that. You and your family can also ask your consultant questions. He can explain to you how everything works in judicial youth care.

The consultant can also discuss matters with people who are well aware of your situation, such as the Centrum voor Leerlingenbegeleiding (Pupil Counselling Centre, or CLB), the Ondersteuningscentrum Jeugdzorg (Youth Care Support Centre, or OCJ), the OCMW (Public Centre for Social Welfare) or another assistance service. However, these services can only pass information on to the sociale dienst voor gerechtelijke jeugdhulp if you give your consent.

Once the situation is clear to all parties involved, the consultant will draw up a **report for the juvenile judge**. He will give his advice to the juvenile judge as to what kind of assistance is best suited for you, your family and the situation you are in. In doing so, he will take your and your parents' wishes into consideration as much as possible. But sometimes the consultant proposes

something else. He will then explain to you why. The juvenile judge usually takes into account the consultant's advice when making decisions, but he can opt for something else as well. The juvenile judge can thus make a decision that you or your parent(s) do not agree with.

Once the juvenile judge has decided which measure he wants to take for you and your family, the sociale dienst voor gerechtelijke jeugdhulp will ensure that the decision can be executed.

At least **every six months** it will be assessed whether the juvenile judge's decision is still appropriate for your situation. The consultant will then invite you for a discussion to go through the assistance progress.

You can also ask to revise a decision. You then explain to your consultant why you think it should be revised and what you think would be better. The consultant will relate this to the juvenile judge. The juvenile judge tries to take this into consideration.

The consultant will continue to follow up on you and your family throughout the entire judicial youth care. You can always contact him if you have any questions or wish to consult your file.

WHEN DO YOU END UP IN JUVENILE COURT?

ACTS CATEGORIZED AS OFFENCES

(ALS MISDRIJF OMSCHREVEN FEITEN (MOF))

You have committed an **offence**. It is reported to the police who will draw up an official report of the offence. This official report is sent to the prosecutor (Public Prosecutor's Office). The prosecutor decides whether the juvenile judge has to be engaged. The juvenile judge will then judge your situation, taking into account what you have done wrong and the causes of your behaviour.

ALARMING SITUATIONS

If you and your family are in a very difficult situation, the prosecutor can engage the juvenile court. It then concerns a complicated situation that you, your family and the voluntary assistance providers around you can no longer get out of.

EMERGENCIES

Fortunately, situations that require immediate protection do not occur all too often. It is, however, good to know that a juvenile judge can respond immediately in case of physical, psychological or sexual abuse. The juvenile judge then takes **an emergency measure** to provide you with immediate protection.

CONFIDENTIAL TALKS

The sociale dienst voor gerechtelijke jeugdhulp's consultant and the youth workers that follow up on you are all bound by **professional confidentiality**. They deal with information very discretely and you can ask them not to relate certain things. However, if they notice that you are in danger, they are obliged to take action. Sometimes this may mean that they call upon the juvenile court to take an emergency measure.

TERMINATION OF PARENTAL RESPONSIBILITY

The juvenile judge can also intervene when your parent(s) are not treating you as the law requires them to. In severe situation – such as grievous bodily harm, abuse or neglect – the juvenile judge can decide that your parents lose their parental authority. In which case, parents are no longer entitled to raise their child themselves or make decisions about their child. Someone else takes over the parents' task. This person is called the **appointed guardian**.

PROCEEDINGS IN JUVENILE COURT

FIRST A RULING (PRELIMINARY MEASURE) ...

In order to thoroughly investigate your situation, the sociale dienst voor gerechtelijke jeugdhulp needs time. Often many meetings have to be organized with you, your parents and the youth workers around you. In anticipation of this investigation's results the juvenile judge can make a **ruling** (preliminary measure) so you can already receive assistance while the investigation is ongoing. A measure that is imposed by means of the ruling can last no longer than six months.

... THEN A JUDGMENT

After the ruling, the judge has to decide on the merits of your situation during a **hearing**. Only then will the juvenile judge make the actual decision, i.e. pronounce the **judgment**. After the judgment, your situation will be discussed again at least once a year. A couple of weeks prior to the hearing – and at least ten days before the hearing – you and your parent(s) will receive an invitation, which may be delivered at your house by a bailiff. This is called a **writ of summons**.

- ⚖ If you are 12 years old or older, you have to attend the hearing. The juvenile judge has a duty to hear you before taking a decision.
- ⚖ If you are under 12 years of age, you will not be summoned, though you are also entitled to be heard and state your case. It is best that you write a letter to the juvenile judge stating that you wish to be heard and you inform your lawyer.

If you wish to discuss something with the juvenile judge, you write him a letter requesting to be heard. You send the letter to the juvenile judge at the juvenile court that is dealing with your situation.

YOU CAN LODGE AN APPEAL

If you or your parents do not agree with the juvenile judge's decision, you can lodge an appeal. Discuss this with your lawyer as soon as possible as you do not have much time to do so. Usually you have **fifteen days'** time, but if you are staying in a secure community institution (Community institution De Kempen, the De Hutten campus in Mol or Community institution De Zande, Beernem campus), you only have **48 hours'** time to appeal.

You can appeal any decision taken by the juvenile judge: a preliminary decision, a judgment, but also for example a prohibition to visit your parent(s). In the period of time before the **Court of Appeal** has reached a decision, the juvenile judge cannot make any new decisions on your case and his previous decision has to be enforced. If you are lodging an appeal against your placement for instance, you will have to stay where you are until the Court of Appeal reaches a decision.



WHAT CAN THE JUVENILE JUDGE DECIDE?

The juvenile judge can take many different measures. Depending on your situation, you may simply be allowed to stay at home, though you will be placed under the supervision of the sociale dienst voor gerechtelijke jeugdhulp. The consultant then ensures that you comply with the conditions set by the juvenile judge, for example returning to school on a regular basis. However, the juvenile judge may also impose a very severe measure. He could, for instance, send you to a secure institution where you have to stay several weeks or months.

Your consultant can explain to you in detail which measures a juvenile judge can take.

THE JUVENILE JUDGE HAS PRONOUNCED A MEASURE: WHAT'S NEXT?

The sociale dienst voor gerechtelijke jeugdhulp ensures that the measure pronounced by the juvenile judge can be executed. The consultant will therefore cooperate with the intersectoral gateway. Together they will make sure that the assistance can commence: you are placed in a youth care facility or community institution, you will receive home assistance, or you will have to comply with certain conditions ...

GOOD TO KNOW IN CASE OF PLACEMENT

RIGHTS WITHIN YOUTH CARE

Since 2004 there is a decree (a kind of law) on the rights of minors within youth care. It states, among others, that you have the right to privacy, clear information, respect for your family, a support person, an allowance, proper treatment ...

You can find a complete overview at <http://wvg.vlaanderen.be/rechtspositie/index.htm>. There you will find extensive information on your rights within youth care. You will also find a convenient overview of frequently asked questions and brochures about your rights within youth care.



CHILD BENEFIT AND SAVINGS ACCOUNT

When you are placed in a facility or institution, two thirds of your parents' child benefit is automatically transferred to the Vlaamse overheid (Flemish government). It is used to partially cover the costs of your placement.

The juvenile judge can assign the remaining part (one third) to your parent(s), for example if you still visit home often. The juvenile judge can also decide to place that third part on a savings account in your name. That savings account is for you once you turn eighteen. If you wish to withdraw money from the savings account before turning 18, you have to ask for the juvenile judge's permission. Feel free to address your consultant if you have any further questions about this.

CONTRIBUTION IN MAINTENANCE COSTS

The juvenile judge can ask your parents for a contribution to the costs of your placement. If you have an income yourself, e.g. because you work, he can also ask you for a contribution.

WHICH INFORMATION ABOUT YOU IS RETAINED?

When you have come into contact with the juvenile court, you have **two files**: one at the juvenile court and one at the sociale dienst voor gerechtelijke jeugdhulp.

At the juvenile court, the **registrar of the juvenile court** keeps your file. It contains information about the facts and circumstances of the committed offences, but also data from the social investigation – for instance reports made by the consultant at the sociale dienst voor gerechtelijke jeugdhulp and from assistance programmes.

A file is also composed and kept at the sociale dienst voor gerechtelijke jeugdhulp. It mainly contains data from the social investigation and assistance. The consultant can pass information on to those who are organizing your assistance. The care providers need information to set up the assistance for you. Of course, the consultant does not forward all the information, but only shares those things that the care provider should really be aware of.

Your files contain confidential matters. The juvenile court, the consultant and the care providers deal with your data very discretely.

WHO CAN CONSULT YOUR FILES?

Only those who are involved in the legal proceedings can consult your file at the juvenile court. Others (like the institution where you're staying) are not allowed to consult this file.

The consultant or someone from your institution draws up the data in your file at the sociale dienst voor gerechtelijke jeugdhulp. They have to tell you which information they are writing down about you.

- 🔗 You can classify certain information you give your counsellor or consultant as **confidential**. This kind of information is handled very carefully;
- 🔗 You can ask the juvenile court and the sociale dienst voor gerechtelijke jeugdhulp to be able to consult your files. This is called the **right to inspection**;
- 🔗 You can ask to **correct** information if you think some things are incorrect or your opinion is not reflected clearly.

Your files contain a part of your life history. It is possible that you may have many questions now or later about what has happened to you. Do not hesitate to contact your counsellor or the sociale dienst voor gerechtelijke jeugdhulp for more information.

CRIMINAL RECORD

DO YOU HAVE A CRIMINAL RECORD?

If you have committed criminal offences and the juvenile judge passes a judgment, it is registered in the **central criminal record** until you are twenty-eight years old. That criminal record is exclusively intended for the judicial authorities. Others do not have access to the central criminal record! If you have to apply for a certificate of good conduct from the municipality, for instance, the facts will not be listed there. Your (future) employer or school also cannot see that you have a criminal record. The only exception is when you need a 'model 2'. This does include certain acts committed against minors.

If you have been referred to juvenile court because you are in a troublesome situation, but have not committed any criminal offences, then you will not have a criminal record.

CAN THE INFORMATION BE REMOVED EARLIER?

Information about the juvenile court's sentences can, at your request, be deleted five years after the end of the measure. To do so you need to contact the juvenile court of your current place of residence. This is not necessarily the juvenile court that handled your case.

ALMOST EIGHTEEN

On your eighteenth birthday, you will become an adult. The juvenile judge will close your file and no longer follow up on you. It often works out fine to stand on your own two feet. But maybe you would still like to have some support. Life as an (young) adult can be hard, especially when you are on your own. Do not hesitate to ask for and seek help. For example, you can turn to the Centra voor Algemeen Welzijnswerk (General Welfare Centres, or CAW), the Jongerenadviescentra (Youth Counselling Centres, or JAC), the Centra voor Geestelijke Gezondheidszorg (Centres for Mental Health Care, or CGGZ), the social services of the sickness insurance funds or the Openbaar Centrum voor Maatschappelijk Welzijn (Public Centre for Social Welfare, or OCMW).

Sometimes you would rather stay where you are, for instance so that the transition to your independence will go more smoothly or because you are still following a course. If you have been placed and would like to stay in the institution or foster family after your eighteenth birthday, or if you would like to try guided independent living, it is best that you talk to your consultant about it. He will get you on your way to receive continuing assistance.

If you have committed an offence, the prosecutor can request an extension from the juvenile court. The juvenile judge will grant the extension if your behaviour shows that you continue to engage in dangerous or risky behaviour. An extension cannot continue beyond your twentieth birthday, though.

LEGAL ADVICE

Every judicial district has a **Commissie voor Juridische Bijstand (Committee for Legal Assistance)**. There you can get free legal advice. Further information can be found at: <http://www.lawyer.be/Page.aspx?genericid=74>

QUESTIONS OR COMPLAINTS?

Is there anyone in your immediate surroundings you can talk to about this? It could be a friend, a teacher, a care provider at the Centrum voor Leerlingenbegeleiding (CLB), a youth worker... If you are staying in a residential institution, it could also be your individual counsellor, social worker or psychologist, the management of the institution... They will help you find a solution.

If for some reason it is impossible for you to turn to them, you can call upon the sociale dienst voor gerechtelijke jeugdhulp. Your consultant will then help you, your parents and the care providers around you look for a solution.






STILL HAVE A QUESTION OR COMPLAINT CONCERNING YOUTH CARE?

You can address the JO-lijn.

JO-lijn is the help line of Jongerenwelzijn. Are you looking for information, advice or do you have a complaint? Call the JO-lijn on the free number **0800/ 900 33**.

JO-lijn is reachable by phone on:

-  Monday mornings between 9 a.m. and 1 p.m.
-  Wednesday afternoons between 1 p.m. and 6 p.m.
-  Friday afternoons between 1 p.m. and 6 p.m.

You can also write them:

JO-lijn
Ellipsgebouw
Koning Albert II-laan 35 - bus 32
1030 Brussel

Or send an e-mail to jo-lijn@jongerenwelzijn.be.

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Agentschap Jongerenwelzijn
Koning Albert II-laan 35, bus 32
1030 Brussel

EDITOR IN CHARGE

Lucien Rahoens
Head of the Referrals Policy Department

TEXT HANDLING

Referrals Policy Team

MORE INFORMATION

www.jongerenwelzijn.be/integrale-jeugdhulp
Addresses of local services can be found in the Contact section.

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