

# Welcome From the Chief

Going to court can be scary or intimidating for anyone—especially children. Yet children go to court every day, for all sorts of reasons.

We want to make the experience of going to court easier to understand for all children. This book will tell you what happens in court: who works there, what the rules are, and how you might be involved in a case. Remember that you can always ask



Chief Justice Ronald M. George

I hope you will enjoy this book, learn from it, and have fun with it. You can keep this book to help you remember what you want to know about going to court.

questions if you are in court and feel afraid or confused.

Chief Justice Ronald M. George Supreme Court of California

Mould Ole-Hange

Written in 1999 by the legal staff of the Office of the General Counsel, Administrative Office of the Courts, What's Happening in Court? was illustrated by San Francisco artists Andrew DeWitt and Robert Gutierrez and was produced by the dedicated staff of the AOC. The project was made possible by the generous support of the U.S. Department of Health and Human Services, with additional funding from the Foundation of the State Bar of California.

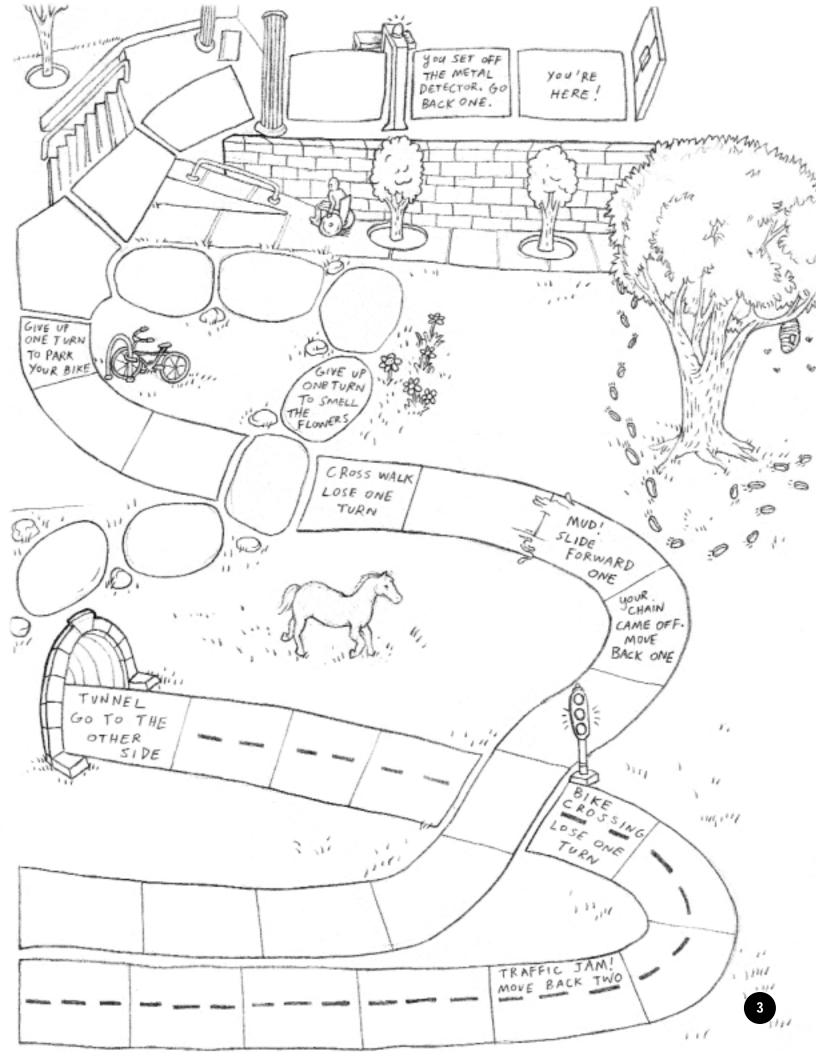
For additional copies or more information about the book, please call the Center for Children and the Courts at 415-865-7739 or write to the address below. An interactive version of this book is available online at www.courtinfo.ca.gov/programs/children.htm.

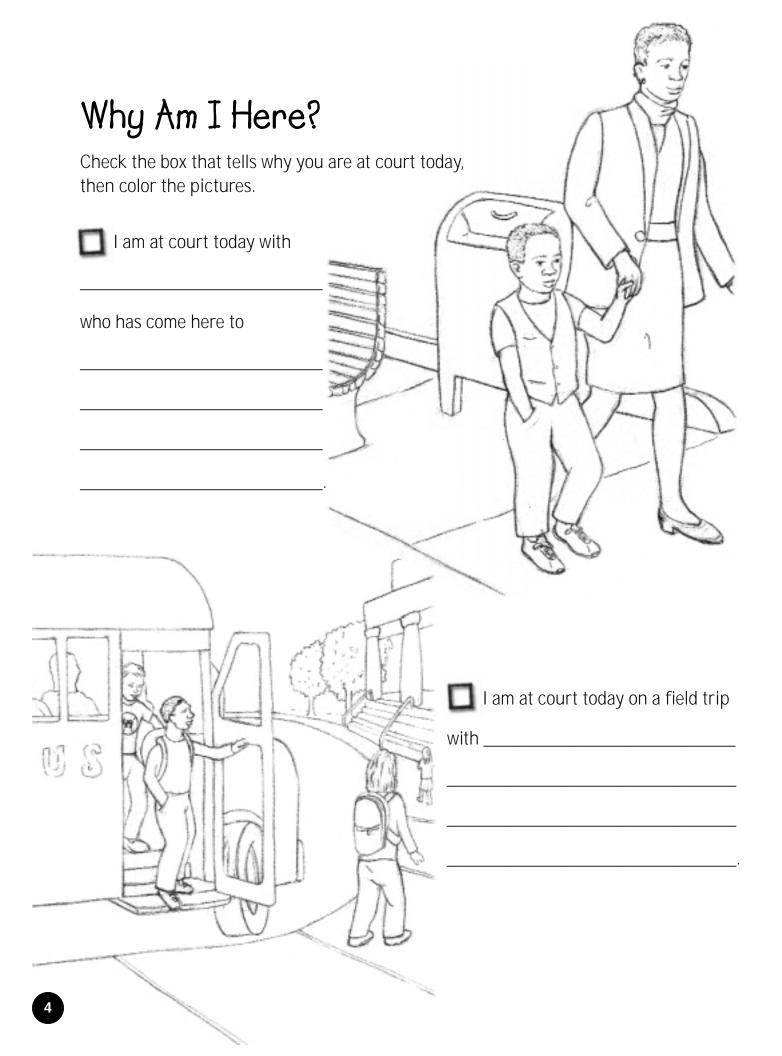
> Judicial Council of California Attn: Center for Children and the Courts 455 Golden Gate Avenue San Francisco, California 94102-3660

# What's in This Book?

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On My Way to Court CANDY These are the rules of the game: Be the first player to get to the courthouse by following the path that has a picture of how you got to the courthouse. 1-4 players can play. Use coins, paperclips, or erasers as game pieces. Drop 3 extra coins on a flat surface. Count the number of heads and move ahead that number. If there are 1 head and 2 tails. move forward 1 space. CROSSING BACK UP If there are 2 heads and 1 tail, ONE move forward 2 spaces. If there are 3 heads and no tails. move forward 3 spaces. If there are no heads and 3 tails, do not move. When you land on a space, follow the instructions on that space. The first player to get to the courthouse wins. At the end of the game, make sure everyone gets their game pieces back. Circle on the game all the objects that you saw on your way to court today. If you saw a horse, then circle the horse. If what you saw today is not here, draw a picture of it on the game.

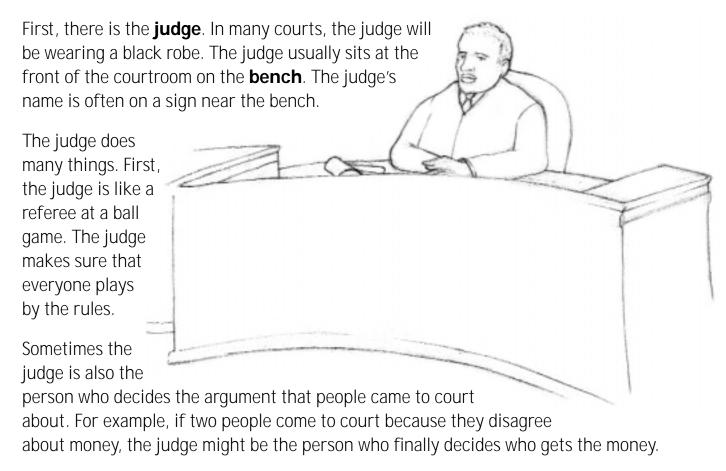






# Who Are the People in Court?

Many people work in a court. Everyone has a job to do.



Other times, a group of people decides who wins the argument. These people are called **jurors**. Jurors are people who come to court to listen to each side of a





jurors for the people who come to court. You don't have to have a lawyer to go to court. When a lawyer talks for someone who has come to

court, it means that the lawyer "represents" the person. Each lawyer represents only one person in court. So, if many people are involved in a disagreement, there might be more than one lawyer in court. All kinds of people have lawyers, even children! Lawyers usually sit next to the person they represent in the court.

You can probably spot the **bailiff** very easily. The bailiff is the person who makes sure the people who go to court obey the rules. The bailiff is usually wearing a uniform, like a police officer's uniform. The bailiff is a special police officer just for the court.

Courts also have **interpreters** for people who don't speak or understand English. The interpreter's job is to translate what is said in court.

The court reporter is the person who writes down everything that everybody says in court.

Wow! Can you imagine writing down all the words people say? The court reporter usually sits near the judge and types on a small machine.

Court reporters type very fast, and everyone in court has to speak slowly and clearly so the court reporter can hear what they say.

All courts have **clerks** as well. A court clerk keeps all the papers about the cases in the court and organizes them. The clerk keeps track of the decisions or orders that the judge makes during court and also keeps the court's schedule.

Witnesses are people who come to court to tell what they have seen or heard. For example, if someone is accused of stealing something, a witness might come to court to say what they saw happen. When witnesses come to court, they have to raise their hand and make a special promise, called an oath, to tell the truth. They take a special seat and the lawyers ask them questions. Cases that last a long time may have lots of witnesses.



# Now that you know about some of the people in a court, can you solve this puzzle? Draw a line to connect the name of the person with the job they do. Good luck!

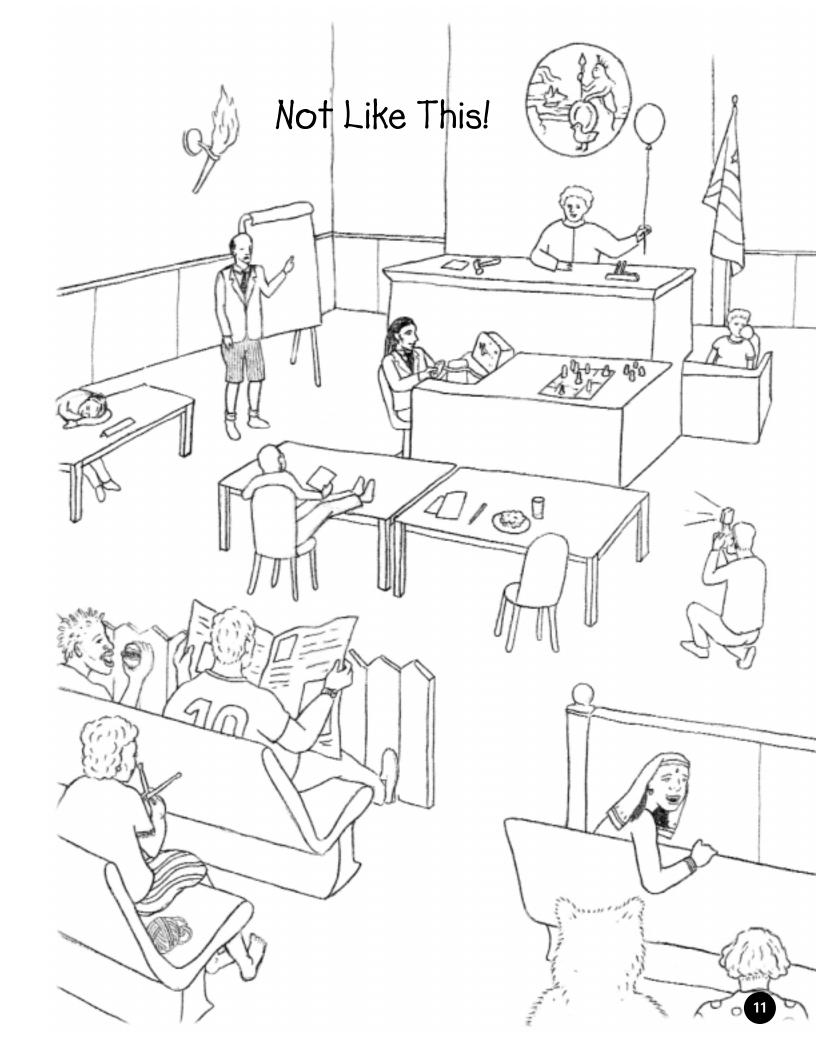
Lawyers $\bigcirc$ or attorneys	<ul> <li>These people come to court to tell the truth and talk about what they have seen or heard.</li> </ul>
Judge 🔾	<ul> <li>This person types everything that is said in court into a machine.</li> </ul>
Bailiff ()	<ul> <li>This person organizes all the papers and keeps track of the judge's decisions.</li> </ul>
Jurors 🔾	<ul> <li>This person translates what is said in court.</li> </ul>
Clerk O	<ul> <li>This person's job is to make decisions and make sure that everyone follows the rules in court.</li> </ul>
Witnesses O	<ul> <li>These people give advice and talk in court for the people who have disagreements.</li> </ul>
Court reporter O	<ul> <li>This person keeps order in the courtroom and usually wears a uniform.</li> </ul>
Interpreter $\bigcirc$	<ul> <li>These people listen to both sides of a disagreement in court and then decide who wins</li> </ul>

## How Should I Act in Court?

- Be on time.
- Dress neatly.
- Don't go in alone. Make sure there is an adult with you.
- Show respect to the people who are there.
- Don't eat or drink in court.
- Don't chew gum.
- You can't listen to a Walkman in court.
- There may be other cases before yours. You have to be quiet and wait.
- You can read a book or play quietly with this book while you wait.
- When your case starts, call the judge "Your Honor." This is what people call the judge to show respect.
- Don't speak unless the judge or a lawyer asks you to.
- If you don't understand something, say that you don't understand. Someone will explain it again for you.

# What's Wrong With This Picture? ->

e wrong or that should not be happening



## I Am a Witness

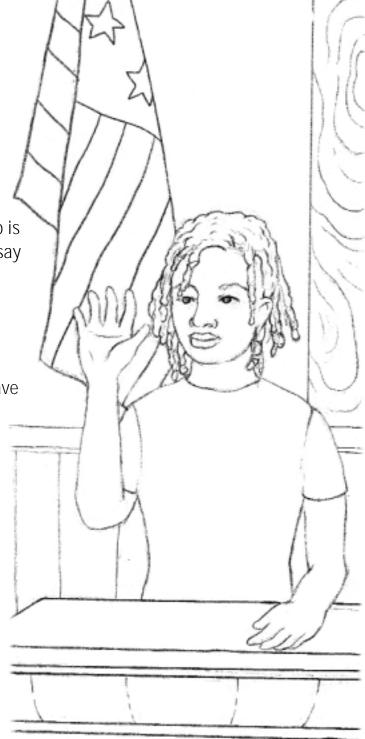
You read about **witnesses** on page 8. Children can go to court and sometimes they can be witnesses, too. The most important thing for every witness to do is to tell the truth. Sometimes it hurts to say what really happened, but if you are a witness you still have to tell the truth.

Sometimes a lawyer can ask you a question and you do not remember the answer. If that ever happens, all you have to do is say you don't remember. If you do not know the answer to a question, you can say, "I don't know." It is important not to guess, and not to say something that you think the lawyer or the judge wants to hear. Lawyers sometimes ask questions in a funny way. If they do, you may not understand what they mean. That's OK, too. Just let the judge or the lawyer know that you do not understand the question, and the judge will take care of the situation.

Sometimes children are scared to go to court, it's OK to fee

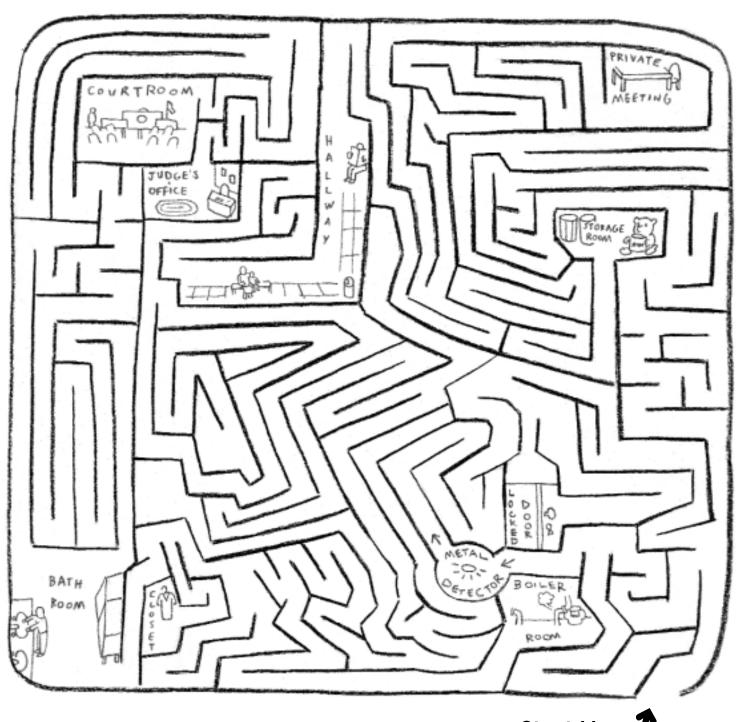
to court. If you have to go to court, it's OK to feel scared. Adults get scared about court, too. Just remember the judge is there to make sure everything is fair.

Children usually go to court because of cases involving their family. It could be a criminal case, where someone is charged with a crime. Or it could be a family law case if a mother and father need the judge to decide something. Sometimes it is a case where someone in the family hurt someone else in the family. These cases are hard for everyone.



## Can You Find Your Way to the Courtroom?

(The courthouse isn't really this confusing!)



Start Here 7

# What Is Juvenile Dependency?

When children come to court because a parent has hurt them or not taken care of them, this is a **juvenile dependency** case. Until a child grows up, he or she is dependent on adults and needs their protection. If parents can't or won't take care of their child properly, the juvenile court may step in and the child may become "dependent" on the court for safeguarding. When this happens, the child may have to live with relatives or another family for awhile. This temporary family is called a **foster care family**.

Usually, parents want to have their child live with them. The judge and social workers will work with parents to make their home healthy and safe. If they succeed, then the child can move back home with the parents. This is called **reunification**.

Sometimes parents can't make their home safe for the child. Then the judge and others may have to find another home where the child can live safely for a long time. They make a **permanent plan** for a child.

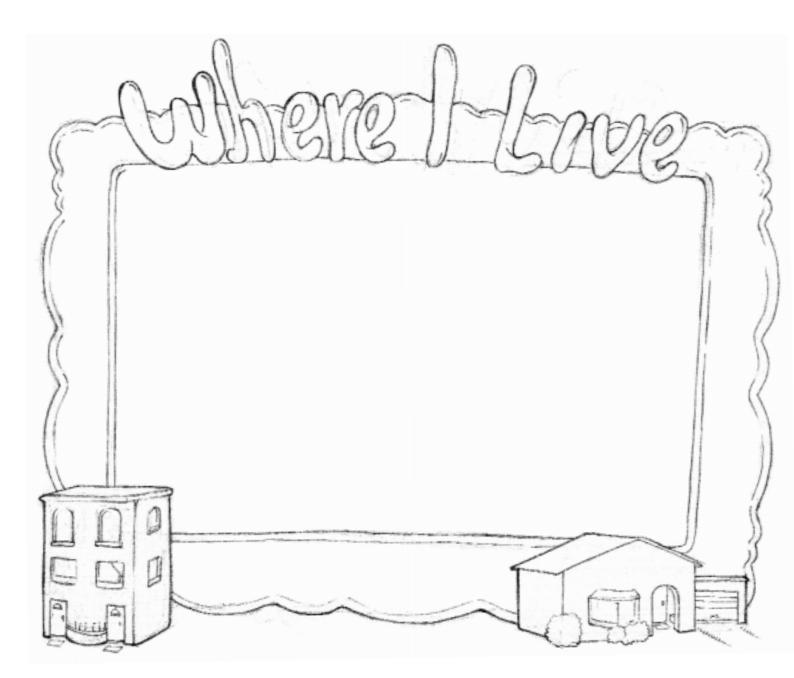
# What Does the Social Worker Do in Juvenile Dependency Court?

A social worker is a person who tries to protect children and keep them safe. A social worker may help children who are being hit or touched in bad ways (this is called **abuse**). The social worker may also help children who don't have proper food, clothes, or other things they need (this is called **neglect**). If the abuse or neglect is very bad, the social worker may have to find another place for the child to stay. Then the family and the social worker may have to go to court so that a judge can decide how to help the child and the family.

# What Does the Judge Do in Juvenile Dependency Court?

You read about judges on page 6 of this book. Judges in dependency court do all the jobs judges usually do, except that there is no jury in dependency court. The judge is the one who makes the final decision about what happens in a case.

It is the judge's job to listen to what everyone says in court. The judge knows what the law is and decides what needs to happen to keep kids safe. If the judge asks you a question, it is very important for you to tell the truth. The judge needs to know the truth to make the best decision for you.



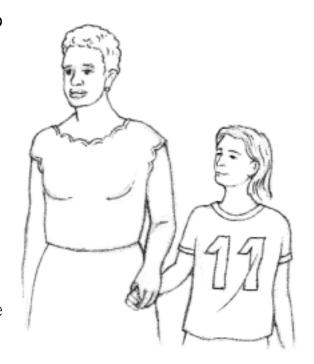
Draw a picture of the place you live.

# What Do Lawyers Do in Juvenile Dependency Court?

On page 7 of this book, you learned about the job of lawyers, who are also called attorneys. People involved in a case usually have a lawyer to speak for them in court. The people in a dependency case who might have a lawyer are the social worker, mother, father, children, and sometimes others.

# What Does a CASA Do in Juvenile Dependency Court?

Sometimes the judge will assign a Court Appointed Special Advocate (CASA) to help with a dependency case. CASAs are volunteers who help by talking to people, especially children, and telling the judge what they learn. CASAs spend a lot of time with the children they're assigned to. They listen to the children and tell their story to the court. The CASA also suggests to the court what can be done to make the child safe and healthy.



# What Do Children Do in Juvenile Dependency Court?

This book tells about witnesses on pages 8 and 12. A child might be a witness. If you are a witness, the lawyers and sometimes the judge will ask you questions. Of course, it is very important to tell the truth when you answer questions in court. You even have to make a special promise, called an oath, to tell the truth before you answer questions. It is also important to answer just the questions that you understand. If you don't understand a question, it is OK to say so and have the question explained to you.

If you're afraid to answer questions in the courtroom, be sure to tell your lawyer, if you have one, or the judge. They will do everything they can to make you feel more comfortable. They may let you answer questions in the judge's office or have your CASA sit with you in court.

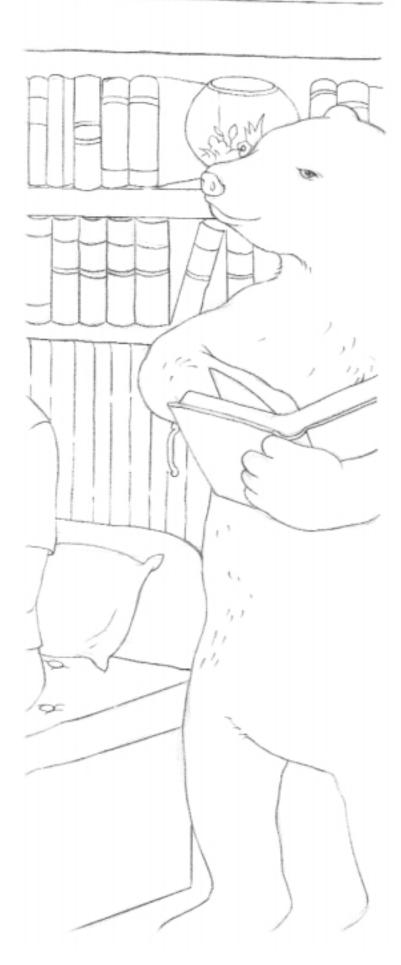


Connect the dots to draw the animal on the California state flag.

# Mental Health Hearings

Mental health is what goes on in people's heads. Mental health is just as important as physical health. A person with emotional or mental problems may feel or act sick. Sometimes people have such big emotional or mental problems



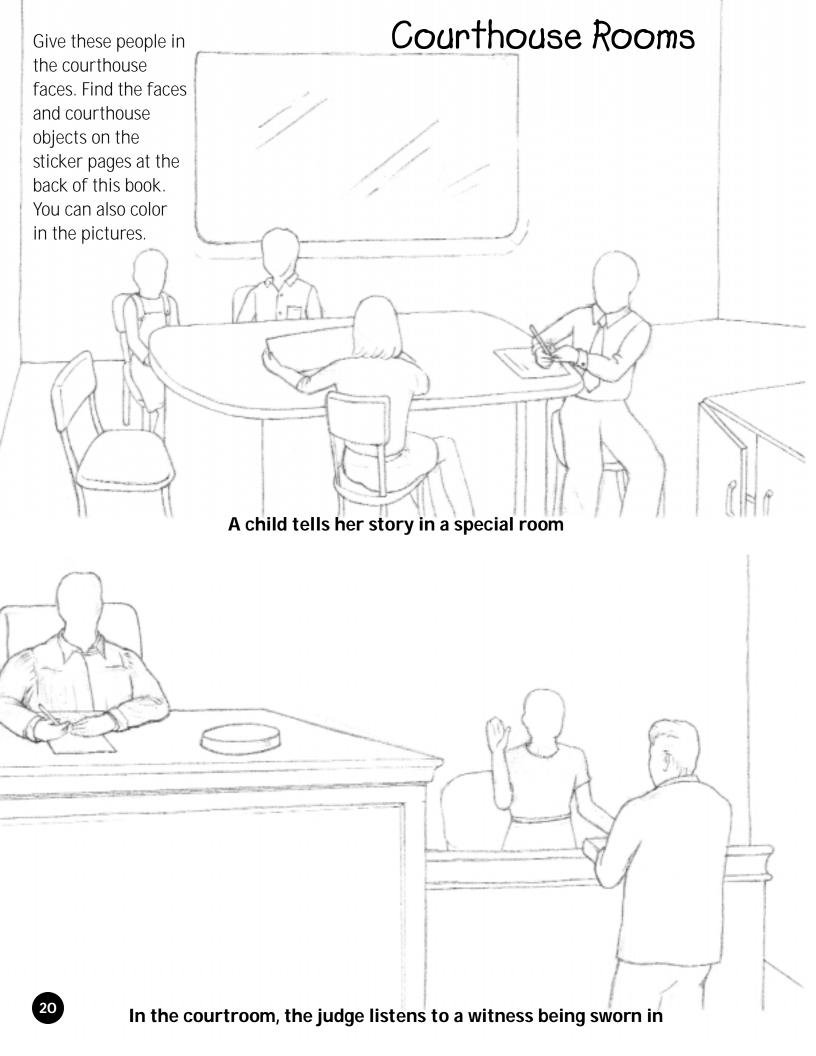


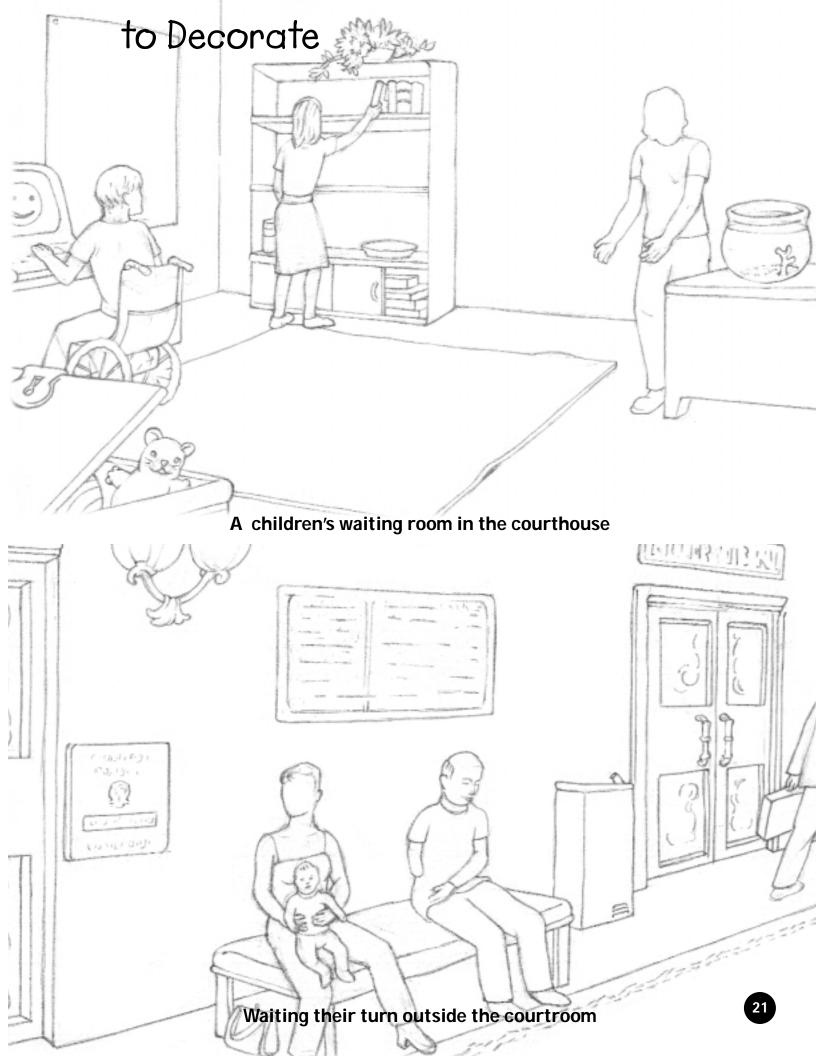
that the only place they can be taken care of is a hospital. This can happen to both adults and children. Adults can give their own permission to a hospital to treat them. Usually, parents can give a hospital permission to treat their children. These are called "voluntary" admissions to a hospital.

Sometimes people can't or won't give a hospital permission to treat themselves or their child. In that case, a court might be asked to order or "commit" the person to go into the hospital. The person goes in front of a judge who hears the case. This is called a **hearing**. The hearing where a judge decides whether or not to order treatment in a hospital may be called a commitment hearing. The court is often called the **mental** health court.

At the commitment hearing the judge will hear stories and facts about what mental or emotional problems the person has and how to treat them. The judge has to decide if there are any problems and if the problems are so big that the person has to stay in the hospital, even if the person doesn't want to.

Sometimes the judge goes to the hospital and holds mental health court there instead of in the courthouse.



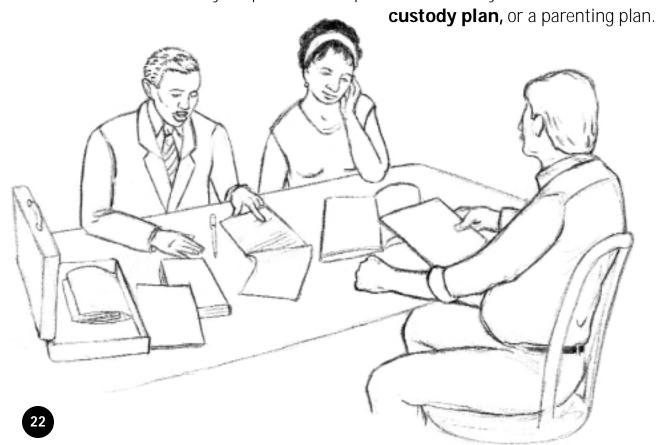


# Family Law Court

When a mother and father decide they can't live together anymore, they may decide to separate and live in different homes. If they have been married and don't want to live together or be married anymore, they can either get a **legal separation** or a **divorce**. Divorce is also called **dissolution**. To get a divorce, married people have to go to court. In court, a mediator will help the parents plan for how they will take care of their children, and a judge will decide how they will split up all the things they shared while living together.

Most of the time, children don't have to go to court even if their parents have a case there, but sometimes they do. If you have to go to court, remember that it isn't because you have done something wrong. Courts are different than other places you may have been, but you don't have to be afraid. Most court people are nice to children. Lots of children have parents who go to family court. If you are wondering about this or are a little scared, it helps to talk to someone about your feelings about going to court.

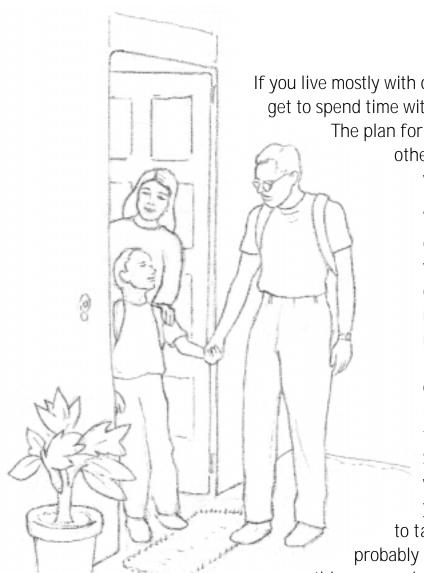
If your parents aren't living together, they need to figure out how you can spend time with both of your parents. They need to figure out when you will live with each of your parents. This plan about where you live is called a





Write a story about a person going to family court.

Maybe you know someone who went to family court to fix a problem.



If you live mostly with one parent, you will usually get to spend time with, or **visit**, the other parent.

The plan for how often you visit with your other parent is called a

visitation schedule.

When your parents need help deciding about custody and visitation, they can see a court **mediator**. The mediator listens to your mother's and your father's ideas about how best to take care of you. The mediator helps them work out a plan that will be best for you. Sometimes mediators also want to meet the children. If your parents' mediator wants to talk to you, he or she will

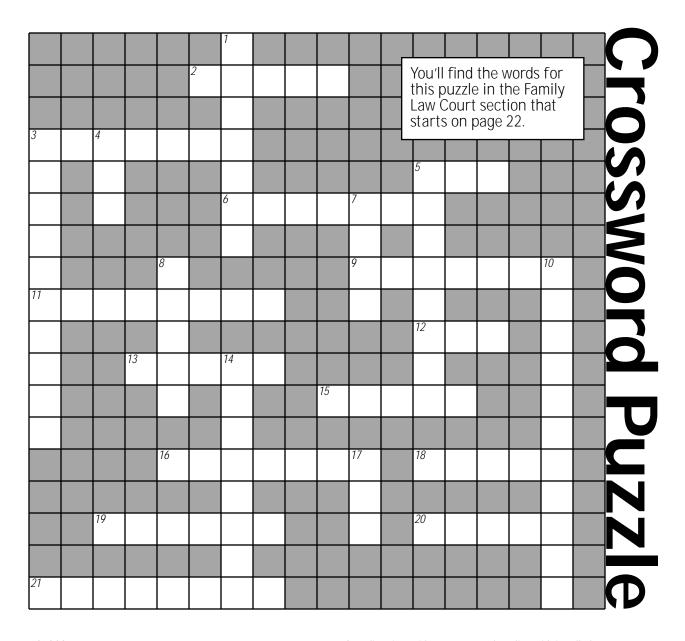
probably ask you questions about how things are going for you at home, at school, and with your friends. The mediator won't ask

you to choose which parent you want to live with or to

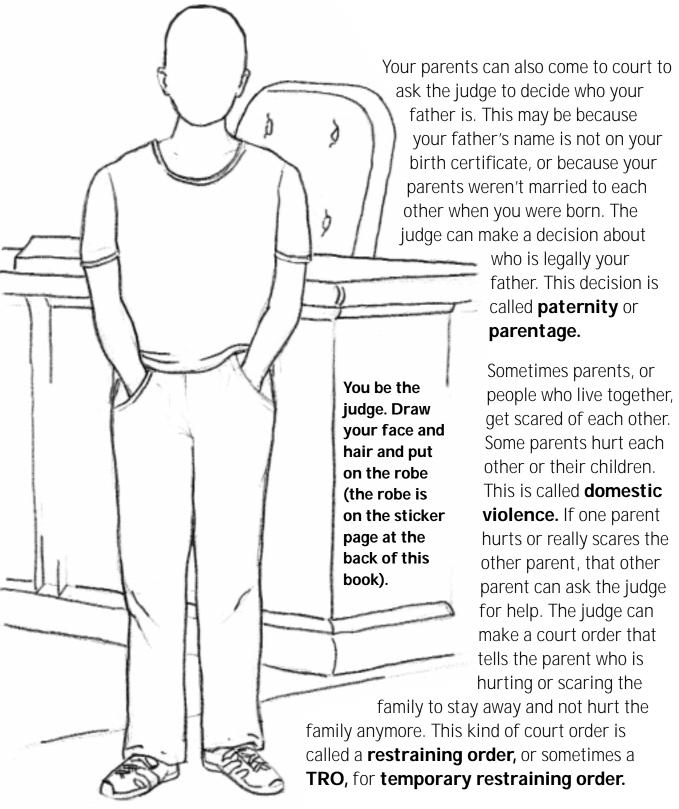
say if you like one of your parents more than the other.

Parents also have to figure out how much money they need to give each other to take care of you after they separate. This money is called **support**. At court there is a lawyer called a **facilitator** who helps parents and the court decide how much support will be paid.

If parents can't agree on their own, the **judge** will tell them what to do. When the judge tells someone what to do, it is called an **order**. The judge has an office in the court and sits at a desk called a **bench**. The judge wears a black **robe**. The judge gets help from the **clerk**, who keeps the judge organized. In the courtroom, there is a special police officer called a **bailiff** who keeps everyone safe. Sometimes a judge can't finish a case in one day. Then the judge will **continue** the case.



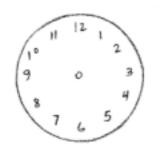
ACROSS		20. Spending time with a parent you don't live with is called a		
2	The person who makes decisions when parents cannot agree is the	21.	The person who types up everything that is said is a court	
3.	Money one parent pays the other to help take care of children is called		·	
5.	A short name for mother is	DO	WN	
6.	Getting unmarried is called	1.	The plan for where a child lives is called	
9.	The police officer for the court is the	3.	Parents who decide to live in different places are having a	
11.	Another name for "lawyer" is an			
	A judge's order to protect somebody is a	4.	A nickname for dad is	
	The judge sits on the	5.	The person who helps parents decide together where	
	The person who helps the judge stay organized is the		children will live is the	
		7.	The clothing that the judge wears is the	
16.	A person who tells what they know or saw to the judge is	8.	What the judge tells you to do is called an	
	a	10.	The person who helps the parent with child support is the	
18.	The place where the judge works is the			
	Someone you can talk to is a	14.	If a case can't be heard that day, then the judge will it.	
		17.	A short name for sister is	



If your parents and the mediator can't work out a parenting plan, the judge may tell your parents to get a custody evaluation. A custody **evaluator** will spend some time getting to know both you and your parents. After that, the evaluator will think about what would be the best way for you to spend time with your parents, then the evaluator will tell the judge what he or she thinks.

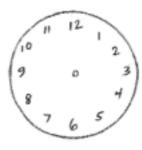
#### Draw the hands on the clocks for:

What time you woke up



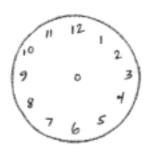


What time you left your house



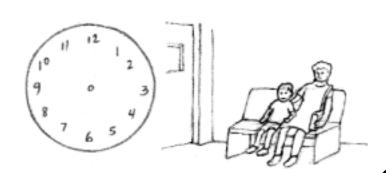


What time you got to court





What time it is now



# Guardianships

Sometimes children have no mother or father to take care of them. This can happen if the parents are dead, or very sick, or in jail, or if they have drug or alcohol problems. There can be other reasons too. Another family member or a friend will need to take care of the children. This works best if a judge gives the friend or relative the legal right to act as the parent. When a judge picks someone else to care for children instead of their mother and father, that person is called a **guardian**. This plan is called a **guardianship**.

Like a parent, the guardian cares for the children until the mother and father can do it again or until the children grow up and don't need anyone to care for them. Like a parent, the guardian finds a home and a school for the children, provides food and clothes, and takes the children to the doctor when they are sick. The children are part of the guardian's family. The guardian also listens to them when they want to talk. The guardian

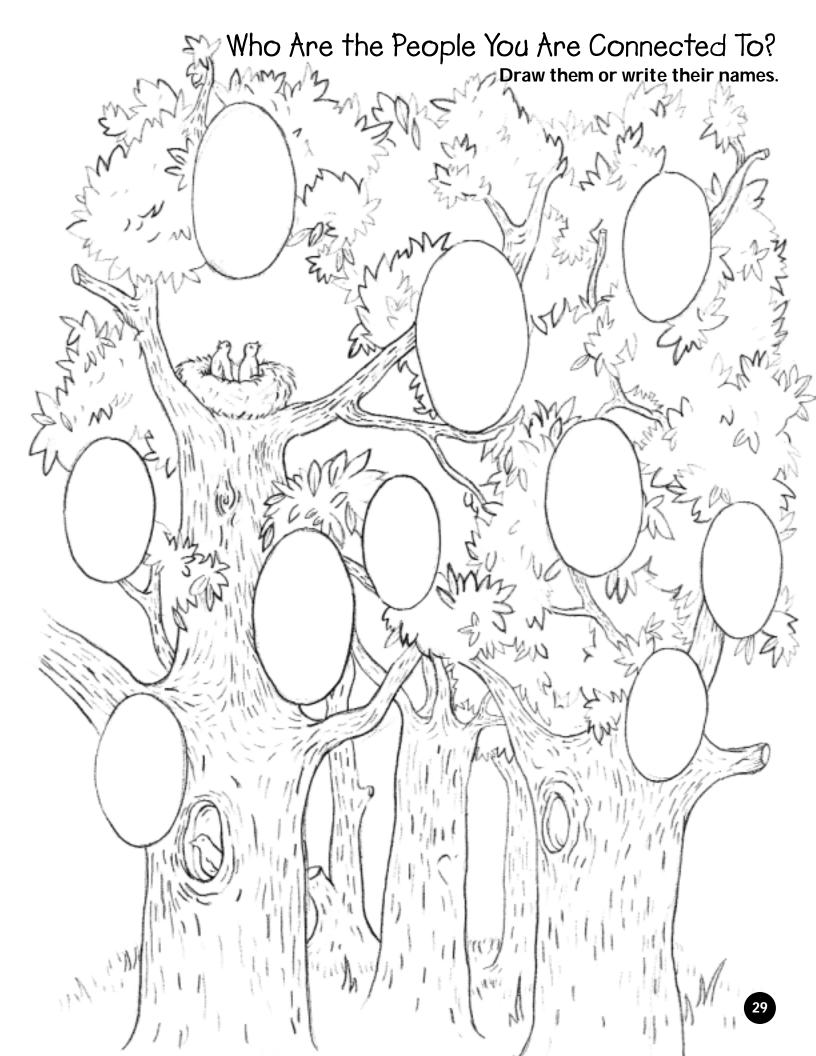
makes them do their homework and helps them if they need it.

Parents who cannot care for their children may still love their children. If they are able to, the mother and father may visit or phone the children at the guardian's home or other places. If the parents get better, the judge may allow the parents to take care of the children again.

The judge watches the guardian to make sure the guardian is doing a good job. The parents, the children, and the guardian may see the judge to talk about any help the children need.



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# I'm Being Adopted

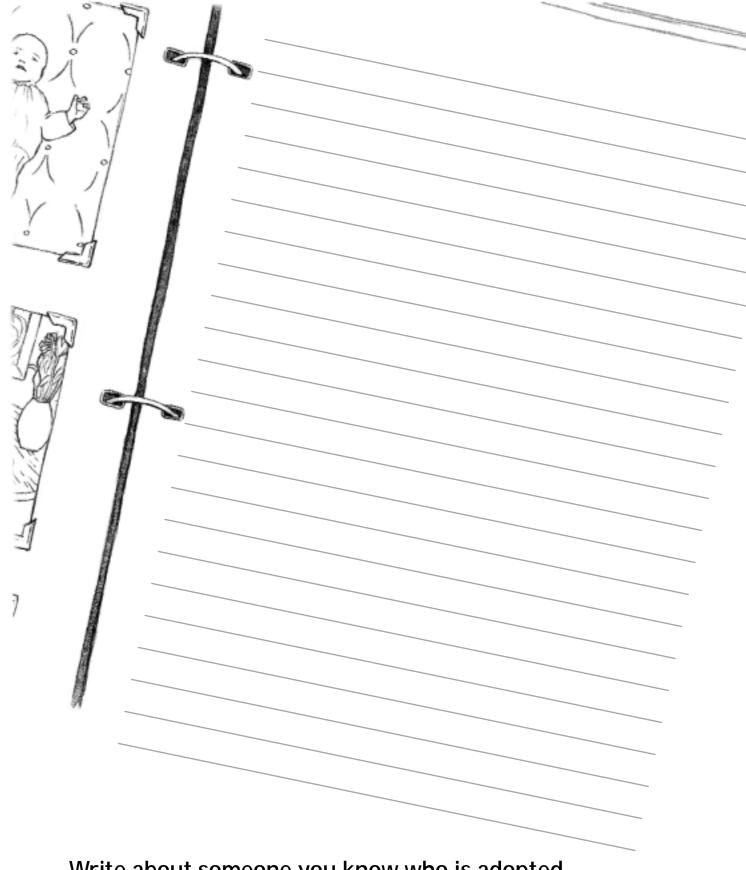
**Adoption** is the way a child legally becomes part of a new family. The judge decides if it is best for the child to be adopted. Before the judge makes this decision, a social worker will talk to the child. The social worker also meets the new parents and visits the new home. After adoption a child is a member of a new family. A new family can include brothers and sisters, grandparents, and aunts and uncles. As a member of the new family, the child has all the legal rights of a child born into that family.

Children become adoptable for many different reasons. Sometimes the birth-parents are not able to raise the child. They may be too young. They may not be able to give the things a child needs to be happy and healthy. Sometimes the birth-parents have died.

People adopt children because they love children and want to bring a child into their family. Foster parents, the birth-parents' family, or anyone else who wants to include a child in their family can adopt children.

Adoptions can involve all types of children and families. Children can be adopted at any age. Some are babies. Others are teenagers. Even adults can be adopted. Children can be adopted into a family of a different race or religion. Children with special abilities can be adopted. Children can even be adopted from other states or countries.





Write about someone you know who is adopted.

You can write about yourself if you are adopted, or you can make up a story.

## What Is Emancipation?

**Emancipation** ends the legal authority that a parent has over a child who is under 18. After emancipation, your parent doesn't have to take care of you or pay for things that you need. Emancipation changes your life. You will have some new rights and also some new responsibilities.

#### When Can You Get a Judge to Emancipate You?

You have to be at least 14 and living away from home. Your parents have to agree with your decision. They could also decide not to fight you in court. You have to have a legal income that pays for food, clothes, and rent. The judge has to decide that emancipation is best for you.

# After You Are Emancipated, Which of These Are Rights? Which Are Responsibilities?

**Right**—the power to have or do something (if you want) that is guaranteed by law. **Responsibility**—an obligation or something you must do.

Write the word "right" or "responsibility" next to each sentence:

1. You can live where you want.
2. You can decide when to go to the doctor.
3. You must have the money to take care of yourself.
4. You can sign contracts to buy, sell, rent, or give things away.
5. You can keep the money you make
6. You can sign up for school and get a work permit.
7. You can get a driver's license if you are old enough
and have insurance.
8. You must pay your doctor bills if you get sick.

#### Emancipation Is Not the Same as Being 18

If you are emancipated, is the answer to these questions YES or NO? Circle the right answer:

- 1. Do you still have to attend school until you are 18? YES NO
- 2. Can you work as many hours as an 18-year-old? YES NO
- 3. Can you get married without your parent's consent? YES NO
- 4. If you break a law, will you have to go to adult criminal court? YES NO
- 5. Can you vote? YES NO
- 6. Can you buy and drink alcohol? YES NO

# What Are the Three Ways to Get Emancipated? Who Has to Agree?

Draw a line connecting the action at the left with the people on the right who have to participate.

Getting married ●

O Parents only

Joining the armed forces ●

○ Judge only

Emancipation from a judge ●

O Parents and judge



## Special Laws For Children

Sometimes children do things that would be OK for an adult to do but not for a child. Although an adult may drive a car, stay out all night, and drink, a child may not. A child may not drive until age 16, may

not stay out past curfew until age 18, and may not drink alcohol until age 21.

If you are a child and you do these things, they are called **status offenses**.

That means you are breaking the law just because of your age.

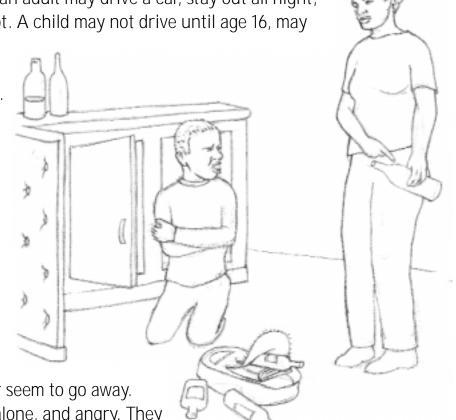
Children do things that are status offenses for many reasons. For example, some children

have problems that never seem to go away.

These children feel sad, alone, and angry. They may feel so angry and alone that they always

disobey their parents, never go to school, or even run away from home. But because of their age it is against the law for children to do these things. Children can get help with these feelings. They can see a school counselor, a person at their church, synagogue, or mosque, or any adult they trust to talk to about their feelings.

Usually status offenders are allowed to go home, but if you are detained you can call a lawyer, your parents, or someone else to help you.



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# Find-a-Word

The words may be HORIZONTAL

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A

**SDRAWKCAB** 

Circle these words when you find them:

Η

0

С

L

Α

D

Α

M

0

ALCOHOL
ASSAULT
BUI (bicycling under influence)
COUNSELING
COURT
CURFEW

DISOBEY PARENTS

DUI (driving under influence)

GRAFFITI

JUDGE

JUVENILE HALL

LAWYER

POLICE
PROBATION OFFICER
PROBLEMS
RESTITUTION
SKIP SCHOOL
SMOKING

Ε

R

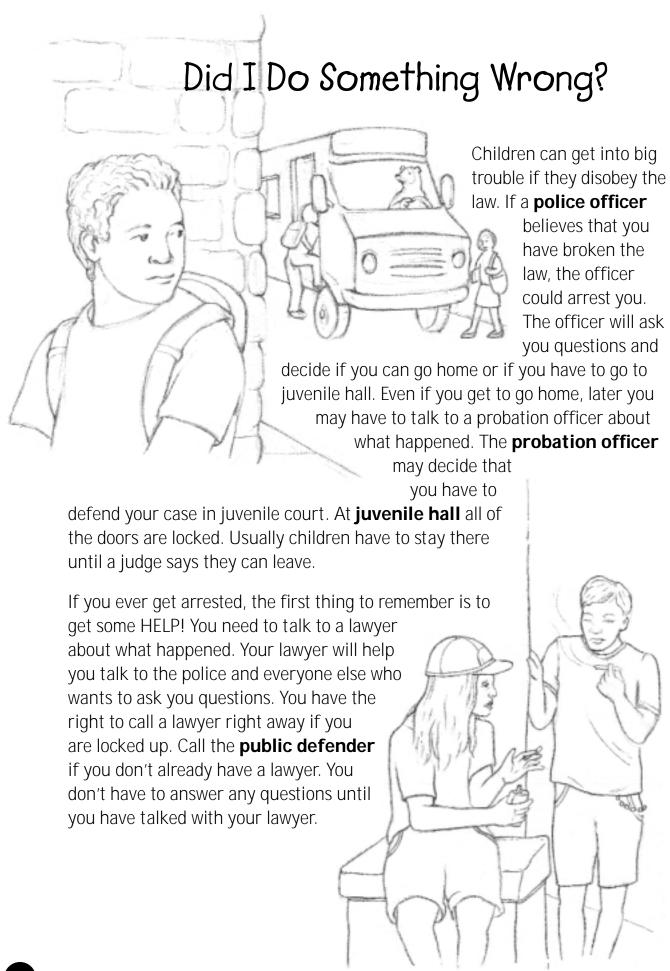
R

I

C

Ρ

SPEEDING STATUS OFFENSE TEACHER TRUANCY URINE TEST



There are different kinds of crimes. Some are much more serious than others are. **Felony** crimes are more serious than **misdemeanor** crimes. If you are guilty of a felony, you can be locked up for a much longer time. The maximum time you could be locked up for a misdemeanor crime is 1 year. The maximum time you could be locked up for a felony crime is many years, possibly even until you are an adult.

Some crimes can be either a misdemeanor or felony, depending how bad the behavior was. A fistfight is one example. If you get into a fistfight you could be charged with misdemeanor battery. If you really hurt someone badly in a fistfight, you could be charged with felony battery.

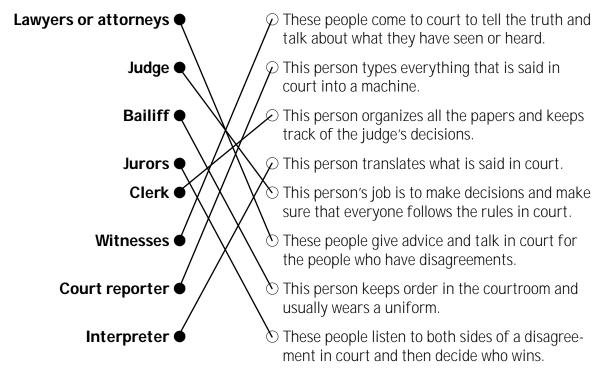
If you have to go to court to defend your case, don't be afraid to talk to your lawyer. There may be a trial where the judge hears both sides of the story and then decides if you are guilty. If the judge decides that you are guilty, and the crime is not very serious, you might get put on probation. Then you would have to be on probation and do what the judge and probation officer say. If the crime is serious or you have been in trouble before, you could be forced to live away from home or even be locked up. Your family can usually visit

you if you cannot live at home for a while. You and your family may even go to counseling together to understand how to improve your behavior.

No matter what, even if you do get into trouble, remember it's never too late to change yourself for the better. Don't ever give up on yourself!

#### Answer Key

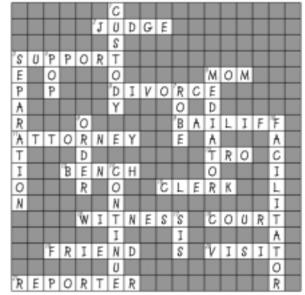
#### Who Are the People in Court? (page 9)



#### What's Wrong With This Picture? (pages 10–11)

Looking at the picture from left to right, top to bottom: fiery torch on the wall, duck instead of bear in the State of California seal, lawyer wearing shorts in court, judge holding balloon, no papers or files on the judge's desk, no flag pole, witness chewing gum and blowing a bubble, court reporter playing video game, chess set on desk, clerk asleep, no papers or files on clerk's desk, lawyer with feet on table, lawyer not wearing shoes, food on lawyer's table,

#### Family Court Crossword Puzzle (page 25)



picket fence in courtroom. People in audience are eating, reading a newspaper, talking during the proceeding, knitting, and not wearing shoes. And is that a bear in the courtroom?!

#### Answer Key continued

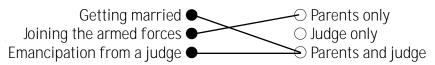
#### **Emancipation: Rights and Responsibilities** (page 32)

- 1. Right
- 2. Right
- 3. Responsibility
- 4. Right
- 5. Right
- 6. Right
- 7. Right
- 8. Responsibility

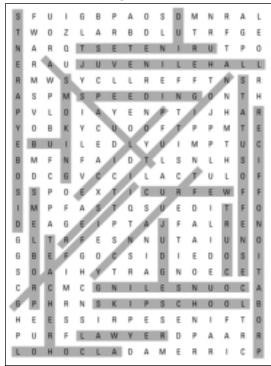
#### Emancipation Is Not the Same as Being 18 (page 33)

- 1. Yes
- 2. Yes
- 3. No
- 4. No
- 5. No
- 6. No

#### What Are the Three Ways to Get Emancipated? (page 33)



#### Find-a-Word (page 35)



ALCOHOL

ASSAULT

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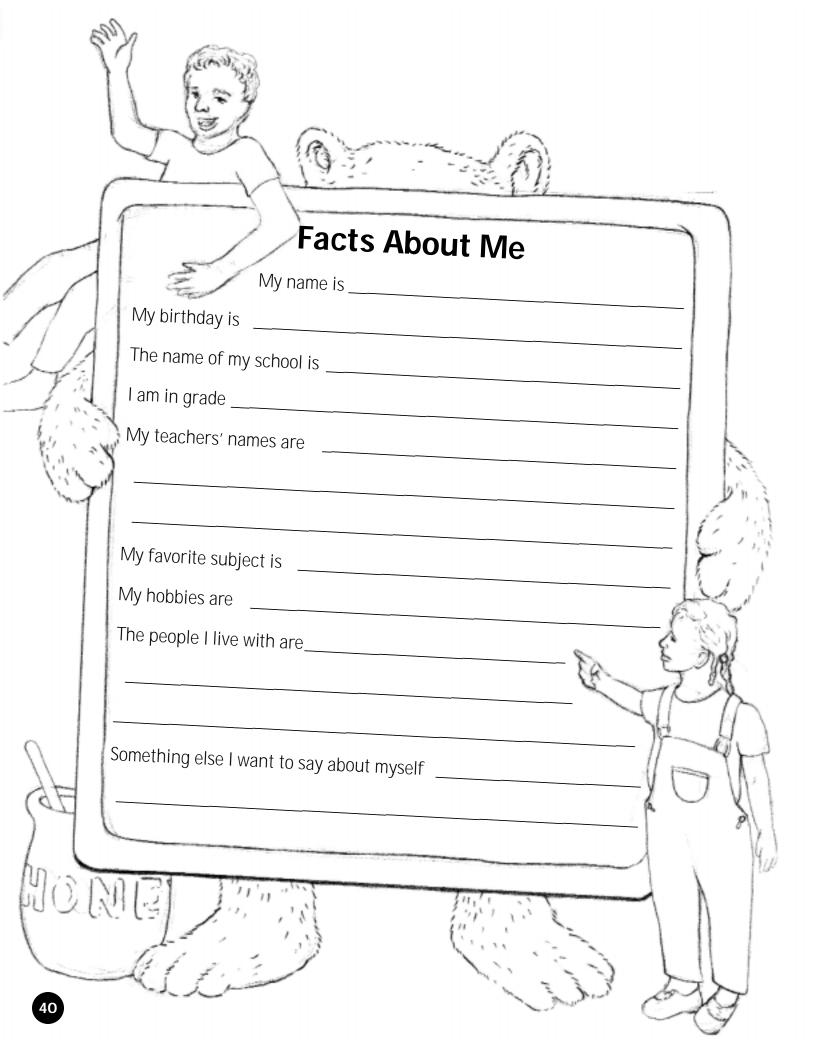
SPEEDING

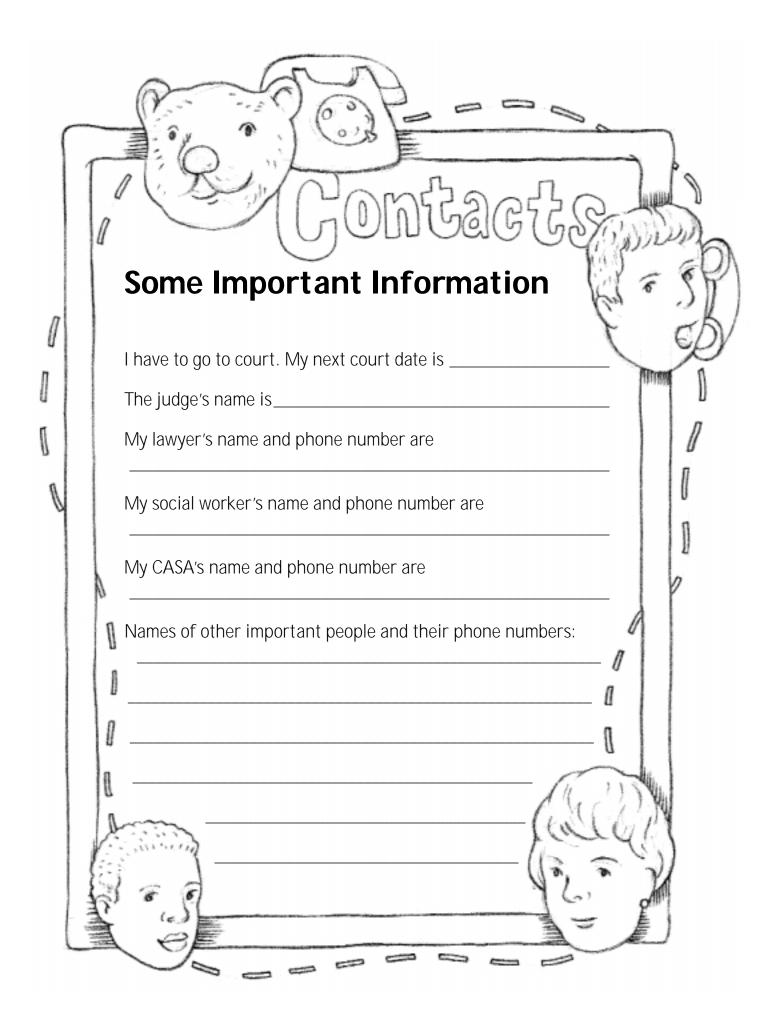
STATUS OFFENSE

**TEACHER** 

**TRUANCY** 

URINE TEST





### About This Book

What's Happening in Court? is intended for children who are in court for any reason—whether they are witnesses, visitors to the courthouse, or involved in a case. It aims to introduce children to the court processes in which they are or could be involved, the people who work in the judicial system, and the vocabulary that surrounds judicial proceedings. It is meant to be used as a teaching tool that may foster conversations between children

and adults about the court system, and a game book that gives children who are in court something to do while they wait. This book is not intended to give or substitute for legal advice.

Children of all ages can enjoy this book. Depending on their age, ability, and interest, they may look at and color the pictures, read the text, play the games, or do the activities.

We hope California's children will find this book interesting and fun.