

# Juvenile Court / Formal Accountability Agreement (FAA) Process

The juvenile justice system holds youth accountable for their actions and strives to improve public safety while taking into consideration the specific needs of juvenile offenders.

Our goal is to protect the public and reduce juvenile crime in Clatsop County.

## Juvenile Rights

If a youth is charged with a delinquent offense they have the right to:

- Know the charges against them
- Remain silent
- Deny the charges and have an adjudication hearing before a judge
- Face and cross-examine the witnesses
- Present evidence in their defense
- Have a lawyer represent them

## Victim Rights

Victims of juvenile crime have the same rights as victims of adult crime.

## Expunction of juvenile records

Most juvenile delinquency records can typically be expunged after the juvenile reaches 18 years of age, and five years have passed since the most recent case was terminated.

Expunction is not automatic; a youth can request expunction by filling out the [Juvenile Records Expunction Form](#) which can also be picked up at the juvenile department.

A youth can request early expunction by writing a letter to the court requesting a hearing on the matter.

Not all juvenile records are expungeable, if you have questions about whether your record is expungeable or not, please call the juvenile department for further information.

The laws regarding juvenile crime are different than they are for adults. When a juvenile is contacted by law enforcement they are not treated exactly the same as an adult.

Below is a chart with some juvenile justice system terms and terms that have similar meanings in the adult criminal system.

Terminology	
Juvenile Term	Adult Term
Taken into custody	Arrested
Preliminary Hearing	Arraignment
Adjudicated	Found Guilty
Disposition	Sentencing
Detention	Jail
Youth Correctional Facility	Prison

## Related Questions

### At What Age Can a Child be Left Alone?

There is no specific age provided by law. The good judgment of the parent or guardian is most important.

Generally speaking, there are three factors that must be considered: the maturity of the child, the environment provided for the child, and how long the child will be unattended. The best advice is to err on the side of caution, safety, and the best interest of the child. As a guideline, it is also advisable to be extra cautious with children younger than 10 years of age. If in doubt it would be wise to call the Department of Human Services, Child Welfare: (503) 325-9179.

Ideally, if a child must be left alone for a short period of time, a neighbor should be available to periodically check in on the child. Parents should also make regular phone calls to check on the child. It is not advisable to leave any child unattended for an extended period of time.

Some laws pertaining to leaving children at home alone:

Abandonment of a child: It is considered “abandonment of a child” if a parent or guardian of a child under 15 years of age deserts their child in any place with intent to abandon him or her. Abandonment is a felony crime, (ORS 163.535).

Child Neglect in the Second Degree: The law says a person who has custody or control of a child under 10 years of age commits the crime of child neglect in the second degree if, with criminal negligence, the person leaves the child unattended in or at any place for such a period of time as may be likely to endanger the health or welfare of such child. Child neglect in the second degree is a Class A misdemeanor (ORS 163.545).

**Failing to supervise a child:** A person commits the offense of failing to supervise a child if the person who is the parent, lawful guardian or other person lawfully charged with the care or custody of a child under 15 years of age and the child:

- Commits an act that brings the child within the jurisdiction of the juvenile court as a delinquent;
- Violates a curfew law of the county or any other political subdivision; or
- Fails to attend school as required by law (reference ORS 163.577).

## **How Do I Become Emancipated?**

[ORS 419B.552](#)

An emancipated minor (someone younger than 18 years of age) is given certain legal rights, which are normally reserved for adults. In order to be emancipated, a minor must be between the ages of 16 and 18 years of age.

### **Emancipation Instructions**

[Emancipation Form](#)

- The person applying for emancipation must fill out the application completely. They must provide the names and addresses of both their parents.
- Take the completed form to the Trial Court window on the main floor of the Clatsop County Courthouse with a check or money order in the amount of the appropriate fee made out to the Trial Court Clerk (Without payment, a case number will not be assigned and a hearing will not be set).
- After the Trial Court Clerk receives the completed form and payment, an Emancipation Hearing will be scheduled in front of the Juvenile Court Judge. If there is an objecting party, they will voice their objection at the hearing.

### **Facts About Emancipation**

- An application must be filed with the Juvenile Court in the County in which the juvenile resides.
- The minor submitting the application must be between the ages of 16 and 18 years old.
- The application fee is \$281. This fee must be paid when submitting the emancipation application. The fee is non-refundable even if the Court denies the request for emancipation.
- A court hearing must be scheduled within 60 days of application.
- The minor must be currently employed or have a reasonable means of income.

- The minor must be substantially able to be self-maintained, self-supported, and sufficiently mature and knowledgeable to manage his/her own affairs.
- Emancipation means the parents are no longer financially responsible for the emancipated child.

### **A decree of emancipation will serve for:**

- Contracting and conveying
- Suing and being sued
- Being recognized as an adult for criminal laws of this state

### **A decree of emancipation does not allow for:**

- Purchasing alcoholic beverages
- Obtaining a marriage license
- Voting in the State of Oregon

## **How Do I Get My Record Expunged (Removed or Destroyed)?**

### [Juvenile Records Expunction Form](#)

The following paragraphs are a general explanation of rights and the process for the expunction of records under Oregon Revised Statutes Chapter [419A.260](#) through [419A.262](#).

1. Records expunction procedure: A person who is the subject of a record may apply for expunction with the juvenile department at any time, and if five years have elapsed since the most recent contact with a juvenile department, police, or other agency, and the person has not been convicted of a felony or Class A misdemeanor during that time, no proceedings are currently pending, and the juvenile department is not aware of a pending investigation of the person's conduct by a police agency, the person may have a right to have the record expunged.

When a person who is the subject of a record becomes 18 years of age, the record may be expunged if the person was never found to be within the juvenile court's jurisdiction, or if the above conditions have been met. And, the court may order the expunction of all or any part of a record if the court finds that to do so would be in the best interests of the person and the public.

If you turned 18 after Jan 2, 2022, and you were never found within the jurisdiction of the court. The juvenile department will process the expunction after you turn 18 AND your case is closed.

If you were found within the jurisdiction of the court, you must apply for an expunction.

2. Records that are expugnable include A fingerprint or photograph file, report, exhibit, or other material which contains information relating to a person's contact with any law enforcement agency, juvenile court, or juvenile department which is kept manually, through the use of electronic data processing equipment, or any other means or an agency of the State of Oregon.  
"Record" does not include: Transcript of a student's record at a youth correction facility, material on file with a public agency which is necessary for obtaining federal financial participation for financial assistance, records kept by the Department of Transportation (DMV), State Marine Board, and State Fish and Wildlife Commission, police or court records related to an order of waiver where the matter is still pending or on appeal or to any disposition as an adult, records related to support obligation, medical records, records of proposed or adjudicated termination of parental rights and adoptions, any law enforcement record of a person with current investigations or cases waived to adult court, records and case reports of the Supreme Court or Oregon Court of Appeals, or any records in cases of jurisdiction for the offenses in ORS 419A.260(b)(j), blood samples, buccal samples and other physical evidence maintained by the Department of State Police, and records stored in the Law Enforcement Data System.
3. If the person is not eligible for mandatory expunction, a letter will be sent to the person indicating the reasons for non-eligibility.
4. If the person is eligible, the district attorney of any Oregon county that possesses an expugnable record must be notified. Any district attorney may file a written objection to the juvenile department and the person, stating the reasons for the objection within 30 days after the district attorney receives notification. If a district attorney files an objection, no order of expunction may occur without a court hearing. If an Oregon district attorney objects to an expunction, the person may request a hearing and may request a court-appointed lawyer.
5. Any agency subject to an expunction order shall respond to any inquiry by indicating that no record or reference exists. The person whose record is expunged may assert that the record never existed and that the contact never occurred without incurring a penalty for perjury or false swearing under the laws of the State of Oregon. Anyone intentionally releasing all or part of an expunged record commits a class C misdemeanor, and that person has a right of action against the violator for punitive damages in the amount of \$1,000 in addition to any actual damages, costs, and attorney's fees. Questions concerning the expunction of records should be directed to the juvenile department.

## **I Saw a Child Being Abused and Neglected. What Can I Do?**

If you observe a child being abused or neglected you should call the Department of Human Services Hot Line

1-855-503-SAFE (7233) and/or your local police department.

## **Is a Juvenile Record Confidential?**

Some portions of a juvenile record are confidential, while others are not. Generally, a juvenile record consists of two parts, social and legal. The social file contains reports and material relating to the youth's history and prognosis and is considered confidential.

This information is not to be disclosed directly or indirectly to anyone other than the judge of the juvenile court, those acting under the judge's direction, and the attorneys of record, except at the request of the youth. Information in the legal file that can be released includes the name and date of birth of the youth, the basis for the juvenile court's jurisdiction over the youth, date, time, and place of any juvenile court proceeding in which the child or youth is involved, the act alleged by the youth, level of resistance at the time of arrest, and that portion of the juvenile court order providing for the legal disposition of the charge. If a youth has no legal file but has been placed on a Formal Accountability Agreement the following information is not confidential:

- The name and date of birth of the youth
- The act alleged
- The portion of the agreement providing for the disposition of the crime

Further information contained in reports or the child's history and prognosis may be released if, in the professional judgment of the juvenile counselor, caseworker, teacher, or detention worker, that information indicates a clear and immediate danger to another person or to society.

## **What are the Differences Between a Violation and a Crime, a Misdemeanor and Felony?**

An offense is a "violation" if:

- The offense is so described in the statute defining the offense.
- The statute prescribing the penalty for the offense provides that the offense is punishable only by a fine, forfeiture, fine and forfeiture or other civil penalty (ORS 161.565). Under most circumstances, the fine limitations for violations are the same as those for misdemeanor crimes.

An offense is a “crime” if a sentence of imprisonment is authorized. A crime is either a misdemeanor or a felony, (ORS 161.525). Misdemeanor crimes generally are considered less serious than felony crimes.

**Misdemeanor**

A crime is a misdemeanor if it is so designated in any statute of Oregon or if a person convicted thereof may be sentenced to a maximum term of imprisonment of not more than one year, (ORS 161.545). A fine can also be imposed.

Theft in the second and third degree (shoplifting), harassment, and some criminal mischief crimes are examples of misdemeanor crimes. Misdemeanor crimes are classified for the purpose of the sentence into the following categories:

Misdemeanor Classifications		
Classification	Maximum Term	Fines
Class A	1 year	\$6,250
Class B	6 months	\$2,500
Class C	30 days	\$1,250

**Felony**

A crime is a felony if it is so designated in any statute of Oregon or if a person convicted under a statute of this state may be sentenced to a maximum term of imprisonment of more than one year, (ORS 161.535). A fine can also be imposed. Unauthorized use of a vehicle, theft in the first degree, burglary, robbery and some assaults are Felony crimes.

Felony crimes are classified for the purpose of the sentence into the following categories:

Felony Classifications			
Classification	Term	Maximum	Fines
Class A	20 years	\$375,000	
Class B	10 years	\$250,000	
Class C	5 years	\$125,000	

Classification	Term	Maximum Fines
Class A	20 years	\$375,000
Class B	10 years	\$250,000
Class C	5 years	\$125,000

## **What is a "Delinquent Act?"**

A delinquent act is a law violation, which if done by an adult (someone 18 years or older) would be a crime. A juvenile who steals a car and is convicted is thought of as someone who has committed a delinquent act, (an act which would be a crime if he or she were an adult) and to be a delinquent. Youth who commit delinquent acts are thought of as more serious offenders than status offenders.

## **What is a "Status Offense?"**

A status offense is a law violation, not a delinquency, crime, or violation, which only applies to juveniles. For example, curfew is a status offense. Other examples of status offenses include:

- Runaway
- Truancy
- Possession of tobacco
- Possession of alcohol, (this applies to individuals under the age of 21).
- It is beyond control.
- Behavior such as to endanger the welfare of the youth or others.

## **What is Curfew for Juveniles in Clatsop County?**



The curfew for juveniles in Clatsop County is between midnight and 4 a.m. the following day, unless:

- The minor is accompanied by a parent, guardian, or other person 18 years of age or over and authorized by the parent.
- The minor is then engaged in a lawful pursuit or activity, which requires the presence of the minor in such public places during these hours.
- The minor is legally emancipated.

[View All FAQ's](#)