



o.p.e.n.court

Orienting Young People with Exceptional Needs about Court

Resource Guide



OHIO STATE BAR
FOUNDATION

WWW.OSBF.NET

Going to court can be unsettling—especially for youth with exceptional needs. As parents, teachers, and court personnel, we know that preparing youth demands a different approach. But...

- What is the “different approach”?
- What do we need to know about the legal system and youth with exceptional needs?
- Who can help us, as caregivers and facilitators, guide these youth?

The Ohio State Bar Foundation’s 2011 Fellows Class—working with advocates for youth with exceptional needs—can help. Creating the following resource materials to use with the O.P.E.N. Court videos, these volunteer lawyers and specialists provide answers that:

- Prepare these youth when they become involved with the legal system
- Engage caregivers and facilitators in best practices
- Protect the rights and responsibilities of all during their “day in court”

Please download and use these materials to educate our youth about the role the juvenile justice system can have in their lives.

Download videos and resources:
www.osbf.net/opencourt





OHIO STATE BAR FOUNDATION

We thank the following individuals and organizations for their assistance and dedication as the 2011 Fellows Class produced three videos to help youth with developmental disabilities better understand the juvenile justice system.

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Communication Steps to Success

Communicating successfully with youth with exceptional needs is achieved when certain adjustments are made. Although each young person is unique in how he or she processes information, facilitators can make those individual adjustments by following certain helpful steps.

Starting Out

- Move to a private area.
- Be calm and non-threatening.
- Be patient, flexible, and relaxed.
- Avoid stimulation: bright lights, noise, crowds, touch.
- Always place yourself at eye level.
- Involve others the youth knows and trusts.

"Do these lights bother you? Sit here then."

~~*"Letting the cat out of the bag."*~~

Moving Forward

- Use simple, concrete, and age-appropriate words.
- Speak literally. Avoid technical terms and figurative language.
- Repeat and rephrase questions as needed.
- Prompt with specific questions.
- Be specific and offer direction with question. Avoid open-ended questions.
- Divide instructions into small steps.

"Would you like to take a break by sitting on that bench?"

"It sounds like you were uncomfortable when he came toward you. Is that right?"

Finishing Up

- Wait for responses—some may be delayed.
- Listen attentively with no interruptions—speaking can be difficult.
- Use visuals to explain ideas.
- Problem-solve with paper-and-pen pictures and words.
- Repeat what you have heard and let the person respond and correct.
- Tune into nonverbals—rolling eyes may mean frustration, not rudeness.
- Accept inappropriate or off-topic comments—sign of disability.
- Ask how you can be supportive—offer specific suggestions.

Understanding the Juvenile Justice System



Video Discussion Guide



Directions: *Understanding the Juvenile Justice System* video teaches youth with exceptional needs about their rights if or when they become involved with the juvenile justice system. Although this video's message about rights applies to all young people, it is intended to address the emotional and practical issues often faced by young people with disabilities who become involved in court. While each young person's experience will be unique, learning about their rights and how to respond appropriately will help give these young people confidence and skills to navigate the juvenile court system.

Prepare yourself to watch the video with young people by viewing it first and by reading the questions beforehand.

- As a parent, you may then share with your child what you also have learned and adapt questions to your child's individual needs.
- As a lawyer or court personnel, keeping the material focused and simple will benefit the young person.
- As a teacher, you may use the materials with individual students or in groups to generate discussion.

Of course, anyone using these materials may want to pause the video to pose questions. Whether you pause-and-ask, wait until the end, or do a mix of both, the questions will help you assess your audience's understanding of the material. The questions will also reinforce appropriate responses for young people when they interact with the juvenile justice system. Watching the video together a second or third time may help reveal what young people still need to learn and practice.

1

We all experience situations when we don't know what to do. Would you know what to do if you had to go to juvenile court?

- a. Yes
- b. No
- c. Not sure

2

Henry walked out of the store with the iPad because:

- a. He wanted to steal it
- b. He wanted to finish his game

3

What did the store owner do when Henry walked out?

- a. Told him to put the iPad back and leave
- b. Tackled him before calling the police
- c. Stopped him and called the police

4

When the police arrived, Henry might have had many different feelings. Mark all of the feelings you think he might have had.

- Scared
- Nervous
- Not sure about what to say or do
- Not sure what would happen next
- Happy

Any other feelings you can think of? If so, please list them and tell why you think Henry might have these feelings.

5

From the following list, choose one thing Henry could have done to protect himself when he first talked with the police

- a. Told the police he has a disability and name it
- b. Run away when he got a chance
- c. Fought the police

6

Can Henry tell the police he doesn't understand what they are saying and that he needs his parents or a trusted adult to help him understand?

- a. Yes
- b. No
- c. Not sure

7

Henry may tell the police he is feeling nervous and needs to calm down. He could:

- a. Ask to count to ten
- b. Ask to squeeze his hands
- c. Ask to take deep breaths

8

If you needed to calm down while talking to the police, how might you do that?

9

Henry may have to go to juvenile court to talk about the charge. Before going to court, Henry has the right to:

- a. Have a teacher go with him
- b. Have a lawyer help him
- c. Have the police drop the charges
- d. Have the store owner drop the charges

10

Is it a good idea for Henry to tell the police that he has a disability?

- a. Yes
- b. No
- c. Not sure

11

Henry also has the right to remain silent. This right means:

- a. He does not have to talk to the police or judge about the alleged theft of the iPad
- b. He does not have to tell his school what happened
- c. He can tell his attorney what happened so his attorney can tell Henry's side of the story

12

Should the judge ask Henry if he understands his rights?

- a. Yes
- b. No

13

Should Henry answer any questions he doesn't understand?

- a. Yes
- b. No

14

Can Henry ask for help from the judge to explain anything he doesn't understand?

- a. Yes
- b. No

15

Henry has one more right when he goes to court—the right to deny the charge made against him. Denying the charge or saying "No" means:

- a. The charge must be dismissed by the prosecutor
- b. The judge will be angry
- c. In order for Henry to face any consequences for his actions, the prosecutor must prove that Henry did something wrong
- d. Henry will now face additional charges

16

Why is it so important for Henry to tell the police and the court about his disability? Mark all of the reasons you believe are true.

- ____ So they can get to know Henry and his way of thinking
- ____ So they can help Henry understand better what is happening
- ____ So they can protect Henry's rights
- ____ So they can make Henry's parents happy
- ____ So they can punish Henry

Any others you can think of? Please list them and explain why you think they're important.

17

Which three of the following rights does everyone have when going to court?

- a. The right not to talk about what happened
- b. The right to deny the charges
- c. The right to choose the date to appear in court
- d. The right to be represented by an attorney



Answers to Video Discussion Guide Questions

Some open-ended questions allow the youth to choose a response. All questions, even those with a preferred answer, are discussion points for further understanding and practice of appropriate behaviors.

1. Choice response
2. Choice response
3. c
4. Choice response
5. a
6. a
7. a, b, and c
8. Choice response
9. b
10. a
11. a and c
12. a
13. b
14. a
15. c
16. Choice response
17. a, b, and d



The Courtroom and How it Works



Video Discussion Guide



Directions: *The Courtroom and How It Works* video teaches young people with exceptional needs about the juvenile court process so that they can be prepared if or when they become involved with the juvenile justice system. Although this video's message about court procedures is universal, it is intended to address the emotional and practical issues that young people with disabilities may face in the courtroom setting. Teaching young people about courtroom personnel and procedures is one way that you can guide them through anxious moments, help to ease stress, and direct them to make appropriate responses.

Prepare yourself to watch the video with young people by viewing it first and by reading the questions beforehand.

- As a parent, you may then share with your child what you also have learned and adapt questions to your child's individual needs.
- As a lawyer or court personnel, keeping the material focused and simple will benefit the young person.
- As a teacher, you may use the materials with individual students or in groups to generate discussion.

Of course, anyone using these materials may want to pause the video to ask the appropriate question at that moment. Whether you pause-and-ask, wait until the end, or do a mix of both, the questions will help you assess your audience's understanding of the material. The questions will also reinforce appropriate responses for young people when they interact with the juvenile justice system, even though each person's experience in court is unique. Watching the video together a second or third time may also be helpful to reinforce the concepts for some viewers.

1

We all run into situations where we don't know what to do. Would you know what to do if you had to go to juvenile court?

- a. Yes
- b. No
- c. Not sure

2

If you are required to go to juvenile court, you might experience many different feelings. Mark all of the feelings that you think you might have.

- | | |
|---|-----------------------------------|
| <input type="checkbox"/> I know what I should do | <input type="checkbox"/> Curious |
| <input type="checkbox"/> I'm not sure what to say or do | <input type="checkbox"/> Cautious |
| <input type="checkbox"/> Scared | <input type="checkbox"/> Happy |
| <input type="checkbox"/> Nervous | <input type="checkbox"/> Sad |

Any other feelings you can think of? Please list them and explain why you think you would feel that way.

3

Courtrooms can be big or small. Courtrooms can be fancy with high ceilings or simple with just a few tables. Courtrooms can be busy with people coming and going, or they can be quiet. Nonetheless, all courtrooms have several people working in them with different jobs to do. Use the word bank below to match the person with the job that he or she does in the courtroom.

- | | | |
|--|---|----------------------------------|
| <input type="checkbox"/> Judge (or Magistrate) | <input type="checkbox"/> Clerk | <input type="checkbox"/> Bailiff |
| <input type="checkbox"/> Prosecuting Attorney | <input type="checkbox"/> Defense Attorney | <input type="checkbox"/> Witness |

- a. This person may wear a uniform and makes sure that the courtroom is safe for everyone. This person will also say when the court session is starting and when it is ending.
- b. This person is in charge. He or she makes sure that the rules are being followed and also decides if a law has been broken.
- c. This person may be asked to answer questions in court about something that he or she has seen or heard.
- d. This person will try to prove that someone broke a law.
- e. This person helps the judge with paperwork or anything else the judge might need.
- f. This person will defend the person who is being accused of breaking a law.

4

No matter how many people are in the courtroom, everyone should be quiet and respectful.

- a. Yes
- b. No

5

When you receive a summons in the mail or from a police officer, you will be asked to come to a hearing in a courtroom. The first type of hearing you may go to is called an arraignment. Choose the one statement below that is not true at an arraignment.

- a. The charge against you is stated.
- b. You will be asked to admit to the charge or to deny (that is, say “no”) to it.
- c. Your grades from school will be shown to the judge.

6

What other statements about an arraignment are true?

- a. Witnesses will be there to tell what they saw or heard.
- b. You can take an attorney with you.
- c. You can ask the judge for an attorney if you don’t have one.
- d. You can tell the court officials that you have a disability.

7

At the arraignment, it is OK to tell your name and address.

- a. Yes
- b. No

8

At the arraignment, it is OK to say that you don’t understand the charge against you.

- a. Yes
- b. No

9

At the arraignment, you probably should say “No” to the charge if you have not talked to an attorney yet.

- a. Yes
- b. No

10

If you deny the charge, the judge will usually set a trial date.

- a. Yes
- b. No

11

After an arraignment, you may be required to attend a trial on another day. You or your attorney will be told by a court official about the date and time of the trial, which may be held in the same room where you went for your arraignment or perhaps in a different room or building. How do you think you might feel when you go to court for trial?

- a. Still scared and nervous
- b. Happy to have an attorney with you
- c. Mad that you have to go back again
- d. Withdrawn
- e. Frustrated
- f. Lonely
- g. Interested about what will happen

Any other feelings you can think of? Please list them and explain why you think you would feel that way.

12

During a trial, which of the following things may be true?

- a. A bailiff, clerk, judge, prosecuting attorney, and defense attorney may be in the room.
- b. The bailiff, clerk, judge, and attorney may be the same people you saw during the arraignment.
- c. Everyone wants to know the truth about what actually happened.
- d. Your parents will not be allowed in the courtroom.
- e. The police will keep you in handcuffs.

13

During a trial, which of the following are true?

- a. Witnesses (people who may know something about what happened) can talk if called upon.
- b. Before you can be found guilty (also called "delinquent"), the prosecuting attorney must prove that you did something wrong.
- c. You are responsible for proving that you didn't do anything wrong.
- d. Your attorney will talk for you in court and explain your side of what happened.

14

After hearing from witnesses and the attorneys, the judge will decide if you broke the law.

- a. Yes
- b. No

15

If the judge decides that the prosecuting attorney did not prove that you committed a crime, your case will be dismissed.

- a. Yes
- b. No

16

If the judge decides that you broke the law, he or she will probably impose some penalties or consequences on you.

- a. Yes
- b. No

17

At the dispositional hearing, other witnesses (such as doctors, counselors, or religious people) may be asked to talk about your character or about what you did.

- a. Yes
- b. No

18

Choose any of the following answers that you think are true.
When you are in court, you should always:

- a. Tell your lawyer if you don't understand what is happening
- b. Let people know that you have a disability
- c. Listen quietly to what is going on
- d. Try to be calm
- e. Let your parents or trusted adults help you with your feelings and thoughts



Answers to Video Discussion Guide Questions

Some open-ended questions allow the youth to choose a response. All questions, even those with a preferred answer, are discussion points for further understanding and practice of appropriate behaviors.

1. Choice response
2. Choice response
3. a-Bailiff, b-Judge, c-Witness,
d-Prosecuting Attorney, e-Clerk, f-Defense Attorney
4. a
5. c
6. b, c, and d
7. a
8. a
9. a
10. a
11. Choice response
12. a, b, and c
13. a, b, and d
14. a
15. a
16. a
17. a
18. a, b, c, d, and e



How to Be Ready for Juvenile Court



Video Discussion Guide



Directions: The *How to Be Ready for Juvenile Court* video teaches young people with exceptional needs how to behave in a courtroom. Although this video's message is universal, it is intended to address the emotional and practical issues often faced by young people with disabilities. These young people will learn that making a good impression in the courtroom is an important part of their efforts to achieve successful outcomes in their cases. They will learn that courteous and respectful behavior will actually boost their confidence and their understanding of the court experience. As the facilitator, you can practice the tips shared in the video. By doing so, you will teach young people to take an active part in their own defense, thus securing the rights and fair process guaranteed to them.

Prepare yourself to watch the video with young people by viewing it first and by reading the questions beforehand.

- As a parent, you may then share with your child what you also have learned and adapt questions to your child's individual needs.
- As a lawyer or court personnel, keeping the material focused and simple will benefit the young person.
- As a teacher, you may use the materials with individual students or in groups to generate discussion.

Of course, anyone using these materials may want to pause the video to ask the appropriate question at that moment. Whether you pause-and-ask, wait until the end, or do a mix of both, the questions will help you assess your audience's understanding of the material. The questions will also reinforce appropriate responses for young people when they interact with the juvenile justice system. Watching the video together a second or third time may help reveal what young people still need to learn and practice.

1

We have all had new situations that made us confused about how to behave. For many people, going to court is a new experience. Would you know how to behave in a courtroom?

- a. Yes
- b. No
- c. Not sure

2

Most people feel nervous and scared when doing something they have never done before. Would you feel nervous and scared going to court (whether it is an arraignment, trial, or dispositional hearing as talked about in a previous video)?

- a. Yes
- b. No

3

What might make a person nervous or scared when in a courtroom? Which of the following might make you nervous?

- a. Not knowing what to do with your hands
- b. Not knowing when to speak
- c. Seeing policemen with guns
- d. Having people stare at you
- e. Seeing so many strangers

4

What other things might make you nervous?

- a. Being asked questions that you don't know how to answer
- b. Not knowing where to sit
- c. Having to wait for the judge and others
- d. Not being ready on time

What else can you think of? Write it here:

5

Everyone should prepare and practice what to do in court before their court date. Think about and discuss how each of the steps below could help you feel more prepared and less nervous if you were scheduled to attend a court hearing.

- a. Know exactly what time your hearing begins
- b. Find a place to park your car or find the bus stop that is closest to the courthouse and determine how long it takes to walk to the building
- c. Visit the inside of the courtroom and locate the room where your hearing will take place before your hearing day
- d. Determine how much time it takes to get from your home to the hearing room, and add extra time so you will be sure to be there promptly on the day of your hearing

6

You should also decide what you will wear to the courtroom. The courtroom is a formal and serious place. Wearing nice clothes can make a good impression. Therefore, which of the following ideas about how to dress should you follow?

- a. Wear an outfit that is neat and clean and ironed
- b. Wear T-shirts that have team logos on them, just like you might wear to school
- c. Wear something you might wear to a wedding or place of worship
- d. Wear long pants or an appropriate-length skirt
- e. Wear blue jeans that are ripped or contain holes

7

Courts have rules to keep order. Are the rules below good rules to follow?

- | | | |
|---|-----|----|
| a. Turn your cell phone off – Do not text | Yes | No |
| b. Don't chew gum while in the courtroom | Yes | No |
| c. Don't bring food into the courtroom | Yes | No |

8

Showing others that you are serious about your day in court makes a good impression. One way to make a good impression is to bring a book or magazine to read until your hearing starts.

- a. Yes
- b. No

9

Looking at the people who speak to you and listening carefully to what they are saying will also help you in court. These good manners show the court that you are taking your case seriously.

- a. Yes
- b. No

10

Judges like to see that you are staying in your seat and paying attention while in court.

- a. Yes
- b. No

11

Before you go into the courtroom, ask your attorney to practice with you so that you are ready to answer the questions you may be asked. Your attorney may also ask you to practice telling your story if he or she thinks it will help your case. Which of the following are good practices for speaking in court?

- a. Wait your turn to speak
- b. Speak clearly and slowly
- c. Stay calm and answer questions politely—even if you hear something that doesn't seem right or fair
- d. Speak only to the people in the back of the room

12

Sometimes you may want to ask a question or share an idea during your hearing. You may be confused about what is happening or have an important question to ask your lawyer. Which ideas below should help you when you want to say something or ask a question?

- a. Ask your attorney your question quietly during the hearing
- b. Pass your attorney a note with a question or idea on it
- c. Talk to your attorney before the hearing or wait until after the hearing
- d. Tell the judge that you don't understand what's going on (if you don't) when he or she asks you

13

Feeling anxious or upset during a hearing is normal. People often hear things that they do not understand or like hearing. However, remember it is okay to plan ahead of time so that you will know how to calm down when you are feeling stressed. Mark all of the ideas below that you can do when you are upset or feeling anxious.

- a. Bring a special, small object with you
- b. Keep with you a picture that calms you down and look at it when you need to
- c. Tell your attorney you need to take a break
- d. Show a card to your attorney saying that you are feeling anxious and need a break

14

Would any of the following calming activities work for you? Check all that apply.

- a. Taking deep breaths
- b. Stretching your legs under the table
- c. Wiggling your toes under the table

Do you have any ideas of your own that you could share with your attorney to see if they are acceptable? Share them here:

15

Although the video did not discuss certain items unacceptable in court, the following items may pose some concerns. Which ones are not acceptable?

- a. Knives, even pocket ones
- b. Tools
- c. Drugs
- d. Laser lights
- e. Nail clippers and files



Answers to Video Discussion Guide Questions

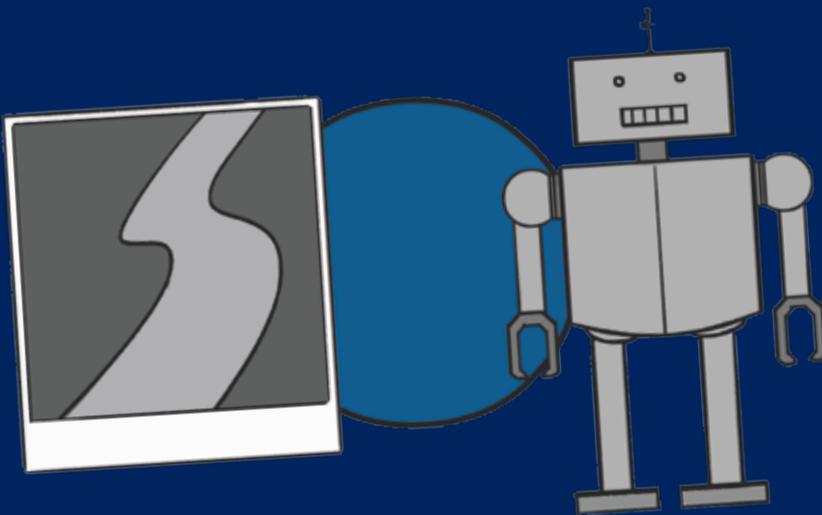
Some open-ended questions allow the youth to choose a response. All questions, even those with a preferred answer, are discussion points for further understanding and practice of appropriate behaviors.

1. Choice response
2. Choice response
3. Choice response
4. Choice response
5. Choice response
6. a, c, and d
7. a-Yes, b-Yes, c-Yes
8. a
9. a
10. a
11. a, b, and c
12. a, b, c, and d
13. Choice response
14. Choice response
15. a, b, c, d, and e

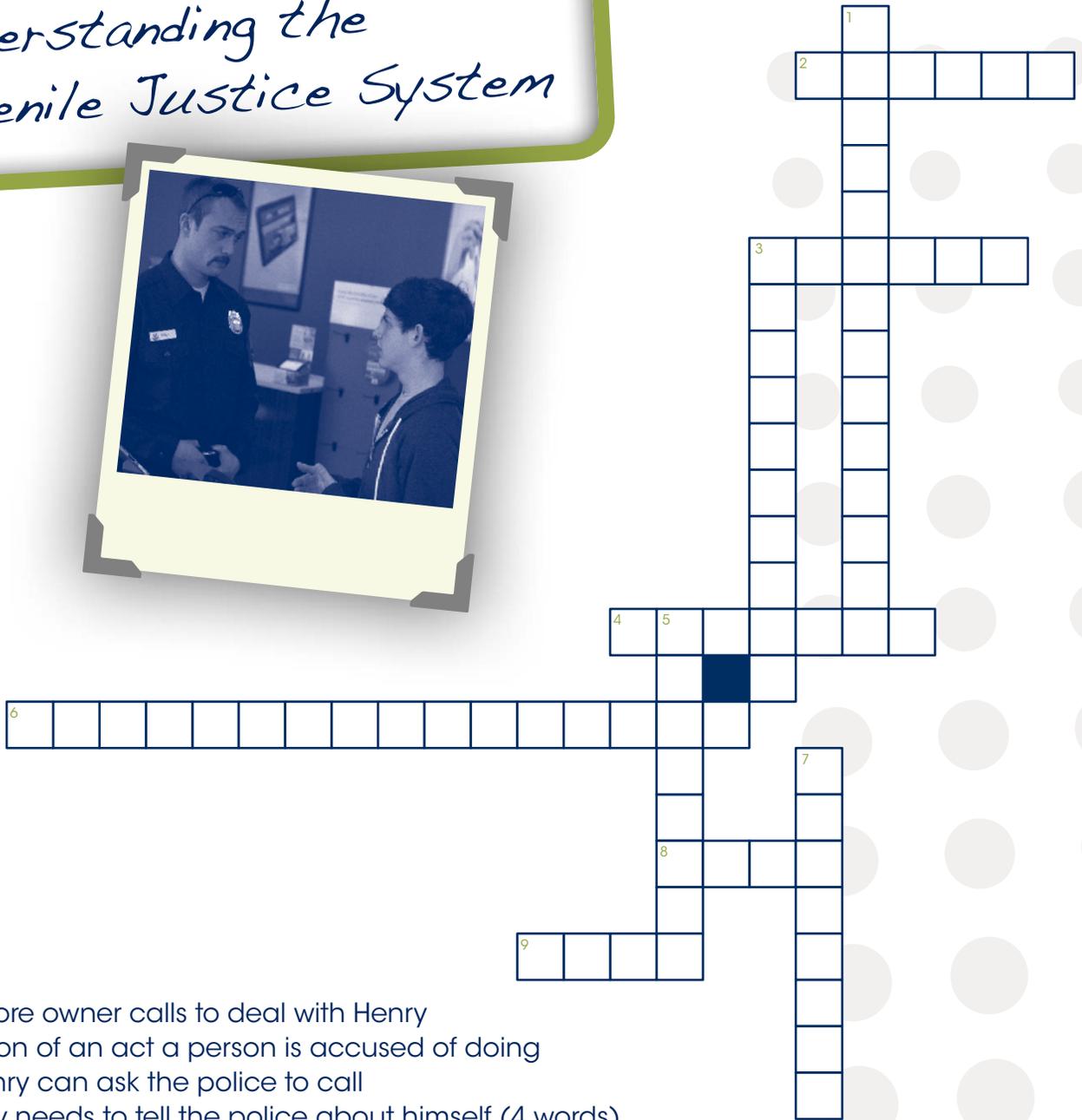


Supplemental Graphics

Many youth with exceptional needs tend to learn more effectively when information is reinforced with visual clues such as graphics. The material on the following pages can be reproduced and used with the teaching guides. They can also be used by facilitators who want to create other options such as additional worksheets, assessments, or other means of direct instruction.



Understanding the Juvenile Justice System



Across

2. Who the store owner calls to deal with Henry
3. A description of an act a person is accused of doing
4. People Henry can ask the police to call
6. What Henry needs to tell the police about himself (4 words)
8. One question police may ask of Henry
9. Another word for saying "no" to a charge

Down

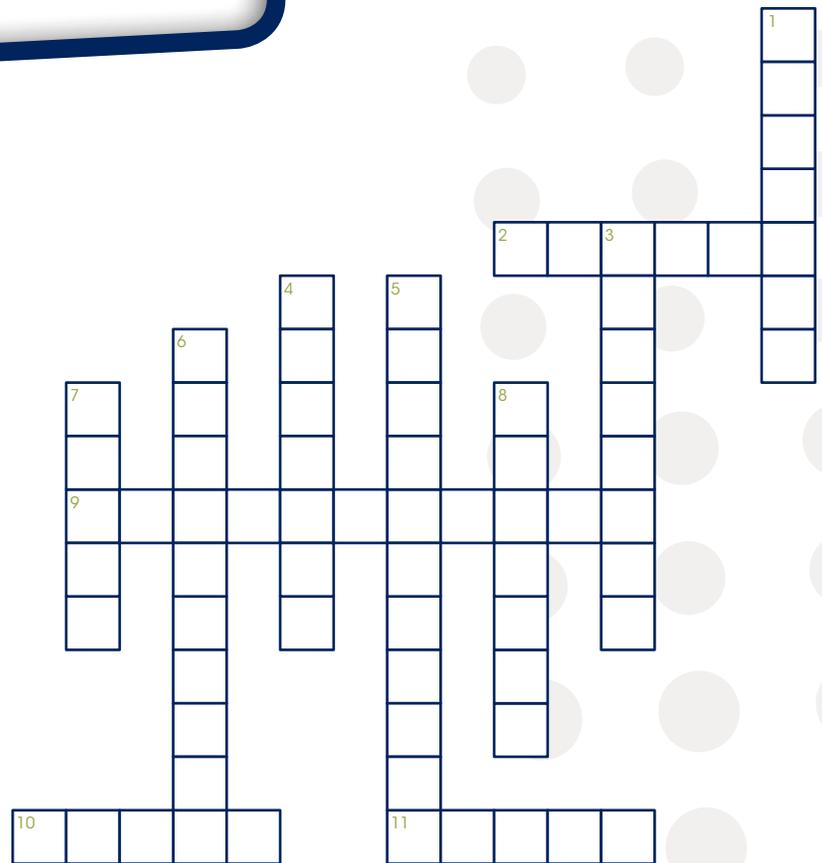
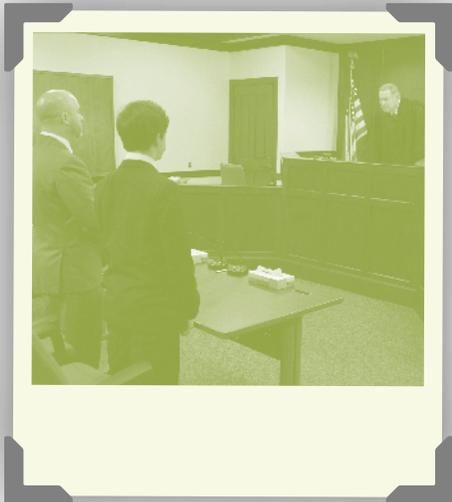
1. A right a person has when talking to police (3 words)
3. What Henry can do to calm himself down (3 words)
5. Everyone has the right to have this person represent him or her in court
7. What Henry is accused of

Word Bank:

TO REMAIN SILENT; STEALING; POLICE; PARENTS; NAME;
I HAVE A DISABILITY; DENY; COUNT TO TEN; CHARGE; ATTORNEY



The Courtroom and How it Works



Across

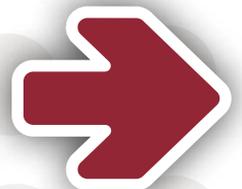
2. The act a person is accused of doing wrong
9. A court appearance to determine a person's sentence
10. Handles paperwork and helps the judge
11. A court appearance to determine a person's guilt

Down

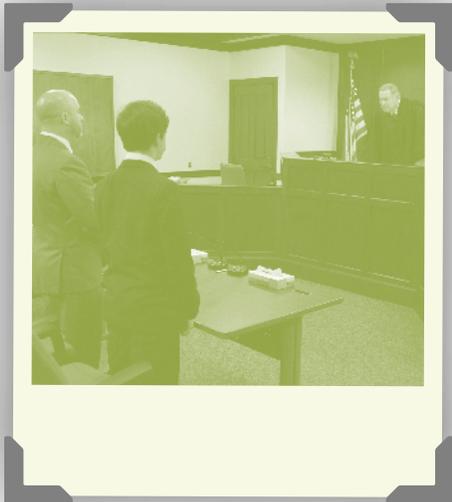
1. A person who tells what he has seen or heard
3. A person who defends someone accused of a crime
4. A notice telling a person to appear in court
5. A person's first appearance in court
6. A person who must prove a law has been broken
7. The person who decides if a law has been broken
8. A court official who makes the courtroom safe

Word Bank:

WITNESS; TRIAL; SUMMONS; PROSECUTOR; JUDGE; ATTORNEY;
DISPOSITION; CLERK; CHARGE; BAILIFF; ARRAIGNMENT



The Courtroom and How it Works
Answers



Across

- 2. The act a person is accused of doing wrong
- 9. A court appearance to determine a person's sentence
- 10. Handles paperwork and helps the judge
- 11. A court appearance to determine a person's guilt

Down

- 1. A person who tells what he has seen or heard
- 3. A person who defends someone accused of a crime
- 4. A notice telling a person to appear in court
- 5. A person's first appearance in court
- 6. A person who must prove a law has been broken
- 7. The person who decides if a law has been broken
- 8. A court official who makes the courtroom safe

Word Bank:

WITNESS; TRIAL; SUMMONS; PROSECUTOR; JUDGE; ATTORNEY;
 DISPOSITION; CLERK; CHARGE; BAILIFF; ARRAIGNMENT



How to Be Ready for Juvenile Court



Words to Find

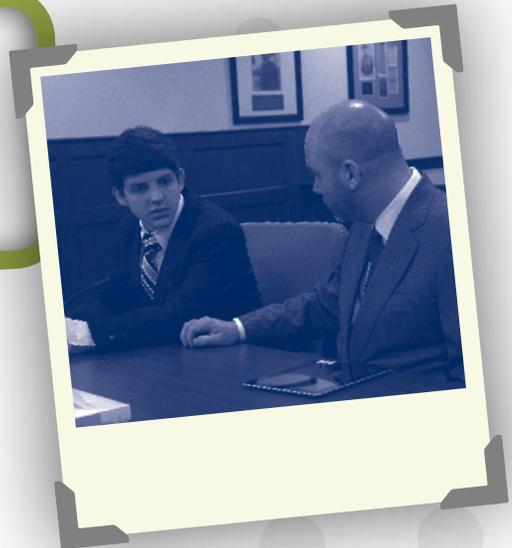
- ask questions
- be ready on time
- pay attention
- speak clearly
- take a break
- turn off phone
- visit courtroom
- wear good clothes

T F A G E T T N O W F F O D S
C E L R L R E S T R E P W E A
T I S I M H I E T L A O H A S
T T H A R A U E O H I T O H K
T E A C N D U N C A O U M R Q
E E I G N I S E E L S C I L U
L L A F T M D A C C A I O B E
R O E T H B H D M O A F G E S
V I S I T C O U R T R O O M T
A T U R N O F F P H O N E A I
O E R L G N C S I S E C E N O
C B E R E A D Y O N T I M E N
D T A T A K E A B R E A K L S
I E S P E A K C L E A R L Y T
W P A Y A T T E N T I O N R Y



How to Be Ready for Juvenile Court

Answers



Words to Find

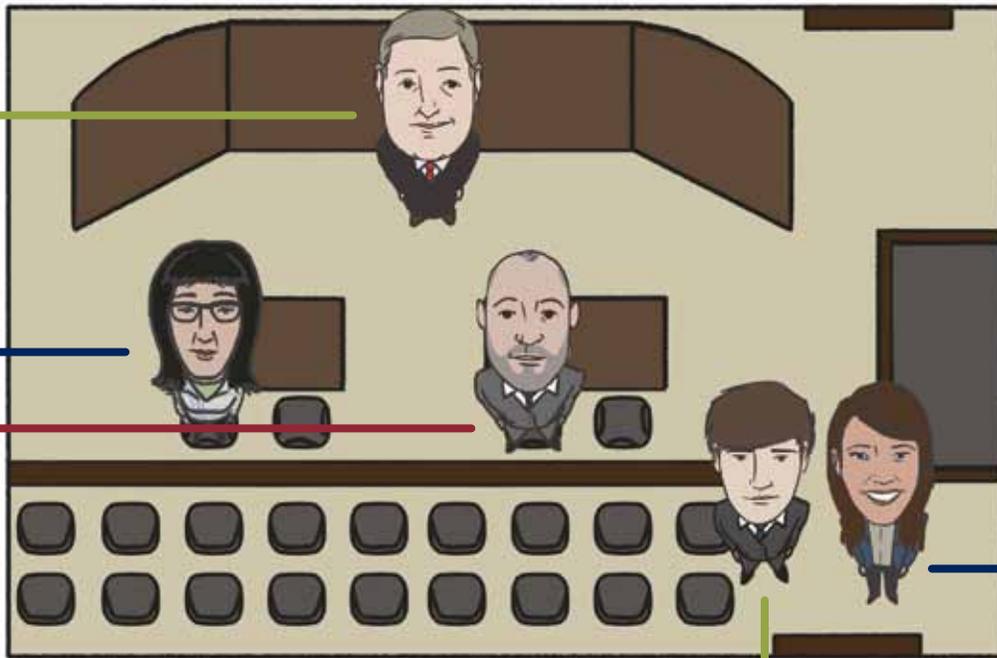
- ask questions
- be ready on time
- pay attention
- speak clearly
- take a break
- turn off phone
- visit courtroom
- wear good clothes

A 15x15 word search grid with the following words circled in red:

- VISIT COURTROOM
- TURN OFF PHONE
- BE READY ON TIME
- TAKE A BREAK
- SPEAK CLEARLY
- PAY ATTENTION



Who is in the Courtroom?

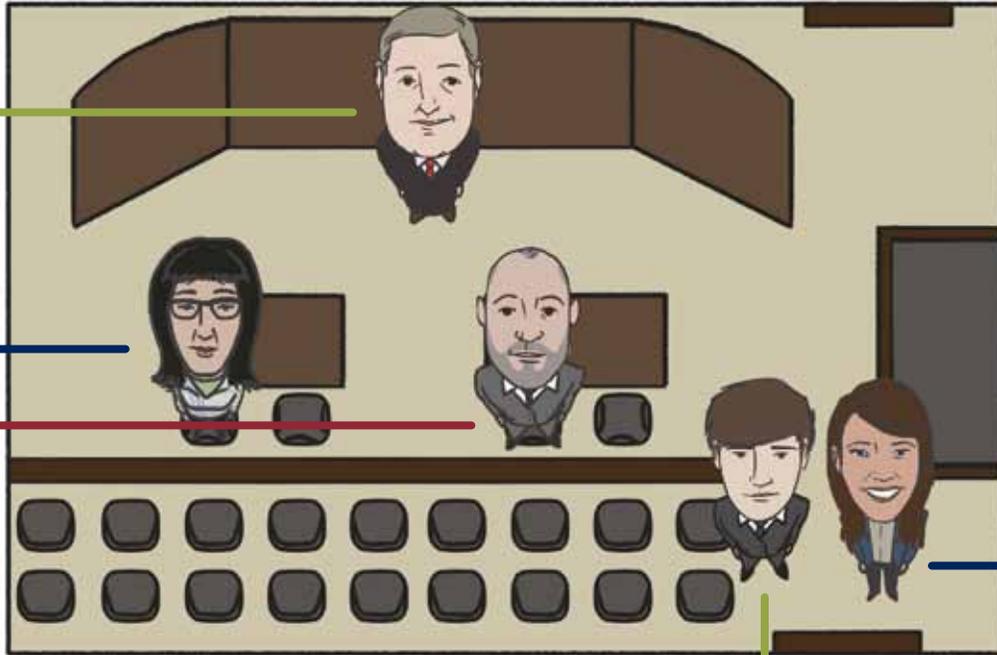


Word Bank:

HENRY; PROSECUTOR; JUDGE; HENRY'S MOM; DEFENSE ATTORNEY



Who is in the Courtroom *Answers*



J U D G E

P R O S E C U T O R

D E F E N S E

A T T O R N E Y

H E N R Y

H E N R Y ' S

M O M

Word Bank:

HENRY; PROSECUTOR; JUDGE; HENRY'S MOM; DEFENSE ATTORNEY



Use of an ID Card

Although it is a personal choice, some youth with exceptional needs may find that carrying an ID card can be very useful.

For example, in the *Understanding the Juvenile Justice System* video, Henry chooses only to tell the police he has a disability. However, encountering the police—or any other emergencies, for that matter—can be stressful, and some youth may also want to share an ID with authorities. A card that discloses a person's disability and other pertinent information may facilitate a calmer and more appropriate response by all parties involved.

Below is an example of an ID youth with special needs may want to carry with them and use. Because the card is a supportive tool, however, the youth may want to create one tailored to his or her needs. Just remember that police and other authorities make good decisions when they have good information, and an ID is meant to supply that information.

A youth can tell the police that he or she has an ID for them to read. First, however, the youth needs always to ask permission from the police to retrieve it and to avoid any sudden, unannounced movements. That way, both the youth and the police can respond in good faith. Of course, discussing the ID with the youth and practicing its use may ensure that good faith efforts will prevail when needed.



My name is _____
I have a disability. My disability is _____

My address is _____
My birthday is _____
My parents are _____
Please call them at _____ to let them
know what is happening to me. I need their help to
understand what is happening. They can also explain to you
my disability. If you cannot reach my parents, please
call _____, which is an advocate agency
for my disability, or call _____, who is my
personal advocate and friend.

Court-related Vocabulary

The information below is intended for adults facilitating the videos and questions with youth who have exceptional needs. As a facilitator, you may determine best how to use the provided court-related vocabulary.

Admit/Admission- A person who is accused of and charged with committing a crime can admit to the court that he or she committed the crime. This is sometimes called an "admission of guilt."

Arrest- An arrest occurs when a person is taken to a police station by a police officer who believes that the person has committed a crime.

Bailiff- A bailiff is a person who makes sure that the courtroom is safe and orderly. This person will also tell the people in the courtroom when a court proceeding is starting and when it is ending. Sometimes a bailiff will be wearing a uniform that looks similar to a police officer's uniform.

Bench- The bench is the desk or table where a judge or magistrate sits in a courtroom.

Break or Recess- In a courtroom, a judge can stop a hearing if people in the courtroom need a break to talk with their lawyers or for other personal reasons. A judge may also call a recess for lunch or at the end of the day.

Burden of Proof- The prosecutor – a lawyer whose job is to present evidence that a crime has occurred – must prove in court that the person being charged has actually committed the crime listed in the charge. In the United States legal system, a person is considered innocent until proven guilty. If the prosecutor cannot provide enough evidence to show that the accused person is guilty beyond a reasonable doubt, the accused person is found not guilty.

Charge- The charge is a written description of an illegal act that a person is accused of committing. Once the charge has been prepared by a police officer or prosecutor and has been filed with the court, a judge or magistrate at the court will decide whether or not a crime has been committed.

Clerk- A clerk works for a court and helps the judge by keeping track of court papers and scheduling court hearings.

Client- A lawyer's client is the person who is represented by that lawyer in a legal matter.

Confidential/Private- When a lawyer and a client talk about the client's case, the conversations are kept private. The lawyer is not allowed to share this information with anyone else unless the client says that it's okay.

Continuance- Sometimes a judge must reschedule a hearing or some other court proceeding for a later date. When this happens, the judge grants a "continuance" or will say that the case is "continued."

Defendant- A defendant is a person who has been charged with a crime. In a juvenile court, this person may be referred to as an "alleged delinquent child."

Defense Attorney- A defense attorney is a lawyer who is responsible for representing a defendant and who attends all court hearings with the defendant. This person is often called a public defender if the defendant is not paying for the lawyer's services.



Delinquent- A delinquent person is someone under the age of 18 who has been found guilty of breaking the law.

Denying a Charge- If a person under the age of 18 is accused of committing a crime, that person can “deny the charge” even if the person actually did do something wrong. If the accused person denies a charge, then the prosecuting attorney will have to prove beyond a reasonable doubt that the person actually broke the law.

Hearing- A hearing is a session in court before a judge or magistrate. There are three basic types of hearings in juvenile court:

1. An **arraignment-** At an arraignment, the judge tells the accused person what the criminal charge is and what the possible penalties might be. The accused person can admit to the charge or deny it. At the arraignment, the accused person can be represented by a defense attorney or can ask the judge to appoint one. Some juvenile courts may refer to an arraignment as a “preliminary hearing.”
2. A **trial-** At a trial, the judge will listen to statements from witnesses and will decide whether an accused person is guilty of a crime. In juvenile court, the trial is called an “adjudication hearing.” At that hearing, the prosecuting attorney presents evidence to prove that an accused person committed a crime. The defense attorney speaks for the accused person and makes sure the trial is fair.
3. A **dispositional hearing-** If the accused person in a juvenile court adjudication hearing is found delinquent, a judge will determine at a “dispositional hearing” what consequences should be imposed for the crime.

Judge- A judge is the person who is in charge of a courtroom and who makes sure that everyone in court follows the rules. The judge will also decide if a law was broken and what the consequences should be.

Juvenile Court- A juvenile court is a court for people under the age of 18 who are charged with crimes. A young person who is charged with a crime will usually go to a juvenile court instead of an adult court. In certain cases involving very serious crimes, a juvenile’s case may be moved to an adult court.

Magistrate- A magistrate is like a judge, though judges are elected and magistrates are not. A magistrate may be the person who oversees a juvenile court case and who makes decisions about adjudication and disposition. A magistrate can perform nearly all of the duties that a judge can perform, including deciding whether a law was broken and what the consequences for that violation should be.

Order- An order is a written instruction signed by a judge that calls for something to be done (or not done).

Probation- Probation – also called “community control” – is a consequence that is sometimes ordered when a young person is found delinquent on a criminal charge. Usually, a person “on probation” must regularly check in with a probation officer.

Probation Officer- A probation officer helps to make sure that a person who is found delinquent on a criminal charge is following rules and is complying with the law.

Prosecuting Attorney/Prosecutor- A prosecutor is an attorney who represents the government and who tries to ensure that people who break the law are held accountable for their actions. It is the prosecuting attorney’s job to prove that a charge made against an accused person is true. This attorney has the “burden of proof” in a juvenile court case, meaning that the prosecutor must prove beyond a reasonable doubt that an accused person committed a crime.



Rights- Legal rights are the basic rules and principles that are designed to protect everyone in our legal system. In the United States, certain rights are listed in both the U.S. and state constitutions. Rights that apply to those accused of crimes include, for example, the right to remain silent and the right to an attorney in court.

Right to Remain Silent- When a person is arrested, he or she has the right to remain silent about the alleged crime. A person accused of a crime does not have to tell the police or the judge what happened before the arrest. Instead, the person facing a criminal charge can ask for an attorney and then can choose to talk only to the attorney about what happened. This right to remain silent helps ensure that people do not say things that might help to prove that they are guilty of a crime. Sometimes an innocent person may say something that makes him or her seem guilty. The right to remain silent gives the accused person a chance to discuss things with a defense attorney who understands the law, who will keep the conversation private, and whose job is to defend the accused person.

Summons- A summons is an official letter telling a person to come to court at a certain time to answer a criminal charge that is listed in the letter.

Waive Rights- A person who waives his or her rights gives up those rights and chooses not to use them. Before a person gives up any right in a criminal case, that person should be sure that he or she understands his or her rights, as well as the possible consequences of giving up those rights.

Witnesses- Witnesses are people who are asked to come to court because they saw or heard a crime being committed or because they have information about the crime. A witness may also be a person who can say that an accused person did, or did not, commit the crime. These people may be asked to speak to the judge at trial about what they saw or heard. When called to come into court, witnesses can be asked questions by both the defense attorney and the prosecuting attorney.





Resource List

The following resources are available to facilitators wanting more information about the court system and about youth with special needs. These materials can further one's understanding of disabilities and of the basic concepts presented in the videos. (Supplemental activities provide facilitators with additional methods to use with youth with exceptional needs.)

Advocates for Basic Legal Equality (See Education and Children's Rights)-
www.ablelaw.org

An Activity Book for Children Who Are Going to Court in California-
www.courts.ca.gov/cms/cab/

Anderia T. Ryley, Autism Specialist- atrailryley@msn.com

Autism Society of America- www.autism-society.org

Council for Exceptional Children- www.cec.sped.org

Children's Law Center- www.childrenslawky.org

Daniel Jordan Fiddle Foundation- www.djfiddlefoundation.org

Dennis Debbaudt's Autism Risk Management- www.autismriskmanagement.com

Disability is Natural (People First Language)- www.disabilityisnatural.com

Hidden Wings- www.hiddenwings.org

Ohio Center for Autism and Low Incidence- www.ocali.org

Ohio Coalition for the Education of Children with Disabilities- www.ocecd.org

Ohio Disability Rights Law and Policy Center, Inc.- www.disabilityrightsohio.org

Ohio Legal Services-
www.ohiolegalservices.org/programs/ohio-lawyer-referral-programs-1

Ohio Public Defender- www.opd.ohio.gov

Ohio Supreme Court – County Courts-
www.supremecourt.ohio.gov/JudSystem/trialCourts/

National Juvenile Defender Center- www.njdc.info

Navigating the Juvenile Justice System:
A Guide for Parents of Youth with Disabilities-
www.law.upenn.edu/cf/faculty/mglickm/workingpapers/juvenilejustice.pdf

Special Ed Kids in the Justice System: How to Recognize and Treat Young
People with Disabilities that Compromise Their Ability to Comprehend, Learn,
and Behave- www.njdc.info/pdf/maca5.pdf

When Kids Get Arrested: What Every Adult Should Know.
Simkins Esq., Sandra. Rutgers University Press, 2009



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