



When your child has come into contact with the law

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For the sake of readability, the text in this brochure has been written in the masculine form. Where the text refers to 'he', this may also be taken to mean 'she'. Where the brochure refers to 'parents', this may also be taken to mean 'parent' (with or without partner), carer(s) or legal representative(s). The term 'child' refers to all children and youths between the ages of 12 and 18. The term 'client' refers to 'parent(s)' or 'child(ren)'.

When your child has come into contact with the law

When you as a parent hear that your child is suspected of a punishable offence, you want to know what is going to happen to your son or daughter. This brochure gives you information about this subject. Since children under the age of twelve cannot be prosecuted, the brochure only deals with children of twelve years or older. This may be the first time you have come into contact with the Child Care and Protection Board. This brochure contains information on the course of proceedings in juvenile criminal cases.

The Child Care and Protection Board

A child depends on his parents for his development. They are responsible for his care and upbringing so that he can develop into an independent adult. When parents cannot or do not take that responsibility, a child's right to a healthy and stable development may be jeopardised. In such cases, the Child Care and Protection Board, as a government organisation, is responsible for safeguarding this right of the child.

General information about the Board is available in the brochure *About the Child Care and Protection Board - Each child is entitled to protection*. You can see where to get the brochure on page 4 of this brochure.

> Children at the forefront

The Child Care and Protection Board is charged with safeguarding the rights of children whose development is or may become jeopardised. Therefore, a child's interest is at the forefront in everything the Board does. At the same time, Board employees realise that the intervention of the Board can be an emotional and drastic event for both parents and children.

The course in juvenile criminal proceedings

When an official police report is drawn up because your child has committed a punishable offence or because he is taken into police custody, the police notifies the Child Care and Protection Board. The Board conducts an investigation in order to inform the public prosecutor and/or the court about your child and his upbringing situation and to advise them about a suitable sanction and assistance.

A general description of the course of events in juvenile criminal proceedings is provided below. The Board is involved in several steps of the sentencing process. The Board's role is explained on page 2 of this brochure.

> Police interview

If your child is suspected of a punishable offence, he is interviewed by the police. They want to know what he has done and why. Your child has the right to consult a lawyer prior to the interview. If your child is suspected of a very serious offence, a lawyer is always brought in. If your child is suspected of a *minor offence*, he may choose to have a lawyer or counsellor (a parent or other person important to him) be present at the interview. Your child is handed a special brochure on the allocation of a lawyer.

> Police report

The police usually draws up an official report, which contains the statements made by your child about the offence. If applicable, the report also contains the victim or witness statements. The police sends the report to the public prosecutor and the Board. The police, public prosecutor and the Board hold regular meetings about all juvenile criminal cases in their region. They also discuss your child and agree on who does what and when.

> Police custody

Your child may be sent home after the report has been drawn up. However, if the punishable offence is very serious or complicated, your child is taken into police custody and has to remain at the police station for a maximum of three days in the interest of the investigation. Your child will be appointed a lawyer. Furthermore, a Board employee will visit your child to see how he is doing and if he needs (practical) assistance.

> Appearance before the public prosecutor

When your child is retained in police custody, he is brought before the public prosecutor for questioning. This means that the public prosecutor interviews your child. If he wants to keep your child in police custody for longer than three days, the public prosecutor needs permission from the examining judge, who will talk with your child. If the examining judge believes it is not necessary for your child to be kept in police custody for longer, your child may be sent home, sometimes under certain conditions. This does not mean that the criminal proceedings are finished.

> Pre-trial detention

Should the examining judge decide to keep your child in police custody for longer than three days, the pre-trial detention period begins. Pre-trial detention lasts 104 days at most: 14 days of provisional detention and 90 days of detention in custody. The court always makes an official ruling about extension. The duration of pre-trial detention is later deducted from the sentence as time served.

Public prosecutor and the court

The public prosecutor assesses whether your child needs to be punished. His decision is based on the seriousness of the offence and other things. The public prosecutor can impose a punishment, but may also decide that your child has to go to court. In that case, the court decides whether your child is to be punished.

> Out-of-court settlement by the public prosecutor

A public prosecutor can settle criminal cases out-of-court. He may offer your child a settlement in the form of a settlement penalty. The case is closed if the community service order is completed and your child has complied with condition(s), if applicable. If not, your child has to go to court.

> Hearing

The public prosecutor may also not opt for an out-of-court settlement, but bring the case before the court. If the public prosecutor decides to prosecute and your child has to appear in court, he is appointed a lawyer.

Your child receives a summons to appear in court. You, your child, his lawyer, the judge and the public prosecutor are present at the hearing. In some cases, a Board employee is present at the hearing. The hearing takes place behind closed doors.

Parental obligation to appear in court

Both parents have the obligation to be present at the hearing and are summoned to appear by the public prosecutor. If you appear at the hearing, you will receive all necessary information to help you get your child back on track. You have the opportunity to answer the court's questions so that the judge can get a clear picture of the situation.

If parents are not present, the court may decide to postpone the hearing and decide that the police takes the parents to the next hearing. The parental obligation to appear in court does not apply to parents who do not hold parental authority. However, they are welcome to come to court. The obligation lapses when your child turns eighteen or when your child is summoned to appear before the subdistrict court, examining judge or before the court during pre-trial detention.

> Decision

The court ultimately decides whether it has been proven that your child has committed a punishable offence. If it has not been proven, your child is acquitted. If it has been proven that your child is guilty, the court takes a decision about a possible sanction and assistance appropriate for the punishable offence within two weeks. Your child may receive a fine, community or treatment in a youth care facility. Examples of treatments include placement in a young offenders institution or a behaviour modification order aimed at improving conduct.

The role of the Board

The Child Care and Protection Board analyses the situation of your family and your child. If your family is having difficulties or if your child is experiencing personal problems, a child welfare investigator discusses them together with you and your child. The child welfare investigator takes decisions in consultation with other Board employees.

The working method of the Board has been officially laid down in a quality framework. Information about the framework is available in the brochure *About the Child Care and Protection Board - Each child is entitled to protection*.

> The investigation

A notification of a police report or of a child being taken into police custody is a reason for the Board to investigate the child and his circumstances.

The investigation is carried out by a Board employee, the child welfare investigator. An important part of the investigation is an interview with you and your child together, or with each of you separately. The purpose of the interview is to find out more about your child's personal circumstances. An extensive questionnaire usually forms part of the interview. The child welfare investigator also talks to other parties involved who have information about your child, such as teachers.

These interviews generally provide enough information for the child welfare investigator to get a clear picture of your child.

In the course of his investigation, an investigator is supported by a behavioural specialist and, if necessary, a legal expert. They take all decisions in the investigation together. The child welfare investigator's supervisor is ultimately responsible for the investigation. The child welfare investigator keeps your family informed about the proceedings of the investigation. Sometimes, punishable behaviour is a sign of problems. For example, a child may have personal problems or things are not going well within the family or at school. Therefore, the Board also investigates whether your child has such underlying problems in order to start providing assistance, if necessary, to prevent repetition of his punishable behaviour.

Some cases require further investigation, because there may be serious parenting problems (you can read more about this on page 3). Furthermore, the Board or the court may decide to have your child evaluated by a specialist, such as an educationalist, psychologist or psychiatrist. This is called a personality assessment.

> The report

An investigation of the Board is concluded with a report in which the child welfare investigator reports the course of the investigation, the conclusions and advice on sanctions and/or assistance.

The child welfare investigator sometimes concludes his investigation with a letter, but he usually draws up a report, in which he describes the course of the investigation and includes information from other parties. The report also contains information about your child's personal circumstances and reflects your opinion and that of your child. Furthermore, the child welfare investigator reports the conclusions that the Board has drawn from the investigation. The report is concluded with a recommendation to the public prosecutor and possibly the court on sanctions. You and your child each receive a copy of the preliminary report, after which you can both respond orally or in writing.

Incorrectly stated facts can be altered or removed and other comments can be added to the report in an appendix, after which the report is finalised and sent to the public prosecutor and the court. You and your child receive a copy of the final report.

> Recommendations

The Board makes recommendations to the public prosecutor and the court on sanctions and other subjects.

The objective is to prevent your child from committing another punishable offence. If needed, the Board makes recommendations for ways to solve personal or family issues.

The Board's report is intended for the public prosecutor and, if required, the court. The report contains the Board's advice about sanctions that best fit your child from an educational point of view. It is important for your child to learn from his sanction, so that he will improve his conduct. The report may have recommendations on further investigations or necessary assistance of your child, such as the help of juvenile rehabilitation. The public prosecutor and the court will use the recommendations in their considerations. However, they remain impartial and determine independently if they take the Board's advice.

> Child protection order

The investigation may reveal that there are serious parenting or family problems. In that case, the Board requests the court to impose a child protection order and the child welfare investigator will inform you about this request in a timely manner.

The least severe measure is the family supervision order, which limits parental authority.

More information about the family supervision order and other child protection orders is available in the brochures *When your child has been placed under supervision* and *When parenting is a problem*. You can see where to get the brochures on page 4 of this brochure.

What does the Board do?

> Juvenile criminal cases

The Child Care and Protection Board:

- investigates the child's background and assesses whether there are personal or family problems;
- informs the public prosecutor and the court and advises them about appropriate sanctions and assistance;
- refers your child or family to care organizations.

The Child Care and Protection Board:

- ensures that all activities of the Board, the youth rehabilitation service and the public prosecutor are harmonised throughout your child's sentencing process;
- coordinates the enforcement of community service orders if your child has received such a sanction. The Board ensures your child receives a suitable community service order and informs the public prosecutor of the performance.

More information is available in the brochure *When you have received a community service order*. You can see where to get the brochure on page 4 of this brochure.

More information

> Questions?

Do you have other questions about the work of the Child Care and Protection Board? Please direct them to your Board contact person, or contact your local Board branch: the addresses and route descriptions of the various branches are available on www.kinderbescherming.nl. Here you can also find information about the organisations that cooperate with the Board.

> Other brochures

About juvenile criminal proceedings

- *When you have come into contact with the law*
- *When you have received a community service order*

> About the work of the Board

- *About the Child Care and Protection Board - Each child is entitled to protection*
- *When parenting is a problem*
- *When your child has been placed under supervision*
- *When parents divorce*
- *When you have a complaint*

These brochures are available:

- *on www.kinderbescherming.nl*
- *at all Board locations*

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