

Dispositional Hearing Checklist for Juvenile Court Judges/Hearing Officers

Dispositional Hearing

- Record or keep full minutes of each hearing.
- Remove restraints prior to the commencement of the hearing unless the Court determines on the record, after providing the juvenile an opportunity to be heard, that they are necessary to prevent:
 1. Physical harm to the juvenile or another person;
 2. Disruptive Courtroom behavior, evidenced by a history of behavior that created potentially harmful situations or presented substantial risk of physical harm; or
 3. The juvenile, evidenced by an escape history or other relevant factors, from fleeing the Courtroom.
- Introduce yourself to everyone in attendance, and ensure that all who are present introduce themselves and the purpose for their attendance at the dispositional hearing.
- Ensure that parent(s) or guardian(s) of the juvenile are present. If not, determine the reason for absence and make necessary arrangements for future participation.
- Ensure the victim has a right to be present at the dispositional hearing; utilize discretion to maintain confidentiality of mental health, medical, or juvenile institutional documents or juvenile probation reports.
- Ensure that Juvenile probation officers develop comprehensive court reports in every case, and the juvenile and his attorney are informed of the juvenile probation officer's recommendations prior to court.
- Ensure prosecutors and defense attorneys cross-examine juvenile probation officers.
- Inquire if the victim has submitted a victim-impact statement to the court and, if so, accept and consider the victim-impact statement in determining disposition.
- Ensure that, prior to deciding disposition, the juvenile, parents and the victim are given an opportunity to be heard.

Court Findings

- Enter your findings and conclusions of law into the record. On the record in open court, state the following:
 - The disposition;
 - the reasons for the disposition;
 - the terms conditions, and limitations of the disposition;

- if the juvenile is to be removed from the home, the name or type of any agency or institution that shall provide care, treatment, supervision or rehabilitation of the juvenile and why the you found that the out-of-home placement is the least restrictive type of placement consistent with the protection of the public and best suited to the juvenile's treatment, supervision, rehabilitation and welfare;
- whether any evaluations, tests, counseling, or treatments are necessary;
- findings necessary to ensure the stability and appropriateness of the juvenile's education and, when appropriate, appoint an educational decision maker;
- any findings necessary to identify, monitor, and address the juvenile's needs concerning health care and disability, if any; and if parental consent cannot be obtained, authorize evaluations and treatment needed.

Dispositional Orders

- Issue a written order which includes:
 - Balanced attention to the protection of the community, accountability for offenses committed, and the development of the juvenile's competencies to enable the juvenile to become a responsible and productive members of the community;
 - the aforementioned findings;
 - designation as to whether the case is eligible for limited public information;
 - a directive that the juvenile shall submit to fingerprinting and photographing by, or arranged by, the law enforcement agency that submitted the written allegation in all cases in which the juvenile has not previously been fingerprinted or photographed;
 - the date of the order;
 - your signature and printed name.
- Target interventions to the specific criminogenic needs identified by the Youth Level of Service risk/need assessment instrument, and build upon the strengths of juveniles and families.
- When appropriate, order a parent, guardian or custodian to participate with the child, including, but not limited to, community service, restitution, counseling, treatment and education programs. Include any conditions, limitations, restrictions, and obligations imposed upon the parent, guardian or custodian.
- When appropriate, order payment of fines, costs, fees or restitution considering the nature of the acts committed and the earning capacity of the child. If restitution is ordered, include a specific amount of restitution to be paid by the juvenile, to whom the restitution shall be paid, and a payment schedule, if determined by the court.

Concluding the Dispositional Hearing

- Provide the victim, juvenile and parents with the opportunity to ask questions.
- Ensure that post-dispositional rights colloquy has been reviewed and confirm understanding.
- At the conclusion of the hearing, summarize the proceeding for all those in attendance, confirm what just occurred, explain any next steps and relevant timelines, and ensure that the juvenile understands any expectations prior to the next hearing.