



Overview

Juveniles usually enter the juvenile justice system through contact with law enforcement, although they may be referred to juvenile probation by other agencies and parents. Juvenile probation is an integral part of the Youth Court and is overseen by the Youth Court judge within each of the twenty-two judicial districts. Most referrals to the Youth Court's juvenile probation office are in the form of a ticket accompanied by a report from law enforcement. Juvenile probation officers may handle any referral except traffic and fish and game violations, which fall under the jurisdiction of the Justice, Municipal, City, and District Courts.

Youth referred to probation typically appear before the juvenile probation officer with a parent or guardian to answer the allegations against them. Most youth will never see the Youth Court judge and will work solely through the Youth Court juvenile probation officer to resolve the ticket in what is referred to as the informal process. If the referral is forwarded to the county attorney and a petition is filed on the alleged charges, the youth will appear before the Youth Court judge in what is referred to as the formal process. Approximately 10% of the youth referred to juvenile probation each year are handled formally.

The juvenile justice system is designed to keep youth out of the deep end of the criminal justice system. It also is effective in helping the District Youth Courts from becoming over-burdened with relatively minor offenses that can be handled more swiftly by juvenile probation through the informal process. The informal process requires collaboration between the youth, their parents and agency partners.

Declaration Of Purpose

41-5-102. Declaration of purpose. The Montana Youth Court Act must be interpreted and construed to effectuate the following express legislative purposes:

(1) to preserve the unity and welfare of the family whenever possible and to provide for the care, protection, and wholesome mental and physical development of a youth coming within the provisions of the Montana Youth Court Act.

(2) to prevent and reduce youth delinquency through a system that does not seek retribution but that provides:

(a) immediate, consistent, enforceable, and avoidable consequences of youths' actions.

(b) a program of supervision, care, rehabilitation, detention, competency development, and community protection for youth before they become adult offenders.

(c) in appropriate cases, restitution as ordered by the youth court; and

(d) that, whenever removal from the home is necessary, the youth is entitled to maintain ethnic, cultural, or religious heritage whenever appropriate.

(3) to achieve the purposes of subsections (1) and (2) in a family environment whenever possible, separating the youth from the parents only when necessary for the welfare of the youth or for the safety and protection of the community.

(4) to provide judicial procedures in which the parties are ensured a fair, accurate hearing and recognition and enforcement of their constitutional and statutory rights.