

considered a “last chance” and if a juvenile does not follow the probation rules, s/he will end up committed to DYS.

Commitment to DYS

A juvenile can be ordered into the care and custody of DYS until age 18 (or 19 if the child’s case is disposed of after s/he turns 18) regardless of the child’s age at the time of commitment. Once committed to DYS, the juvenile is immediately removed from the court in hand and foot shackles and taken to a secure detention facility where the juvenile remains until DYS determines the appropriate treatment placement for that child. Secure detention is a locked facility that is designed to prevent juveniles from leaving at will.

DYS usually assigns a caseworker within two weeks and makes a placement decision within six weeks. A committed youth will then be placed in a treatment program. DYS has a range of treatment programs that include placement in a secure [locked] program, a group home, or placement back in the community with supervision.

Whether a juvenile is confined to a secure treatment program is determined by the seriousness of the juvenile’s offense. The amount of time the juvenile will have to spend in the secure treatment program is based on the “DYS Grid.” The Grid specifies minimum and maximum sentences for a wide range of offenses. However, a juvenile may be confined for a longer time period than specified in the Grid if DYS believes the juvenile needs further treatment.

Once DYS decides that the juvenile can be returned to the community, s/he is released on a conditional grant of liberty (similar to being released on parole). If the juvenile violates the terms of release in the conditional grant of liberty, the juvenile can be placed back in a secure DYS program. Many committed juveniles experience repeated episodes of confinement and release while in DYS custody.

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DISPOSITIONS IN JUVENILE DELINQUENCY CASES



**CHILDREN’S LAW CENTER
OF MASSACHUSETTS**

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What is a Disposition in a delinquency case?

The “Disposition” is the final outcome of the case. When charges are brought against a child in juvenile court, it is important that both the child and parents understand the court’s options when deciding the outcome of the case. The judge selects from a range of possible dispositions when resolving a delinquency case. The most common options are:

Case Dismissed

If the case is dismissed, it ends without consequences for the juvenile. The juvenile still has a record of arrest.

General Continuance

If the state’s attorney and the child agree, the court can continue a juvenile’s case for a specific period of time. If the juvenile stays out of trouble during the time period, the court will dismiss the case at the end of the period. The child does not admit guilt, or admit to any of the facts in the case and does not waive his or her right to a trial. Typically, this disposition is available only for minor offenses. The juvenile still has a record of arrest.

Continuance Without a Finding (CWOFF)

A CWOFF is essentially a juvenile’s “second chance” to avoid having a record. By agreeing to the CWOFF, the juvenile

must give up his/her right to a trial and admit to the offense charged. If a judge imposes a CWOFF, the child is placed on probation for a specific time period. Typically, the court will also impose other conditions with which the juvenile must comply. Those conditions may include *attend school daily*, *pay restitution*, or any other condition the court thinks is appropriate given the facts of the case.

The major difference between a CWOFF and a finding of delinquency comes at the end of the probation period. If the child receives a CWOFF and successfully completes the probation period, the case against the child is dismissed and the only record will be a record of arrest and completion of the probation period.

However, if a juvenile does not follow the probation rules and conditions, the court can withdraw the CWOFF and impose a delinquent finding with an appropriate punishment, which can be any juvenile disposition including commitment to DYS.

Delinquent Filed

The juvenile is found delinquent through an admission to sufficient facts, guilty plea or trial. The court does not impose a sentence but merely files the case.

Delinquent Probation

If a court finds a juvenile delinquent and orders the juvenile placed on probation, the probation period can last for months or

years. While on probation, the juvenile is usually supervised by a Probation Officer. The juvenile may be ordered to report to probation, follow a curfew, attend school or work full time and obey any other court ordered requirements. For example, the juvenile might have to make payments for any damages caused or the court may order the juvenile to stay away from the victim of the crime.

A probation officer may check up on the child by contacting the child’s school, home, or any outreach programs in order to ensure the child is obeying the probation rules. If the juvenile does not comply with the probation terms, the probation officer will notify the juvenile of a “surrender hearing” before the juvenile court. At that hearing, if the court decides that the juvenile has disobeyed the probation terms, the court can extend the probation period, add new probation terms, or impose a harsher punishment such as commitment to DYS.

Delinquent with a Suspended Commitment to DYS

This disposition occurs when the juvenile is found delinquent and committed to DYS, but, instead of being placed in DYS custody, the child is placed on probation. The court may order the juvenile to report to probation, participate in community outreach or a “tracking” program, follow a curfew, attend school or work full time and obey any other court ordered requirements. Typically, this is