



interpreting in Juvenile Court

By Alexandra Wirth

Although interpreters in the juvenile court system use the same basic skills as their colleagues working in the adult courts, juvenile court proceedings have unique characteristics that interpreters need to be aware of to be successful in this setting. For instance, in most modern legal systems, crimes committed by children and minors are treated differently from the same crimes committed by adults. In the juvenile courts, the rehabilitation of the individual is the primary focus. In addition, court interpreters working in the adult courts might face a broader spectrum of cases on a daily basis, but, because of the complex relationship and the age of some of those

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involved, interpreters working in the juvenile courts usually deal with highly emotional issues on a more regular basis. Of course, court interpreters must demonstrate the same level of competence and professionalism no matter where they interpret.

This article presents an overview

of interpreting within the juvenile courts. The types of cases an interpreter is likely to encounter, including some differences in procedure and terminology, will also be covered.

Juvenile Court: Some Basics

A juvenile court is generally

defined as a court with jurisdiction over all cases involving children under a specified age, usually 18 years. Most statutes provide that anyone under age 18 must first be processed by the juvenile court. The juvenile court can then, at its discretion, assign the case to an ordinary court.

Cases within juvenile court are divided into two major categories: 1) child protection cases, where issues such as child abuse or neglect are resolved; and 2) juvenile justice cases dealing with delinquent acts committed by minors. In delinquency cases, the child is alleged to have violated the law through activities ranging from staying out past curfew to the most serious charge, murder. In child protection cases, the child's parents are alleged to have created a condition that places the child's health and welfare at risk. In both cases, the focus of the proceeding is to provide supervision over services for the child in order to return the child to law-abiding behavior or to correct the condition that places the child's health and welfare in danger.

Juvenile court delinquency matters are not open to the public, except when serious crimes are committed

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by children over the age of 16. Despite the confidential nature of juvenile hearings, court interpreters have the right to review case files prior to commencing any interpreting assignment.

Child Protection Cases

In general, child protection cases require the appearance of several participants. Among the parties involved are the minor's parents or guardians, the parents' attorney, a guardian *ad litem* (not a legal guardian, but a person appointed by the juvenile court to represent the interests of the minor during the duration of the proceedings), a social worker or representative from a child protection agency, the foster parents, and a state attorney. Owing to the nature of these cases and the number of participants involved in

juvenile court proceedings, the court interpreter must have a very clear understanding of each participant's role in the courtroom. For this, it is important for interpreters to know the basic principles of juvenile law.

Throughout the U.S., juvenile law pursues what is called "the best interest of the child." In other words, state laws try to ensure the physical safety and welfare of the child by making certain that basic needs such as food and shelter are provided while trying to safeguard the child's emotional stability.

Child protection cases are usually initiated after a referral is made to a child protection agency. If the complaint is substantiated upon a preliminary investigation, a petition is presented in front of the court. The name of this initial hearing varies from state to state. For example, in Illinois, the initial hearing is referred to as a temporary custody hearing, and in Wisconsin, it is known as a detention hearing. Regardless of its name, the intent of the hearing is to present the facts to the judge and set up a plan of action that will ensure the best possible result for the children involved. (See Figure 1 for some other designations states have for court proceedings involving child protection cases.)

Once a minor has been determined to be in need of services, a series of hearings will follow in order to implement services for the parties involved. The number of hearings will ➡

Figure 1: Sample State Child Protection Case Terminology

Wisconsin	Indiana, Massachusetts, New Hampshire, New Mexico, Washington, Virginia	Illinois
CHIPS: Children in need of protection or services	CHINS: Children in need of services	Child Protection Division Cases
JIPS: Juvenile in need of protection or services		

Figure 2: Terminology Differences Between Adult and Juvenile Court

Interpreting in Juvenile Court Continued

vary from case to case because the court may impose a number of conditions on the parents to ensure the safety of the minor involved. Such conditions may involve the parents monitoring and enforcing the rules set down by the judge and social worker, attending family counseling sessions, or taking part in parent education classes. The length of time that it takes the parents to satisfy the conditions will vary, so the length of each case is dependent upon their level of compliance.

In addition to temporary custody hearings, interpreters working in the juvenile court system will also render their services at permanency hearings. One of the main goals of child protection proceedings is to accomplish some sort of permanency for the children involved in the case. A plan for family reunification and/or adoption may be proposed at a permanency hearing.

Moreover, court interpreters in the juvenile court system often work on cases involving the termination of parental rights. Terminating parental rights means ending the legal relationship between a parent and his or her children. A termination of parental rights decree has often been described by experts in juvenile law as the imposition of a “civil death penalty.”¹ Hence, working in a termination of parental rights trial can be exceptionally demanding and emotionally draining for interpreters because of the finality of its consequences.

Juvenile Delinquency Cases

The second category of cases heard in juvenile court involves minors who commit illegal acts. Under this category, we find juveniles charged with crimes similar to those tried in the adult courts. Most juvenile court delinquency cases are not open to the

public, with the exception of serious crimes committed by children over the age of 16.

When a minor commits a delinquent act, the state attorney usually files a petition alleging that a minor has committed a delinquent act. The

Adult Court	Juvenile Court
Arrest	Take into custody, Apprehend
Warrant	Capias
Probation	Supervision
Plea of not guilty	Deny the (facts of) petition
Plea of guilty	Admit to the (facts of) petition
Misdemeanor, Felony	Delinquent act
Sentencing	Disposition

Want to Learn More?

Black's Law Dictionary, 8th edition (Thomson West, 2004).

Gifis, Steven H. *Law Dictionary, 5th edition* (Barron's Educational Series Inc., 2003), www.barronseduc.com.

Facts About the American Judicial System (American Bar Association, 1999), www.abanet.org.

Clapp, Elizabeth J. *Mothers of All Children: Women Reformers and the Rise of Juvenile Courts in Progressive Era America* (University Park: Pennsylvania State University Press, 1998).

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Knupfer, Anne M. *Reform and Resistance: Gender, Delinquency, and America's First Juvenile Court* (New York: Routledge, 2001).

Polier, Justine W. *Juvenile Justice in Double Jeopardy: The Distanced Community and Vengeful Retribution* (Hillsdale, New Jersey: L. Erlbaum, 1989).

Connolly, Norma C. *Domestic Relations and Juvenile Terms: Bilingual Dictionary* (Gould Publications, 2004).

Online Glossaries

Ballantine's Legal Dictionary and Thesaurus

www.citizenlaw.com/pdf/a.pdf

California Juvenile Crime Glossary

www.courtinfo.ca.gov/selfhelp/espanol/glosario.htm

Federal Court Terminology

www.id.uscourts.gov/glossary.htm

Juvenile Court/Child Welfare

<http://courtcafe.com/glossary>

Juvenile Court Statistics Databook

www.ojjdp.ncjrs.gov/ojstatbb/jcsdb/asp/glossary.asp

Juvenile Law Glossary

www.lawyershop.com/news/practice-areas/criminal-law/juvenile-law/glossary

Multilingual Glossary of Legal and Court-related Terms

www.legalglossary.ca

National Association for Court Management

www.nacmnet.org/glossary.html

National Association of Judiciary Interpreters and Translators

www.najit.org

National Center for State Courts

www.ncsconline.org/wc/CourTopics/ResourceGuide.asp?topic=CtInte

Navegador Jurídico Internacional

www.juridicas.unam.mx/navjus/gob

Nolo Legal Glossary

www.nolo.com/definition.cfm/alpha/A

case is then conducted in a way that is very similar to any adult court proceeding. Again, the number of participants in this type of hearing might be greater than its adult counterpart. Minors are often referred to mentoring programs, therapy, group homes, and shelters, just to name a few. Frequently, a representative from each entity involved might be required to appear in court.

Although delinquency hearings are similar in nature to their counterparts in the adult court system, different terminology is used to refer to some of the same concepts. For instance, the word “arrest” is not used when talking about apprehending a minor. The phrase that is favored in these situations is “to take into custody.” Another interesting example of a term used in adult court but not in juvenile

court is the word “probation.” “Supervision” is the preferred term here. Figure 2 on page 20 illustrates a few of the other terminological differences between adult and juvenile court. Please note that terms vary from state to state, so interpreters need to verify the exact terminology being used in their state.

Understand the Issues

To conclude, court interpreters working in the juvenile court system must understand the importance of the issues being tried in these courts. They must understand the concepts underlying juvenile cases because they differ from those found in the adult courts. There is the mistaken perception that juvenile court cases are not as serious as those tried in the adult courts, causing the inexperi-

enced interpreter to think that interpreting in juvenile court is easy. However, juvenile court cases must receive the same consideration and respect as any other type of case. Any interpreter who is considering interpreting in the juvenile courts should take into account the differences outlined in this article before accepting an assignment in this setting.

Note

1. Wall, Joseph. “Evidentiary Issues in Termination of Parental Rights Trials.” *The Wisconsin Defender* (Summer 2003), 4.

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