

# Postadjudication Strategies for Defending Juveniles in Status Offense Proceedings

## Contest allegations of a valid court order (VCO) violation.

Assess:

- **Was there a VCO?** There may not be if:
  - the VCO violation is filed after earlier proceedings resulted in a deferred adjudication (the terms the youth allegedly violated may not be part of a VCO);
  - the order was issued by a hearing officer whose directives do not have the effect of court orders;
  - the order exceeds the court’s lawful authority.
- **Did the order give fair notice of the conduct prohibited?** If an order is too broad and vague it could offend due process (e.g., if it requires the youth to “act properly” or “obey the reasonable commands of a parent”).
- **Was the youth able to comply?** Contest allegations of a VCO violation if the youth could not reasonably comply or his noncompliance is due to circumstances outside his control.
- **Did the youth’s alleged conduct clearly violate the order?** Just because the youth’s probation officer or prosecutor believes a court order prohibits certain conduct does not mean it does. If the court ordered the youth to attend school and he is suspended, did he violate the order? Reject attempts to argue that the suspension was due to the youth’s misconduct. Argue that the conduct itself did not violate the court order, so neither should the suspension.

### **Avoid secure detention.**

- Show alternatives to secure custody will reduce future law-breaking.
- Argue that secure custody is more likely to harm than benefit the youth.
- Show that alternatives to secure custody are more likely to benefit the youth.
- Present effective alternatives to secure custody that are available in the community.
- Do not oversell and create unrealistically high expectations, especially in the short term where unhealthy family dynamics are entrenched and can take time to resolve.

