



MODULE 3 GOALS:

Learn why there are two-sides to each court case (trial).

Who are the people in the courtroom and what do they do?

What are general courtroom procedures?

Remind your client this is not a test!

Module 3: The Juvenile Justice System

This is what you want to teach your client in Module 3:

That the legal process is two-sided by design.

Trials in juvenile court are called trials both in practice and statute/rule.

At the trial, the client's defense attorney will tell the client's side of the story, the prosecutor will tell their side of the story, and the judge will decide if the prosecutor has proved the charges (their side of the story).

At the trial, the judge determines whether the charges filed against the juvenile are proven and if you are guilty or not guilty.

Review with the client the roles of the defense attorney and prosecutor, and introduce additional courtroom personnel and their roles in the courtroom.

Provide a basic overview of the general juvenile court process in order to help them become familiar with what to expect and to reduce their anxiety about participating in their own court proceedings.

KNOWLEDGE ASSESSMENT

To find out what your client already knows about this area, you must ask them the following questions BEFORE you begin the module. To determine how much they learn, you will ask them the same questions after completing the module.

This is not a test and will not be graded! Reassure your client that answering these questions will help you understand how to help them better.

Ask each question clearly and slowly so your client understands what you are asking. You can repeat each question as many times as the client needs. Ask one question at a time and wait for the answer before moving to the next question.



Please pay special attention to any accommodations your client may require for the knowledge, assessment, and presentation of material.

Review client responses with them.

Remind clients that questions they get wrong give you ideas about how to help them.

Use simplified language to teach concepts.

Assess your client's progress regularly with CHECK FOR UNDERSTANDING questions.

Use Practice Exercises to teach difficult concepts.

Work in brief segments

ASSESSMENT

What does it mean that the court uses a two-sided process?

Whose job is it to decide what story to tell in the courtroom, and help you tell your story if you want to testify during trial?

Who decides if the prosecution has proved their case in the courtroom?

Who is considered the accused juvenile in a court case?

Who is considered the victim in a court case?

Which attorney presents the victim's point of view in a court case?

What does the probation officer do?

What is decided during the arraignment or disposition conference?

What happens during a trial?

If you are found not guilty of the charges against you, what will happen?

If you are found guilty of the charges against you, what happens next?

During the disposition hearing, who decides what will happen to you?

TEACHING INSTRUCTIONS

Step 1: Review your client's responses against "Acceptable Answers to Knowledge Questions", listed below, to determine which answers are correct and which answers are incorrect or incomplete.

Step 2: Review your client's responses with them.

Step 3: Show your client the questions they answered correctly and the ones they answered incorrectly or incompletely to assist you and your client identify areas to work on together.

Step 4: Reassure the client you will work together to teach them the correct answers to the questions they missed or need



Terms and Concepts:

Adversarial: A situation where two groups of people are on opposite sides in court; like a football game or a court case.

Adjudication: Is a finding of guilty or not guilty by the Judge in juvenile court.

Accused: The person accused of committing a delinquent act.

Victim: The person that was hurt by a delinquent act.

Judge: A public officer who is authorized (has permission) to hear and decide who is right, the accused or the victim, in a court case.

Probation Officer: An officer of the court that is in charge of your case throughout the court process. Like a police officer and case manager in one person.

to know more about.

Step 5: Use the information presented below to teach your client about the areas they need to learn about. We recommend you use the simplified language presented below to explain the concepts because your client is more likely to understand the concepts if you explain them this way. If the language seems too simple for your client, you can use more sophisticated language to describe the concepts.

Step 6: After each segment of information, there is a **CHECK FOR UNDERSTANDING** box. Questions are provided so you can immediately assess if your client is learning the concepts. Use their answers to guide whether you move on or repeat material. If the client successfully completes the questions in the box, move on to the next Content Area. Remember that it is more important for the client to demonstrate an understanding of the concepts addressed by each question than to answer every question correctly. If you feel the client has a good understanding of the concepts, they do not need to answer all or even a certain number of the questions correctly. The questions provided throughout the module are simply an attempt to evaluate how well the client understands the underlying concepts being presented. You will need to use your best judgment about whether the client is ready to move on if they have trouble with specific questions, but you believe that they understand the overall concept addressed by the questions.

Step 7: If the client continues to provide incorrect or incomplete answers after presentation of material, work through the recommended Practice Exercises.

Step 8: Re-check for understanding after the Practice Exercises.

Step 9: If the client persists in being unable to understand the information, note this and move to the next topic.

Step 10: You should work in seven to ten minute segments. After seven to ten minutes of presenting material and asking questions, provide the client with a brief break. Options include having a snack, stretching, doing a relaxation exercise, taking a short walk, enjoying some free conversation with you, and so forth.

Guilty: The judge has decided that the juvenile has done what he or she has been charged with.

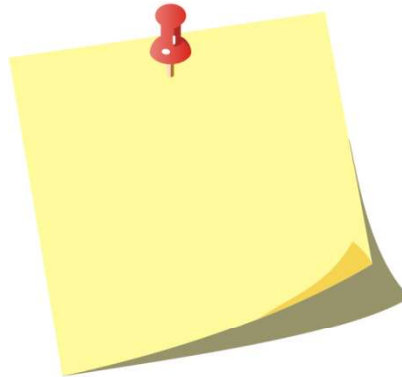
Not Guilty: The judge has decided that the juvenile has not done what he or she has been charged with.

Attorney-client Privilege: A legal rule that says that certain information that a juvenile shares with their defense attorney must be kept private and protected from other people.

CONTENT AREAS

For each Content Area, read the information to your client slowly and clearly. Immediately after giving them the information, ask the questions in the CHECK FOR UNDERSTANDING box. If the client gives you the correct answers for each of the questions, move to the next topic area.

For any incorrect or incomplete answers, review the material you just covered. After reviewing the related material one time, ask them the questions again. At this point, if they continue to have incorrect or incomplete answers, move on to the Practice Exercises. When you have completed the Practice Exercises, ask them the questions in the CHECK FOR UNDERSTANDING box a final time. If they continue to have difficulties, note the sections they are struggling with and move to the next Content Area.



[NOTE TO EDUCATORS: *When we use guilty in this module, it means the same as “charges being proven” and when we use not guilty, it means the same as the “charges not being proven”.*]

What does it mean that the legal process is two-sided by design?

Every court case has two sides, the client’s side and the prosecution’s side. The prosecution is trying to get the judge to believe their side of the story, and the defense attorney has no burden to prove anything to the judge. They are considered adversaries, which is a fancy word for being against each other. This is similar to a football or basketball game. The two teams are against each other. They are adversaries. This is why a court case is sometimes called adversarial, because there are two teams involved and they are arguing against each other.

The most important things about the adversarial (two-sided) nature of court is that both the defense attorney and the prosecutor can tell the judge their side of the story, even if the

stories are different. You NEVER have to tell your side of the story and even if you don't the judge has to decide if the prosecutor has proven their case. Even if you DO decide to tell your side of the story the prosecution still ALWAYS has to prove your guilt beyond a reasonable doubt before you can be found guilty. The judge is neutral, like a referee, and listens to all evidence presented to him or her. It is only at the end of the trial once the judge has heard all of the evidence that the judge makes a decision called a verdict. The verdict can be GUILTY or NOT GUILTY on each charge.

Remember that not everyone in the courtroom is on the same team. The defense attorney will always be on the client's team and is their best ally in the courtroom. The prosecutor is on the opposite team. In the next section we will talk about other people that the client may see in the courtroom, which team they are on, and what their job is.

CHECK FOR UNDERSTANDING:

1. What do we mean when we say that the court case is two-sided? Who helps to tell your side of the story in court?
 2. Who tells the other side of the story?
 3. The Judge in your case is like a referee who listens to both sides of a story and then decides what to do. True or False?
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→ If your client does not get all of the answers or gives you incomplete answers, please repeat the material and ask the questions again.

→ If your client continues to give incomplete and/or incorrect answers, please do the following PRACTICE EXERCISES.

PRACTICE EXERCISES

Please use these exercises if 1) your client is having difficulty understanding the concepts or 2) your client needs extra practice with concepts to improve retention. Below are brief descriptions of the exercises. Complete exercise descriptions and instructions can be found in the client workbook on the pages indicated.

The Courtroom Game

Using the client's favorite game (e.g. video game, sport, board game) the educator will compare the game to the court process, which there are two- sides, and both sides are trying to win. The educator will point out that both sides have resources and tools, and try to be as smart and effective as they can to win the game. The educator should avoid choosing games that have "good guys" and "bad guys" to reduce the likelihood of clients thinking of the prosecutor as "bad" or "evil". Better analogies are sports, board games, and more neutral video games.

What is adjudication?

An adjudicatory trial is one in which the prosecution seeks to prove that you have committed a delinquent act. In a juvenile proceeding, the word adjudication means that the court or a jury has found that you committed a delinquent act, and has adjudicated you a delinquent child.

Adjudication means to make a finding or decision. A judge or in some cases a jury makes a decision about whether you are guilty or not guilty of the charges against you. A juvenile accused of a delinquent act or delinquent act has the following rights in court:

1. To decide to plead guilty or not guilty to the charges, even if their lawyer or their guardian doesn't agree with their choice.
2. The right to appear in person to defend themselves.
3. The right for the judge to assume that they have done nothing wrong, and to make the prosecution prove the charge against them.
4. The right to be represented by a lawyer. If they cannot afford a lawyer, the court will appoint a lawyer.
5. The right to know the state's accusations against them.
6. The right against self-incrimination. (A person cannot be required to answer questions or make statements tending to show guilt and have them used against him or her. The judge cannot assume you are guilty because you do not talk or explain yourself.)
7. The right to a speedy trial and for time to prepare a defense. The court has to tell the client about any court hearings that involve them.
8. The right to testify and tell their side of the story if they want, even if their lawyer does not agree with that decision.
9. The right to have witnesses on their behalf and subpoena (to require to come to court) witnesses to appear if necessary.
10. If they are adjudicated guilty, the right to appeal to a higher court and ask a different judge to review the case to see if mistakes were made.
11. The right to ask questions of the people accusing them.
12. The right to an appeal - to ask a higher court to decide whether or not your judge was right if he or she found you guilty.

Purpose of a Trial

Whether or not you did commit the delinquent act or delinquent act you are charged with, or you or your defense attorney believe the prosecutor cannot prove you committed the delinquent act,

you can have a trial. You do not have to admit you did something even if you did it. It is your right to have a trial. Your defense attorney can help you decide if a trial is a good idea. It is at the trial that the prosecutor must present witnesses and evidence to try to convince the judge that you committed a delinquent act. Your defense lawyer is also allowed to ask questions, bring witnesses, and present evidence to show that you are not guilty. After listening to everything presented in court the judge decides whether you committed the delinquent act you are charged with.

During the trial, the prosecutor must prove to the judge that the charges against the client are true beyond a reasonable doubt before guilt is established. This means that it is clear the juvenile committed the delinquent act.

If the judge finds the client to be guilty (the charges are true), the judge will decide the right sentence. This may happen on the day you are found guilty, or on a later date. The sentence is not always imposed immediately because the judge may need more information about all aspects of the client's background, including any prior offenses and personal history, about the delinquent act, and what the victim wants before determining the sentence.

There is no "tie" in a court case (although a plea agreement, which is talked about in Module 8, may be kind of like a tie). When there is no plea agreement, the judge will either decide that the client is innocent (not guilty of the charges against you) or that they are guilty. We will talk more about what will happen if the judge decides the charges against the client are proven or not proven in a later module.

Let the client know that courtrooms in Colorado are generally open to the public. Also in some cases there will be a jury, like they may have seen on T.V. This is the decision of the court. Let them know that the judge will make the decisions about whether the charges against them are true or not true, and there will likely be very few people in the courtroom with them.

CHECK FOR UNDERSTANDING:

1. Adjudicatory hearing is another name for what?
2. What are some of the rights you have in your court case?
3. What does it mean if the Judge says that they think the charges against you are true?
4. What does it mean if the Judge thinks the charges are untrue?

→ If your client does not get all of the answers or gives you incomplete answers, please repeat the material and ask the questions again.

→ If your client continues to give incomplete and/or incorrect answers, please do the following PRACTICE EXERCISES.

PRACTICE EXERCISES

Please use these exercises if 1) your client is having difficulty understanding the concepts or 2) your client needs extra practice with concepts to improve retention. Below are brief descriptions of the exercises. Complete exercise descriptions and instructions can be found in the client workbook on the pages indicated.

Know Your Rights Word Search (Client Workbook: Module 3 Content are B-C)

In this exercise, the client will find vocabulary terms that match the rights discussed in this section (e.g., lawyer, witness, subpoena, cross-examine) listed in a word puzzle and then match them to the correct definition.



Remember: Video Resource List May Be Helpful!
Be sure to view all video content to match the best video resources for your client's age, culture and developmental level.

Part II: Courtroom Personnel

A. People in the Courtroom

Remember that no matter what team people in the courtroom are on, they are each just trying to do their assigned job the best that they can.

Defense Attorney: A defense attorney is the attorney who is on your side and will help defend you in court.

What does the defense attorney do?

The defense attorney represents and defends you in court, working to get the result you want. The job of the defense attorney is to get the best possible outcome for you, the accused. (Refer back to Module 2 for more detail).

Prosecutor: A prosecuting attorney's job is to serve the community by seeking an adjudication and sentence against you for any delinquent act you have committed. What does the prosecutor do?

The prosecutor is against you and your defense attorney.

The job of the prosecuting attorney is to prove that the charges against you are true, and to get a consequence that protects the community and fairly reflects from his perspective, and the victim's perspective how serious the delinquent act was. (Refer back to Module 2 for more detail).

Juvenile: The child accused of committing a delinquent act which would be a crime if committed by an adult. The term Juvenile refers to the client (Juvenile is the juvenile court term for an accused or defendant, as used in the adult criminal context). The judge may also refer to the accused as the child. Make sure they understand that they are the accused in this situation.

What does the accused do?

The accused works with their defense attorney to make sure that any information that will benefit them is presented (truthfully) in court to help the judge make the best decision about their case. The accused should talk to his or her attorney to determine whether there are witnesses that should be called on their behalf and whether or not the client should testify.

Victim: The person that was hurt by a delinquent act (sometimes there is more than one victim).

What does the victim do?

The victim works with the prosecutor to make sure that their side of the story is told accurately in order to help the judge make the best decision about the case, and in order to have certain types of consequence imposed if you are adjudicated delinquent.

Judge: A public officer who is authorized (has permission) to hear and decide whether the prosecution has proven that you committed a delinquent act. The judge is neutral. This means that he or she does not take sides like the defense attorney and the prosecutor. The judge listens to both sides before he or she makes a decision about whether you committed a delinquent act, and if you did, what should happen to you.

What does the judge do?

The judge is in charge of everything in the courtroom and makes sure that everyone follows the rules of the court.

He or she makes sure both sides are treated fairly.

The judge makes the final decision about what will happen to you after they listen to both sides of the story. This is called the disposition (see page 14 for more about disposition).

Witnesses: A witness is someone who comes to court and promises to the judge that they will tell the truth about what they know about your court case. There are many kinds of witnesses that might be part of your court case. Some are on your side, some are neutral (not on anyone's side), and some are on the prosecutor's side.

Eyewitnesses: Are people who have seen something with their own eyes and can tell the judge what they saw. They can be on either team.

Expert Witnesses: A person who, because of education, training, special experience, or skill, can give an official opinion on a fact or piece of evidence in a case to help the judge make a better decision. They can be on either team.

Character Witnesses: A person who knows you (the accused) very well who can tell the judge

things about you. They are on your team.

Court Clerk: The worker who takes the official notes of what is said and done in the courtroom. They are neutral like the judge.

What does the clerk do?

The clerk collects, prepares, and keeps all of the paperwork that the judge needs to make a decision.

Bailiff: The police officer in the courtroom. They are neutral, like the judge, unless someone is behaving badly in the courtroom.

What does the bailiff do?

The bailiff keeps the courtroom secure and everyone in it safe.

The bailiff may also bring you to and from the courtroom, ask people to leave who should not be there, and help the judge make sure everyone is on their best behavior.

Others (depends on each case):

Guardian Ad Litem (GAL): An attorney appointed by a court to represent the "best interests of the child (juvenile)" or incompetent person during court proceedings. The GAL asks the judge to do what is in the child's best interest, for example, staying with grandma instead of mom. A Guardian Ad Litem is not the same thing as a defense attorney and will not always seek to resolve the case in the way you want. Anything you say to the Guardian Ad Litem may be disclosed without your permission.

Caseworkers: Sometimes you (the accused) might already have a caseworker. If you do already have other caseworkers, they may be asked to come to court to help the judge learn more about you and your situation so that the judge can make a better decision about how to help you. They are there to provide the judge with information about your life, family, concerns, progress, and make recommendations regarding things that may help you, and what a fair consequence might be.

CHECK FOR UNDERSTANDING:

1. What is the difference between the accused and a victim?
 2. Who is the policeman in the courtroom? Whose side is a character witness on? What is an eyewitness?
 3. What does an expert witness do?
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→ If your client does not get all of the answers or gives you incomplete answers, please repeat the material and ask the questions again.

→ If your client continues to give incomplete and/or incorrect answers, please do the following PRACTICE EXERCISES.

PRACTICE EXERCISES

Please use these exercises if 1) your client is having difficulty understanding the concepts or 2) your client needs extra practice with concepts to improve retention. Below are brief descriptions of the exercises. Complete exercise descriptions and instructions can be found in the client workbook on the pages indicated.

Who Does What? (Client Workbook: Module 3 Content Area Part II- A)

In this matching exercise, have the client participate in a paper version of the matching game in which the client matches the names of court personnel to that person's function. For example, the word "defense attorney" in the person column would be matched by drawing a line to the phrase "represents you in court" in the functions column.

Courtroom Staff (Client Workbook: Module 3 Content Area Part II- A)

Using a diagram of a typical juvenile court room, have the client place paper cut outs of the various people who will be in the courtroom in the proper place on the diagram and then discuss what each person does in the courtroom. [NOTE: instead of paper cut outs of figures you can use small round paper tokens that simply have the name of certain roles on them if that would be more appropriate for a client's maturity level.]



MORE Term and Concepts:

Arraignment: A hearing before the judge where the juvenile can plead guilty or not guilty to the charges against them. A plea of guilty may be as part of a plea agreement. A not guilty plea will result in a trial being set.

Petition/Summons: An official document that outlines what the juvenile is charged with doing and why the court should get involved.

Adjudication: The judge's final decision about whether the juvenile is guilty or not guilty of the charges against them

Sentencing: what type of sentence or consequence should be imposed for the delinquent act.

Field Trip

If feasible, at some point in the competency training take the juvenile on a guided tour of a courtroom. Show them where different people will sit and talk through the various roles that each person will play in the court process.

Role Playing

The educator can pretend to take on various court personnel functions and the client can practice how they should respond. For example, the educator can pretend to be the judge entering a mock courtroom, and expect that when the phrase “please rise” or “all rise” is heard, the client will stand up.

Part III: Juvenile Court Process

Overview

This section provides an overview of the general juvenile court process and what to expect during the arraignment, trial, and disposition portions of this process. Much of this material is covered in other modules in more detail, but this section is included to serve as a comprehensive review of the court process. You may or may not need to go over this section with every client.

The Preliminary Hearing:

In a preliminary hearing the prosecutor must convince the court there is probable cause that the person charged with the delinquent act committed the charges filed in the case.

Advisement Hearing:

The advisement hearing is a hearing held before the judge on the allegations listed in the petition. This hearing is held in court. The prosecuting attorney, who represents the government, and the juvenile and his/her defense attorney, if (s)he has an attorney, and guardian, will appear.

An advisement hearing is set after the District Attorney's Office (prosecutor) has reviewed the matter and determined that there is enough information to file charges that a juvenile committed a delinquent act. The purpose of an advisement hearing is so the Judge can explain what you are charged with. The Judge will ask you if they want an attorney if they do not already have one. You can plead guilty or not guilty, or defer entry of a plea to a later date to conduct plea negotiations. If you enters a plea of not guilty, it does not necessarily mean that you won't, at some point, want to admit you are guilty, it just means that you would like more information and a chance to come back at a later date.

After an advisement hearing , an arraignment is scheduled. At such a hearing, defense attorneys and prosecutors discuss the case if they have not already done so before the hearing. During the pre-trial hearing, the juvenile may accept a plea agreement and enter a guilty plea, or set the case for trial, or continue the hearing for further discussions. If a trial is scheduled, a pretrial motions hearing will likely also be scheduled.



WHAT HAPPENS NEXT?

It depends on whether the juvenile...

ADMITS to the Charges	DENIES the Charges
This is an acknowledgement of guilt for the actions. Next, the court will proceed to sentencing and impose a number of possible consequences on the juvenile for committing the delinquent act.	If the juvenile denies the charge and pleads "Not Guilty " to the then a trial will be scheduled. This will be a jury trial or a bench trial depending on the charges, and the application of the judge's discretion .

WHAT IS A PLEA BARGAIN? (this will be covered in more detail in Module 8)

Sometimes the juvenile's attorney can work out a deal with the prosecutor. Let's say the juvenile broke two different windows, on two different dates and ended up with two different cases in which he was charged with "criminal mischief." The prosecutor may let the juvenile admit in one case, and dismiss the other one. In this way, the juvenile ends up with only charge on their record, and may be subject to less consequence . Sometimes the juvenile can do agree that they are guilty and enter into a "*deferred adjudication*." That means if the juvenile admits to the offense and does whatever the judge asks the juvenile to do (gets good grades, goes to a class about the juvenile court, and does community service hours, etc.), their charges can be dismissed after a certain amount of time. A deferred adjudication usually requires the juvenile to successfully complete a period of supervised probation.

If the juvenile enters into a plea bargain, the juvenile will still have to go see the judge, the judge has to agree to the terms of the plea bargain, and he or she may or may not agree to accept the plea agreement. The juvenile's judge or lawyer will ask the juvenile certain questions to make sure the juvenile understands the terms of the agreement and their rights. This will be recorded in court, so the juvenile has to speak clearly and answer out loud, and should ask his lawyer questions about anything s/he doesn't understand.

ADJUDICATORY HEARING OR TRIAL

The trial is the stage where the prosecutor and the defense attorney present their evidence and witnesses in order to determine whether the juvenile has committed the delinquent acts with which he/she has been charged. It is the prosecutor's job to convince the judge/jury that the juvenile committed the crime, not the juvenile's job to convince the judge/jury that he/she did not commit the crime. During the trial, the juvenile will be given with the opportunity to testify on his/her own behalf (the accused does not have to testify unless he or she wants to do so), present witnesses, and question other witnesses. The juvenile has the right to an attorney. If the juvenile's family cannot afford an attorney, or opts not to hire one for their child, one will be appointed by the judge. The juvenile's attorney plays an important role within the juvenile court proceedings by acting as an advocate for the juvenile's interests, identifying legal strategies, and offering advice concerning the legal options.

The judge gives the prosecutor an opportunity to present their side of the story. The defense is allowed to question the prosecution's witnesses, and challenge its evidence. The defense may also present witnesses, and other evidence. The judge will always tell everyone whose turn it is to ask questions. After the judge has heard everything the defense attorney and prosecuting attorney have to say, and all of the witnesses have been heard, the judge will decide if the prosecutor has presented proof beyond a reasonable doubt that the juvenile has committed the delinquent act. The trial ends when the judge tells you whether they have adjudicated you guilty or not guilty of the delinquent acts charged.

What happens next?

If found Not Guilty of the delinquent act the case will be dismissed. You may seek to expunge or seal your record.

If found Guilty of the delinquent act there will be a hearing which is similar to sentencing in adult court. You may appeal to the Court of Appeals within 30 days after the order has been entered. An attorney can help with the appeal.

SENTENCING HEARING

If the juvenile is adjudicated delinquent, the probation department may provide the judge with a presentence report containing information gathered from the preliminary inquiry. Based on this information and the seriousness of the offense, the intake/probation worker will make sentencing recommendations. The prosecuting attorney, defense attorney, juvenile's parents, victim, and other people may also share information with the judge as to what they think the appropriate sentence is. Based on this information, the judge will make his or her decision concerning what to do next best serving the interests of the juvenile. Possible outcomes include (more detail about possible penalties can be found in Module 5):

1. Fines and fees.
2. Restitution to pay back the victim for any financial loss resulting from the delinquent act.

3. In some circumstances that the juvenile's DNA, be collected and entered into CODIS;
4. Community service .Probation. Probation may involve restrictions concerning school, curfew, the possession of contraband, drugs, or weapons, as well as individualized supervision and intensive tracking. Probation may also include a number of days in detention.
5. Restorative justice
6. Treatment designed to benefit the child in identified areas of need, including but not limited to anger management, mental health, drug/alcohol addiction.
7. Ordering detention time. Time stayed or served immediately. Time stayed means if the juvenile does what is ordered, s/he will not have to go to detention.
8. Removal from the home for placement in a foster home, group home, or residential facility.
9. Placement in a secure facility..
10. Commitment to the Division of Youth Services

If a juvenile is being charged as an adult the potential consequences are the same as those an adult would face, specifically jail or prison.



STOP: Congratulations -- you have made it through all the Content Areas for Module 3. Please review Module 3 terms using the vocabulary card deck provided BEFORE proceeding to the post-test. Your deck for Module 3 will cover the following terms: *adversarial, adjudication, accused, victim, judge, probation officer, eyewitness, expert witness, character witness, court clerk, bailiff, arraignment/pre-trial, petition, and disposition.*

POST-TEST KNOWLEDGE ASSESSMENT

Please give the following post-test to your client after completing Module

If your client answers all of the questions correctly, you may move to Module 4. If your client does not answer all the questions correctly or completely, please return to the Content Area that relates to those questions. Remember that it is more important for the client to understand the main concepts of the material than to answer a certain number of questions correctly. Ultimately, it will be up to you to decide when your client is ready to move to the next module. If your client does not appear to be gaining the knowledge despite repetition of material and your best efforts, please consult with your competency coordinator before moving to the next module.

This is not a test and will not be graded! Reassure your client that answering these questions will help you understand how to help them better.

Instructions:

Ask each question *clearly* and *slowly* so your client understands what you are asking. You can repeat each question as many times as the client needs. Ask one question at a time and wait for the answer before moving to the next question.

After you read each question, direct your client to:

1. Tell you the answer out loud and/or
2. Write the answer in the space provided on the handout.

If your client does not know the answer, tell them it is OK. Remind them this is not a test. Reassure them that you will teach them the answer to the question later. Move on to the next question.

Repeat this process until you have given your client a chance to answer all the questions. If your client gives you an answer out of order, that is OK. Your client may return to previous questions at any time.

If the client misses questions, please work through the material in the module that addresses these questions. Continue to review the relevant sections in the module until either: 1) the client learns the material and answers the questions correctly, or 2) you decide that the client is not going to be able to learn the material. If you believe your client is not making gains, please consult with your competency coordinator before moving to the next module.

**POST-TEST KNOWLEDGE
ASSESSMENT**

1. What does it mean that the court uses a two-sided process?
2. Whose job is it to help you tell your story in the courtroom?
3. Who is considered the accused in a court case?
4. Who is considered the victim in a court case?
5. Which attorney speaks on behalf of the victim in a court case?
6. What is decided during the arraignment or pre-trial?
7. What happens during a trial?
8. If you are found not guilty of the charges against you, what will happen?
9. If you are found guilty of the charges against you, what happens next?
10. During the sentencing hearing, who decides what will happen to you?

ACCEPTABLE ANSWERS TO KNOWLEDGE QUESTIONS

Please use the following answers as a guide to determining whether your client has answered questions correctly and completely.

1. Any variation on the idea that the client's attorney helps tell their story and that a prosecutor tells another side of the story to the judge, who decides which side of the story is most accurate.
2. My defense lawyer, my attorney, my lawyer, my defense attorney.
3. I am, me, myself, the juvenile being charged, the person in trouble.
4. Any variation of the idea that the victim is the opposite of the accused and is the person(s) that was harmed by the client's actions.
5. Prosecutor, prosecuting attorney, prosecuting lawyer, state lawyer/attorney, district attorney, DA.
6. Any variation on the idea that it is a time for the defense attorney and client to go before the judge to say whether the case might resolve with a plea bargain or go to trial. A trial is requested by a juvenile or the juvenile's attorney.
7. The prosecutor presents evidence, the defense MAY present evidence but does not have to, and the judge decides if the prosecution has proven the charges beyond a reasonable doubt.
8. The judge will tell me what to do. I may be excused from court and not have to do anything else for the judge.
9. Any variation on the main ideas that: The probation officer will help the judge decide the best thing to do with me, which may include things like paying fines, doing community service, being put in detention, or removed from my home to live somewhere else or commitment to the Division of Youth Services. The judge will decide what to do at the end of the trial or have me come back for a disposition hearing on another day to tell me what happens next.
10. The judge, who may or may not use the recommendations of the probation officer to decide what to do with me.



MODULE 4 GOALS:

What are my
charges and how
serious are they?

What is
evidence? How is
evidence used?

Remind your
client this is not a
test!

Module 4: What am I charged with? (Allegations)

This is what you want to teach your client in Module 4:

1. What the charges/allegations against them mean and how the charges may sound different than what they actually did;
2. The difference between different types of charges (for example, misdemeanors versus felonies);
3. How to talk about and answer questions about their charges;
4. That just because someone else says they did something does not necessarily mean they did it.

KNOWLEDGE ASSESSMENT

To find out what your client already knows about this area, you must ask them the following questions BEFORE you begin the module. To determine how much they learn, you will ask them the same questions after completing the module.

This is not a test and will not be graded! Reassure your client that answering these questions will help you understand how to help them better.

Ask each question clearly and slowly so your client understands what you are asking. You can repeat each question as many times as the client needs. Ask one question at a time and wait for the answer before moving to the next question.

ASSESSMENT

1. What are you charged with?
2. What is the legal name of your charges (for example, misdemeanor versus felony)?
3. Is being charged with something the same as having done what you have been charged with? Why or why not?
4. Name the two main classifications of charges?
5. What is the difference between a misdemeanor and a felony?



Please pay special attention to any accommodations your client may require for the knowledge, assessment, and presentation of material.

Review client responses with them.

Remind clients that questions they get wrong give you ideas about how to help them.

Use simplified language to teach concepts.

Assess your client's progress regularly with CHECK FOR UNDERSTANDING questions.

Use Practice Exercises to teach difficult concepts.

Work in brief segments

6. If someone says you did something wrong, can you still be not guilty of the charges?
7. If someone witnessed the alleged delinquent act, are they a character witness or an eyewitness?
8. What does the word *evidence* mean?
9. Who collects evidence?
10. How does a prosecutor prove that you committed a delinquent act?
11. Which is more severe, a felony or a misdemeanor?
12. Which misdemeanor is more severe, M1 or M3?
13. If you were an adult, could you go to prison for a misdemeanor?

TEACHING INSTRUCTIONS

Step 1: Review your client's responses against "Acceptable Answers to Knowledge Questions", listed below, to determine which answers are correct and which answers are incorrect or incomplete.

Step 2: Review your client's responses with them.

Step 3: Show your client the questions they answered correctly and the ones they answered incorrectly or incompletely to assist you and your client identify areas to work on together.

Step 4: Reassure the client you will work together to teach them the correct answers to the questions they missed or need to know more about.

Step 5: Use the information presented below to teach your client about the areas they need to learn about. We recommend you use the simplified language presented below to explain the concepts because your client is more likely to understand the concepts if you explain them this way. If the language seems too simple for your client, you can use more sophisticated language to describe the concepts.

Step 6: After each segment of information, there is a **CHECK FOR UNDERSTANDING** box. Questions are provided so you can immediately assess if your client is learning the concepts. Use their answers to guide whether you move on or repeat material. If the client successfully completes the questions in the box, move on to the next Content Area. Remember that it is more important for the client to demonstrate an understanding of the concepts addressed by each question than to answer every



Terms and Concepts:

Charges: A written accusation by the prosecution that a child named therein has committed a crime

Status Offense: An action that is prohibited only to a certain class of people, and most often applied to people under a certain age (e.g., being under 19 and having tobacco or under 21 for alcohol).

Misdemeanor: A criminal offense, which is less severe than a felony, and often is punishable by probation, fine, or imprisonment other than in a penitentiary. Misdemeanors are graded Class 1, 2, and 3, with class 1 being the most serious if committed by an adult.

Felony: An offense more serious than a misdemeanor, and may be sentenced for more than one year. Felonies are graded as class one, two, three, four, five, and six with one being the most serious.

question correctly. If you feel the client has a good understanding of the concepts, they do not need to answer all or even a certain number of the questions correctly. The questions provided throughout the module are simply an attempt to evaluate how well the client understands the underlying concepts being presented. You will need to use your best judgment about whether the client is ready to move on if they have trouble with specific questions, but you believe that they understand the overall concept addressed by the questions.

Step 7: If the client continues to provide incorrect or incomplete answers after presentation of material, work through the recommended Practice Exercises.

Step 8: Re-check for understanding after the Practice Exercises.

Step 9: If the client persists in being unable to understand the information, note this and move to the next topic.

Step 10: You should work in seven to ten minute segments. After seven to ten minutes of presenting material and asking questions, provide the client with a brief break. Options include having a snack, stretching, doing a relaxation exercise, taking a short walk, enjoying some free conversation with you, and so forth.

CONTENT AREAS

For each Content Area, read the information to your client slowly and clearly. Immediately after giving them the information, ask the questions in the CHECK FOR UNDERSTANDING box. If the client gives you the correct answers for each of the questions, move to the next topic area.

For any incorrect or incomplete answers, review the material you just covered. After reviewing the related material one time, ask them the questions again. At this point, if they continue to have incorrect or incomplete answers, move on to the Practice Exercises. When you have completed the Practice Exercises, ask them the questions in the CHECK FOR UNDERSTANDING box a final time. If they continue to have difficulties, note the sections they are struggling with and move to the next Content Area.

Classification: The classification of a delinquent act is based on the extent of consequence that can be given for committing it.

Allegation: A statement of claimed fact contained in a complaint. Until each statement is proved, it is only an allegation. Some allegations are made "on information and belief" if the person making the statement is not sure of a fact.

Proof: The establishment of a fact by the use of evidence.

Provability: The capability of being demonstrated or logically proved.

Evidence: Anything tending to prove or disprove a disputed fact.

Material Evidence: Evidence which conduces to the proof or disproof of a relevant hypothesis

Categories of Charges in the State of Colorado

You will be asked to describe your charges to your attorney, to the prosecutor, and the judge. Sometimes you will talk about your charges outside of court and sometimes you will be asked questions about your charges in court. You need to learn the name of your charges and what the police say you did that caused you to get these charges. This is a VERY IMPORTANT point: Even if you do not agree with the charges, you must be able to describe what you are charged with and why. Some delinquent acts are considered more serious ("severe") than others. For example, robbing a store with a gun is more serious than stealing a pack of gum. Here are some descriptions of some different kinds of delinquent acts. Together with your educator, you will learn more about the type of delinquent act you were charged with.

Status Offenses are acts that are illegal for people who are of a certain age, but legal for everyone else. For example, if someone younger than 18 is out after a certain time of night, they are breaking curfew, which is illegal. But anyone over 18 can be out as late as they want without breaking the law.

Misdemeanors are less serious than felonies. If a jail sentence is imposed, it is served at a local, city, or county jail rather than a state or federal prison. Misdemeanors are classified as Class 1, 2 and 3.

Felonies are the most serious types of delinquent acts. Consequence for felonies for adults is usually more than one year in prison. Felonies can be first, second, and third-degree. First-degree felonies are the most severe.

CHECK FOR UNDERSTANDING:

1. What are you charged with?
 2. What is the legal name of your charges (for example, infraction versus felony)?
 3. Is being charged with something the same as having done what you have been charged with? Why or why not?
 4. Name the three main classifications of charges?
 5. What is the difference between a misdemeanor and a felony?
-

→ If your client does not get all of the answers or gives you incomplete answers, please repeat the material and ask the questions again.

→ If your client continues to give incomplete and/or incorrect answers, please do the following PRACTICE EXERCISES.

PRACTICE EXERCISES

Please use these exercises if 1) your client is having difficulty understanding the concepts or 2) your client needs extra practice with concepts to improve retention. Below are brief descriptions of the exercises. Complete exercise descriptions and instructions can be found in the client workbook on the pages indicated.

Charges and Penalties (Client Workbook: Module 4 Content Area A) Using graphics, the educator will draw a path between different types of delinquent acts and probable penalties. The client will be able to see some of the probable penalties that could be imposed against them if they are convicted.

Charges, Provability, and Evidence

Charges

The prosecutor will make statements about what you have done, and try to prove them. These statements are called charges and are contained in a written document called either a summons or a petition.

Provability

If you are accused of a delinquent act, the prosecutor has to prove you committed the delinquent act. Being “accused” of the delinquent act is not the same as the prosecutor proving you “did” the delinquent act. This can be hard to understand. Let’s say there is a robbery at a 7-11 and someone in the store says that they think you are the person who robbed the store. The police could arrest you, but in order for these charges to be found proven, the prosecutor would have to present enough evidence for a Judge to believe that you were the one who did the delinquent act. They are not allowed to punish you just because someone says you did something wrong. Your attorney and the prosecutor would talk about their evidence in court and the judge would have to decide whether he or she believed the prosecution’s evidence beyond a reasonable doubt before you could be adjudicated a delinquent child. Below is a description of what evidence is.

Evidence

The prosecutor, sometimes called the government or the state, will generally use one or more of the following in their case as evidence that you are guilty:

Physical Evidence: Physical evidence is something you can see, touch, or feel that helps the prosecutor connect you to the delinquent act or can be used by your defense attorney to explain to the judge by the prosecutor is wrong, and that you did not commit the delinquent act. Let’s think about the 7-11 example. Let’s say the store owner says someone stole a twelve-pack of beer, and you have a twelve-pack of beer in your backpack and you are in the store’s parking lot.

The prosecutor could try to use the twelve-pack in your backpack as “evidence” that links you to the delinquent act. Other physical evidence could be fingerprints, clothing, weapons and even a picture of you caught on a video or still camera in an attempt to win their case. Your defense attorney, however, might ask to see the store’s video surveillance tapes, and perhaps an image of a different person stealing the beer would be found on the videotape. This would be evidence for the defense that could show that the prosecutor had it wrong. Your attorney could say you bought the beer legally at a different store before you even got to the 7-11, and that there was video evidence of a different person stealing the beer. The judge, after hearing all the evidence, has to decide if the prosecutor has brought enough reliable evidence to prove the charges against you beyond a reasonable doubt before you can be found to be a delinquent child..

Witnesses: A witness is someone who comes to court and promises to the judge they will tell the truth about what they know about the case. There are many kinds of witnesses that might be part of your court case. Some are on your side, some are neutral (not on anyone’s side), and some are on the prosecutor’s side (see Module 2 for a detailed list and explanation of different kinds of witnesses).

CHECK FOR UNDERSTANDING:

1. What is the difference between a charge and an allegation?
 2. If someone says you did something wrong, can you still be found not guilty of the charges against you?
 3. If someone witnessed the alleged delinquent act, are they a character witness or an eyewitness?
 4. What does the word *evidence* mean? Who collects evidence?
 5. How does a prosecutor prove that you committed a delinquent act?
-

→ If your client does not get all of the answers or gives you incomplete answers, please repeat the material and ask the questions again.

→ If your client continues to give incomplete and/or incorrect answers, please do the following PRACTICE EXERCISES.

PRACTICE EXERCISES

Please use these exercises if 1) your client is having difficulty understanding the concepts or 2) your client needs extra practice with concepts to improve retention. Below are brief descriptions of the exercises. Complete exercise descriptions and instructions can be found in the client workbook on the pages indicated.

Understanding Eyewitnesses (Client Workbook: Module 4 Content Area B)

The educator will introduce the idea to the client that other people might have seen someone commit a delinquent act and that these people may have told the police what they saw. The educator will demonstrate what a witness is by engaging the client in a task and then leaving the room. The educator will then peak around the door, look through the window, or use a mirror,

and report back to the client what the client was doing. This exercise is to help the client understand that even if they are not aware that someone else is watching what they are doing, they still might be seen. They also could videotape the client without the client seeing them or take a photo, and then show the client that there can be photographic evidence of what the client was doing. The educator needs to emphasize, however, that someone else's story – a witness story – is not always the same as the client's story. The educator also will explain that there may be witnesses that can help the client such as character witnesses or other eyewitnesses. The educator also can explain that eyewitnesses are not always accurate. They may have thought something was happening that was not or misconstrued what they saw.

Detective Work

Use hypothetical case: To help the client understand that there may be material evidence (such as fingerprints or footprints) being used to prove the allegations against them, the educator will use paint to demonstrate to the client that the client may have left a visual trail that police are using to try to prove their case. The educator would ask the client to dip a finger into the (washable) finger paint and then lightly touch different objects in the room, visually demonstrating how fingerprints appear on what someone has touched. The educator will need to explain to the client, of course, that the client did not leave painted fingerprints, but that the police have special tools they can use to detect natural fingerprints. Something similar could be done by laying butcher paper out on the floor and having clients step in the paint and then leave a footprint trail on the paper (only for juveniles without sensory impairments, those who may not understand without visual demonstration, and for educators who do not mind a mess). Alternatively, the educator may consider using a toy fingerprint kit.



MORE Term and Concepts:

Serious: Having important or dangerous possible consequences.

Consequences: A result or effect of some previous occurrence.

Penalty: A consequence established by law or authority for a delinquent act or offense.

Outcome: Something that follows from an action, dispute, situation, etc.; result; consequence.

How serious are my charges? Understanding What Makes Something Serious.

Appreciating Charges

You need to understand how serious your charges are. You need to understand what might happen to you if your charges are found to be “true.” If your charges are found to be true, your life will change in some ways. The more serious the delinquent act, the more likely your penalty or consequence will change your life in a really big way. You need to understand that less serious delinquent acts usually get lesser degrees of consequence, and bigger, more serious delinquent acts get bigger, more serious consequences. If you think that the first time you steal a pack of gum you will land end up committed to DYS, then you do not really understand the seriousness of your delinquent act. On the other hand, if you believe that hurting other people badly will result in a small fine, you probably don’t understand the seriousness of your charges. Many people are going to want you to be able to explain to them that you understand how serious your charges are, not just what the possible sentences are. You will have to talk to your attorney during meetings about this, and may be asked to talk with the judge about this during court.

REMEMBER: You have to understand all of these things **EVEN IF** you do not agree with the charges against you. You still have to be able to explain how serious the delinquent act is that the police and prosecutor say you committed.

The Seriousness of Different Offenses

Here is one way to try to understand the seriousness of the offense you have been charged with. Ask yourself, what category does it fall in? Is it a misdemeanor, or a felony?

Another way to look at the seriousness of your offense would be to compare your offense to the seriousness of an illness. A misdemeanor is like a bad cold; and a felony is like a terrible case of the flu. The flu is much more serious than a simple runny nose in the same way that a felony is much more serious than an infraction. If you take a dollar from your friends wallet that is less serious than taking two hundred dollars from your friends wallet.

There are many examples your educator can come up with to help you understand this concept if you do not understand. *Consider other real crime examples.

How serious is my alleged offense?

Now think about the offense you have been charged with. First, what category does it fall into misdemeanor, or felony? Second, think about some other factors that tend to make delinquent acts more serious. Things that make delinquent acts more serious are when you hurt someone else (physically or sexually), use a weapon (like a gun), cause damage that costs a lot of money to fix, or do something that scares a lot of people and makes them feel unsafe even in their own neighborhood. Does your offense involve any of those things? If your answer is yes, then your offense is pretty serious. If your offense does not involve those things, it is probably less serious.

Sometimes someone commits a delinquent act that is considered “not so serious” but they do it over and over and over again. If you do delinquent acts a lot, even if they do not seem very serious, then your charges are considered more serious and the judge may decide to give you a heavier penalty.

Sometimes you believe that what you did is not really a “big deal” but the people around you believe it is. In some ways, it does not matter what you believe about your offense, it is what the law and society say about it. So if you think it is “no big deal” but the attorney, your family, the prosecutor, and the judge think it is a big deal, then it IS A BIG DEAL and you have to take it very seriously.

On a scale of 1 to 10, with 1 being “not serious at all” and 10 being “the most serious delinquent act possible”, where would you say your offense falls? Circle the number below and then talk about your answer with your educator.

Not serious										Most serious	
1	2	3	4	5	6	7	8	9	10		
<hr/>											

CHECK FOR UNDERSTANDING:

Which is a more severe delinquent act, a felony or a misdemeanor? Which misdemeanor is more severe, Class 1 or Class 3?

→ If your client does not get all of the answers or gives you incomplete answers, please repeat the material one time and ask the questions again.

→ If your client continues to give incomplete and/or incorrect answers, please do the following PRACTICE EXERCISES.

PRACTICE EXERCISES

Please use these exercises if 1) your client is having difficulty understanding the concepts or 2) your client needs extra practice with concepts to improve retention. Below are brief descriptions of the exercises. Complete exercise descriptions and instructions can be found in the client workbook on the pages indicated.

Judges Make Choices (Client Workbook: Module 4 Content Area C)

The educator will show the client a “menu” of choices the judge has around consequences for the client. This could be in the form of a fast food board menu (like the McDonald’s drive thru), a restaurant menu, or even a dropdown menu on a computer screen. The possible consequence s/ consequences a client could receive would be on the menu, and further information could be read (or linked to) for each choice. In this way, the client would come to understand the wide range of choices the judge has in making decisions. The client also would understand that any of those choices could be made, regardless of the seriousness of the offense.

No Laughing Matter (Client Workbook: Module 4 Content Area C)

The educator will show the client some age appropriate YouTube videos or movie clips that are funny and ones that are serious. Educator and client will discuss that some things are funny, and other things are serious and should not be laughed at. The educator will emphasize that their charges are serious, and that being silly or laughing about their charges is never appropriate.

Weights and Measures (Client Workbook: Module 4 Content Area C)

Using the concept of a balance, the educator will demonstrate to the client that some things have more “weight” than others, and that things with more weight are more serious. Using a virtual balance and objects, and starting with concrete items, the client will see that a feather has less weight than a quarter, for example, and that we can detect the weight difference by inspecting the tilt of the balance. Of course, whatever side dips the farthest has the object with the greatest weight. The client will practice clicking and dragging different items onto the virtual balance to measure the weight of different objects. Then the educator will guide the client through an exercise of putting different kinds of charges onto the balance and watching the tilt of the balance depending on the weight or seriousness of the charges. The more the balance tilts, the more serious the charges. Using this exercise, the client will be able to “measure” the seriousness of the allegations against them.

Keep Pouring (Client Workbook: Module 4 Content Area C)

This exercise is designed to be used with clients that may need a more concrete demonstration of the “weight” of an offense. This demonstration is started by using two bottles of water. Explain to the client that the large bottle represents the criminal offense and the small bottle represents the seriousness of the consequences. The educator will start with a simple example and ask the client to start pouring the water from the large bottle into the smaller one. If you stole a car, how heavy is the weight of the smaller bottle? Keep pouring...If you stole a car and hit an animal (dog/cat), now how heavy is the consequence? Keep pouring...If you stole a car and caused an accident, how heavy is it now? Keep pouring...If you stole a car and injured or killed another person, is this the heaviest of consequences? Discuss with the client that stealing a car has one consequence but the consequence also will be determined by what happened after you stole the car. This experiment can be used for a variety of different offenses.



STOP: Congratulations -- you have made it through all the Content Areas for Module 4. Please review Module 4 terms using the vocabulary card deck provided BEFORE proceeding to the post-test. Your deck for Module 4 will cover the following terms: *charges, status offense, infraction, misdemeanor, felony, classification, allegation, proof, provability, evidence, material evidence, serious, consequences, penalty, and outcomes.*

POST-TEST KNOWLEDGE ASSESSMENT

Please give the following post-test to your client after completing Module

If your client answers all of the questions correctly, you may move to Module 5. If your client does not answer all the questions correctly or completely, please return to the content area that relates to those questions. Remember that it is more important for the client to understand the main concepts of the material than to answer a certain number of questions correctly. Ultimately, it will be up to you to decide when your client is ready to move to the next module. If your client does not appear to be gaining the knowledge, despite repetition of material and your best efforts, please consult with your competency supervisor before moving to the next module.

This is not a test and will not be graded! Reassure your client that answering these questions will help you understand how to help them better.

Instructions:

Ask each question *clearly* and *slowly* so your client understands what you are asking. You can repeat each question as many times as the client needs. Ask one question at a time and wait for the answer before moving to the next question.

After you read each question, direct your client to:

1. Tell you the answer out loud and/or
2. Write the answer in the space provided on the handout.

If your client does not know the answer, tell them it is OK. Remind them this is not a test. Reassure them that you will teach them the answer to the question later. Move on to the next question.

Repeat this process until you have given your client a chance to answer all the questions. If your client gives you an answer out of order, that is OK. Your client may return to previous questions at any time.

If the client misses questions, please work through the material in the module that addresses these questions. Continue to review the relevant sections in the module until either: 1) the client learns the material and answers the questions correctly, or 2) you decide that the client is not going to be able to learn the material. If you believe your client is not making gains, please consult with your competency supervisor before moving to the next module.

Post-Test ASSESSMENT

1. What are you charged with?
2. What is the legal name of your charges (for example, misdemeanor versus felony)?
3. Is being charged with something the same as having done what you have been charged with? Why or why not?
4. What is the difference between a misdemeanor and a felony?
5. What is the difference between a charge and an allegation?

6. If someone says you did something wrong, can you still be found not guilty of the charges?
7. If someone witnessed the alleged delinquent act, are they a character witness or an eyewitness?
8. What does the word *evidence* mean?
9. Who collects evidence?
10. How does a prosecutor prove that you committed a delinquent act?
11. Which is more severe, a felony or a misdemeanor?
12. Which misdemeanor is more severe, Class 1 or Class 3
13. If you were an adult, could you go to prison for a misdemeanor?

ACCEPTABLE ANSWERS TO KNOWLEDGE QUESTIONS:

Please use the following answers as a guide to determining whether your client has answered questions correctly and completely.

1. This is an individualized response.
2. This is an individualized response.
3. No. Sometimes someone can be charged with something that they did not do. They will have a chance to fight the allegations against them in court. Or sometimes, even if you did commit the offense, the prosecutor will not have enough evidence for a judge to believe you are guilty.
4. Petty Offenses (not really addressed at all here), misdemeanors, felonies.
5. A misdemeanor is less serious of a charge than a felony. If your charges are found to be proven, one of the things a judge will consider, when deciding your consequence , is whether your charges were a misdemeanor, which has a lighter consequence than a felony for adults but not necessarily for children.
6. A charge is a written accusation stating that an individual has committed an act that is punishable by law. An allegation is a statement of claimed fact contained in a complaint and is made by the prosecutor or victim.
7. Yes, the charges against you have to be proven with evidence to be true before you can be punished.
8. Eyewitness.
9. Anything tending to prove or disprove a disputed fact. For example, a videotape of a delinquent act or fingerprints at a delinquent act scene.
10. The police and the prosecutor.
11. By finding evidence that shows I committed a delinquent act.

12. Felony.
13. Class 1.
14. Yes.



MODULE 5 GOALS:

What could happen to them if the charges against them are found to be “true”.

Reasons consequences (penalties) might be shorter and less severe.

Reasons consequences (penalties) might be longer or more severe.

How some consequences are more serious than others.

How different consequences will affect their life.

Module 5: What could happen to me?

This is what you want to teach your client in Module 5:

1. 1. The possible consequences (or “consequence”) they could face if the judge decides that the case against them is true.
2. 2. Their defense attorney does not know what the penalty will be, but might have an educated guess based on their experience.
3. 3 The types of penalties that youth tend to receive for breaking the law.
4. 4. Factors in the situation that might persuade the judge to give either a lighter or harsher sentence than a person might expect based on the charges.

KNOWLEDGE ASSESSMENT

To find out what your client already knows about this area, you must ask them the following questions BEFORE you begin the module. To determine how much they learn, you will ask them the same questions after completing the module.

This is not a test and will not be graded! Reassure your client that answering these questions will help you understand how to help them better.

Ask each question clearly and slowly so your client understands what you are asking. You can repeat each question as many times as the client needs. Ask one question at a time and wait for the answer before moving to the next question.

ASSESSMENT

1. What does it mean to be sentenced?
2. How are penalties (consequences) determined?
3. What does it mean to be placed in a secure facility?
4. What does it mean to be on probation?
5. Who makes restitution to the victim?



Please pay special attention to any accommodations your client may require for the knowledge, assessment, and presentation of material.

Review client responses with them.

Remind clients that questions they get wrong give you ideas about how to help them.

Use simplified language to teach concepts.

Assess your client's progress regularly with **CHECK FOR UNDERSTANDING** questions.

Use Practice Exercises to teach difficult concepts.

Work in brief segments

6. How is the amount of a fine determined?
7. Where can you complete community service?
8. What does *mitigating circumstances* mean?
9. What types of things qualify as mitigating circumstances?
10. How do mitigating circumstances affect sentencing?
11. What does *aggravating factors* mean?
12. Which types of things count as aggravating factors?
13. What impact does aggravating factors have on sentencing?
14. How would different penalties affect my life?

TEACHING INSTRUCTIONS

Step 1: Review your client's responses against "Acceptable Answers to Knowledge Questions", listed below, to determine which answers are correct and which answers are incorrect or incomplete.

Step 2: Review your client's responses with them.

Step 3: Show your client the questions they answered correctly and the ones they answered incorrectly or incompletely to assist you and your client identify areas to work on together.

Step 4: Reassure the client you will work together to teach them the correct answers to the questions they missed or need to know more about.

Step 5: Use the information presented below to teach your client about the areas they need to learn about. We recommend you use the simplified language presented below to explain the concepts because your client is more likely to understand the concepts if you explain them this way. If the language seems too simple for your client, you can use more sophisticated language to describe the concepts.

Step 6: After each segment of information, there is a **CHECK FOR UNDERSTANDING** box. Questions are provided so you can immediately assess if your client is learning the concepts. Use their answers to guide whether you move on or repeat material. If the client successfully completes the questions in the box, move on to the next Content Area. Remember that it is more important for the client to demonstrate an understanding of the concepts addressed by each question than to answer every question correctly. If you feel the client has a good



Terms and Concepts:

Aggravating Factors: These are negative factors, circumstances, or past behaviors that may lengthen a sentence, such as repeated offenses, use of a weapon, or causing serious bodily injury.

Detention: Locked detention provides short-term locked confinement for delinquent youth awaiting adjudication, placement, or serving a sentence as ordered by a juvenile court judge. Locked detention is designed to provide short-term control of youth who pose an immediate danger to themselves or others.

Home Detention: Delinquent youth can be confined at home as an alternative to locked detention if they are not a danger to themselves or the community, not a serious offender, and a juvenile court judge orders them to home detention.

Expungement: The purging and sealing of an arrest record and/or a juvenile record.

understanding of the concepts, they do not need to answer all or even a certain number of the questions correctly. The questions provided throughout the module are simply an attempt to evaluate how well the client understands the underlying concepts being presented. You will need to use your best judgment about whether the client is ready to move on if they have trouble with specific questions, but you believe that they understand the overall concept addressed by the questions.

Step 7: If the client continues to provide incorrect or incomplete answers after presentation of material, work through the recommended Practice Exercises.

Step 8: Re-check for understanding after the Practice Exercises.

Step 9: If the client persists in being unable to understand the information, note this and move to the next topic.

Step 10: You should work in seven to ten minute segments. After seven to ten minutes of presenting material and asking questions, provide the client with a brief break. Options include having a snack, stretching, doing a relaxation exercise, taking a short walk, enjoying some free conversation with you, and so forth.

CONTENT AREAS

For each Content Area, read the information to your client slowly and clearly. Immediately after giving them the information, ask the questions in the CHECK FOR UNDERSTANDING box. If the client gives you the correct answers for each of the questions, move to the next topic area.

For any incorrect or incomplete answers, review the material you just covered. After reviewing the related material one time, ask them the questions again. At this point, if they continue to have incorrect or incomplete answers, move on to the Practice Exercises. When you have completed the Practice Exercises, ask them the questions in the CHECK FOR UNDERSTANDING box a final time. If they continue to have difficulties, note the sections they are struggling with and move to the next Content Area.

Fine: The amount a juvenile must pay as a consequence for the offense committed. The fine amount includes surcharges and the court security fee

Mitigating Circumstances: These are positive circumstances or behaviors that may lighten a sentence, such as voluntarily seeking treatment or paying restitution to the victim.

Probation: A sentence to their parent's custody, but are subject to certain conditions of behavior stipulated by the juvenile court, and under the supervision of a probation officer.

Probation Revocation: Taking away juvenile's probation and re-sentencing the juvenile because of their non-compliance with the law or court stipulations. May face being placed in a secure facility.

What does it mean to be sentenced?

The juvenile court judge will determine the disposition, sentence, or consequence, including fines, restitution, if the child is adjudicated delinquent. The goal of consequence is to address the child's need in the context of the child's best interests moving forward and ensuring community safety.

What are the possible penalties/consequences?

Does everyone who commits the same offense receive the same penalty? People who are charged with the same delinquent act may be offered and receive different sentences. Colorado provides judges with juvenile sentencing guidelines for delinquent acts, but other things may positively (shorten) or negatively (lengthen) influence the nature and length of any sentence the client receives, including whether any delinquent acts were committed in the past, how severe the delinquent act is, and other mitigating circumstances and aggravating factors. Mitigating circumstances and aggravating factors will be discussed in this module after the range of possible penalties.

CHECK FOR UNDERSTANDING:

1. Everyone who commits the same offense gets the same sentence. True or False?
2. Colorado has sentencing guidelines. True or False? What sorts of things influence a person's sentence?
3. Do these things make the penalties lighter or more severe?

→If your client does not get all of the answers or gives you incomplete answers, please repeat the material and ask the questions again.

→If your client continues to give incomplete and/or incorrect answers, please do the following PRACTICE EXERCISES.



MORE Term and Concepts:

Restitution to the Victim: This is a payment ordered by the court to restore goods or money to the victim of a delinquent act by the offender. Victims may have suffered financial loss, medical expenses, lost wages, stolen or damaged property, physical injuries, and emotional trauma as a result of the delinquent act.

Secure Facility: Long- term locked confinement facilities for serious and habitual delinquent youth, similar to adult prisons. They physically restrict the movements and activities of juveniles, but must offer educational and vocational services.

Proctor Home: A foster home for youth in the custody of the Juvenile Justice System or Division of Child and Family Services.

PRACTICE EXERCISES

Please use these exercises if 1) your client is having difficulty understanding the concepts or 2) your client needs extra practice with concepts to improve retention. Below are brief descriptions of the exercises. Complete exercise descriptions and instructions can be found in the client workbook on the pages indicated.

You be the Judge (Client Workbook: Module 5 Content Area A-B)

You will ask the client to pretend to be a judge who is making a decision about a penalty. You will describe some hypothetical cases and the client acting as the judge will deliver a “penalty.” You and your client can discuss whether the penalty is realistic based on the seriousness of the alleged delinquent act.

What are some of the possible penalties?

The range of possible penalties include:

Commitment to the Department of Human Services/Division of Youth Services This means being placed in a juvenile facility, under locked confinement, where you may not leave without permission. This is the juvenile court equivalent to prison. This means you will not be able to come and go as you please. You will live at the facility and follow the rules set by the people who run the facility. Placements typically last for up to two years and must involve education

and services to help you find a job when you have finished your sentence. You could be held in a secure facility until _____, depending on the seriousness of the offense and your progress while in the facility. Youth Parole will decide when a youth can be released. Each person must complete a treatment plan and victim restitution if it is ordered by the court.

Community Placement: You would be placed in a program in the community that would require you live there, but you would not be locked up. Often these placements are used to offer you special, intensive treatment. You would live and stay there until the judge decided you could leave because you were finished with treatment.

Probation: You will likely live where you are currently living (unless you are homeless) but you will have a probation officer who will be checking on you regularly to make sure you are doing what you are supposed to be doing. You would have a curfew, rules about who you can have contact with, your school attendance would be monitored, your room could be searched, and drug tests may be randomly conducted. If you violate the terms of your probation, you could be placed in the detention center, have a petition to revoke your probation filed, and brought back to the judge to determine if a harsher disposition/sentence needs to be made.

Restitution to the Victim: If the judge decides your charges are true, and your delinquent act is against another person, then you might be asked to pay back the person who you committed a delinquent act against. You might have to pay that person money, for example, or return anything to them that you stole. You may also be ordered to write a letter of apology to the victim.

Fines: When you have to pay money to the court for any delinquent acts you have committed.

Curfew: This means that the client must be at home or leave the streets by a certain hour.

Community Service: A judge might order you to work in the community to help other people, to make up for what you have done wrong. Because your delinquent act hurt someone, the belief is that you must make it up to them by helping them/the community in some way. You do not get paid for community service.

Counseling and/or Substance Abuse Treatment: The court may order treatment and/or counseling if they feel you would benefit from therapy or drug and alcohol counseling.

CHECK FOR UNDERSTANDING:

1. What does it mean to be placed in a secure facility? What does it mean to be on probation?
2. What is victim restitution?
3. Are fines the same for every offense? Where can community service be done?

→If your client does not get all of the answers or gives you incomplete answers, please repeat the material and ask the questions again.

→If your client continues to give incomplete and/or incorrect answers, please do the following PRACTICE EXERCISES.

PRACTICE EXERCISES

Please use these exercises if 1) your client is having difficulty understanding the concepts or 2) your client needs extra practice with concepts to improve retention. Below are brief descriptions of the exercises. Complete exercise descriptions and instructions can be found in the client workbook on the pages indicated.

Penalties- Could this Happen to Me?(Client Workbook: Module 5 Content Area C)

You will present your client with examples of different kinds of penalties. Some will be realistic, others will not. The client will reply “true” or “false” to each possible penalty. If incorrect, you will help them understand why the penalty is not realistic. For example, the list of possible penalties could read: jail time, banishment, placement in a secure facility, loss of bus pass, fines, community service, and so on.

What does mitigating circumstances mean? What behaviors do you think might favorably influence the court?

Mitigating Circumstances As was discussed in Module 4, the judge considers the seriousness of your offense when deciding your consequence . Depending on the level of the offense, the consequence may be more or less serious. After considering the level of the offense, the judge can consider other factors to decide if your consequence should be less serious than your offense calls for or more serious. Mitigating circumstances are things you have done or situations that persuade a judge that your consequence should not be harsh. These are some examples of mitigating circumstances:

Significant Improvement Since the Offense: You are doing better since your alleged delinquent act. Perhaps you have gone into counseling or paid back money to your victim.

Physical/Mental Impairment: You have a problem with how you think, or your ability to move and act, which made the judge more likely to give you a lighter sentence.

Limited Adjudication History: No history or little history of involvement with the legal system.

Age and Maturity of Offender: The judge may decide that your age and what you have experienced in life made it more likely that you would commit a delinquent act.

Current Status: You are currently in treatment or on probation.

Treatment Needs Exceed Need for Consequence: It would be better for you and the people who have been hurt by your delinquent act if you receive treatment (such as counseling) rather than consequence.

CHECK FOR UNDERSTANDING:

1. What are some ways that a person might show improvement to the court that could change sentencing?
 2. A person's intellectual or cognitive disability may influence the sentence. True or False?
 3. A person who has never been arrested, or there has been a long time since the last arrest may receive a lighter sentence. True or False?
-

Which behaviors might have a negative influence on the court?

Just as there are positive behaviors that may lighten a sentence, negative behaviors or factors may increase a sentence. What does aggravating factors mean?

Aggravating Factors: Sometimes you have done something in your past, or since your charges, that makes the judge decide to give you a stronger penalty. For example:

Impact of Offense on the Victim and Community: There are different ways your delinquent act might affect other people. If you acted in a way that was especially mean and cruel, the judge might want to give you a stronger consequence. You might have caused great physical or emotional damage to a victim or stolen a large sum of money. You might even have already committed a delinquent act against this person in the past. All of these things may make it more likely that the judge judges you more harshly and may give you a more serious consequence/penalty.

Prior Violent Delinquent Conduct: You have committed delinquent acts and been violent in the past.

Substantial Adjudication History: You have committed the same delinquent act multiple times in the past or just many other delinquent acts even if they are not the same ones.

Need for Out-of-Home Treatment: You would be better off living somewhere other than where you are currently living, and the best place for you is a treatment program.

Need for Secure Confinement: You are considered dangerous, and to protect others, the judge decides to put you into a locked facility.

Lack of Remorse: You are not taking your delinquent acts seriously. You do not appear to feel bad about what you did.

Supervision to Monitor Restitution: You have not completed your restitution and the judge wants to have someone keep watch over you until your "debt to society" is repaid.

Lack of Amenability with Lesser Sanctions: You might have violated your treatment plan or probation in the past, which might mean the judge will decide to give you a more severe penalty/consequence.

Lack of Attendance or Participation in Educational Programs: When you have been in less restricted environments, you have not done what you have needed to do.

Gang Involvement: You belong to a gang that has a negative influence on the community.

CHECK FOR UNDERSTANDING:

1. What does it mean to be placed in a secure facility?
 2. What does it mean to be on probation?
 3. What is victim restitution?
 4. Are fines the same for every offense?
 5. Where can community service be done?
-

Seriousness of Penalties

Secure Facilities: This is the most serious penalty. It means being placed in a juvenile facility, under locked confinement, where inmates may not leave without permission, similar to an adult prison. Usually placements are long-term and must involve education and vocational services. Rather than the judge determining when you will be released, the Youth Parole conducts regular reviews and determines when youth can be released. Each person must complete a treatment plan and complete court ordered victim restitution.

Community Placement: This sentence is less intrusive and usually involves a variety of services. There are various alternatives including foster or group homes, that specialize in delinquent youth, sex offender treatment group homes, and substance abuse treatment group homes.

Fines: The amount is set by statute and/or the Juvenile Court Fine Schedule as a consequence for the offense committed. The fine amount includes surcharges and Court security fee.

PRACTICE EXERCISES

Please use these exercises if 1) your client is having difficulty understanding the concepts or 2) your client needs extra practice with concepts to improve retention. Below are brief descriptions of the exercises. Complete exercise descriptions and instructions can be found in the client workbook on the pages indicated.

Weights and Measures (Client Workbook: Module 5 Content Area F)

You will demonstrate to the client that some things have more “weight” than others, and that things with more weight are more serious. Using a virtual balance and objects (or a real balance if available), and starting with concrete items, the client will see that a feather has less weight than a quarter, for example, and that we can detect the weight difference by inspecting the tilt of the balance. Of course, whatever side dips the farthest has the object with the greatest weight. The client will practice clicking and dragging different items onto the virtual balance to measure the weight of different objects. Then the educator will guide the client through an exercise of putting different kinds of penalties onto the balance and watching the tilt of the balance, depending on the weight or seriousness of the penalties. The more the balance tilts, the more the penalty will affect the client’s life. Using this exercise, the client will be able to “measure” the seriousness/severity of the penalty the judge could give them.

Frequently Asked Questions and Answers

How would different penalties affect my life?

1. Would it change where I live? If you are on probation, you may still live in the same place. If you are in a secure facility, wilderness camp, group or proctor home, it would be a different place.
2. Would it change what I do and who my friends are? If you are in a locked secure facility, you may not leave to see your friends. You will receive educational or vocational services. Probation and other programs will also have the ability to restrict who you see, contact, and spend time with.
3. Would it mean I am living behind a fence and behind locked doors? It depends on where you are ordered to live. If it is in a secure facility you would be behind locked doors and fenced grounds. You would not be able to leave without permission.
4. Would it mean I have to give my allowance to the person I hurt until it is paid off? If you are ordered to pay victim restitution, you need to pay the full amount to compensate for the damage or hurt that your actions caused.



STOP: Congratulations -- you have made it through all the Content Areas for Module 5. Please review Module 5 terms using the vocabulary card deck provided BEFORE proceeding to the post-test. Your deck for Module 5 will cover the following terms: *attorney, guilty, not guilty, defense attorney, prosecutor, district attorney, county attorney, attorney client privilege, and lawyer.*

POST-TEST KNOWLEDGE ASSESSMENT

Please give the following post-test to your client after completing Module 5. If your client answers all of the questions correctly, you may move to Module 6. If your client does not answer all the questions correctly or completely, please return to the Content Area that relates to those questions. Remember that it is more important for the client to understand the main concepts of the material than to answer a certain number of questions correctly. Ultimately, it will be up to you to decide when your client is ready to move to the next module. If your client does not appear to be gaining the knowledge, despite repetition of material and your best efforts, please consult with your competency coordinator before moving to the next module.

This is not a test and will not be graded! Reassure your client that answering these questions will help you understand how to help them better.

Instructions:

Ask each question *clearly* and *slowly* so your client understands what you are asking. You can repeat each question as many times as the client needs. Ask one question at a time and wait for the answer before moving to the next question.

After you read each question, direct your client to:

1. Tell you the answer out loud and/or
2. Write the answer in the space provided on the handout.

If your client does not know the answer, tell them it is OK. Remind them this is not a test. Reassure them that you will teach them the answer to the question later. Move on to the next question.

Repeat this process until you have given your client a chance to answer all the questions. If your client gives you an answer out of order, that is OK. Your client may return to previous questions at any time.

If the client misses questions, please work through the material in the module that addresses these questions. Continue to review the relevant sections in the module until either: 1) the client learns the material and answers the questions correctly, or 2) you decide that the client is not going to be able to learn the material. If you believe your client is not making gains, please consult with your competency coordinator before moving to the next module.

Post-Test ASSESSMENT

1. What does it mean to be sentenced?
2. How are penalties (consequences) determined?
3. What does it mean to be placed in a secure facility?
4. What does it mean to be on probation?
5. Who makes restitution to the victim?
6. How is the amount of a fine determined?
7. Where can you complete community service?
8. What does *mitigating circumstances* mean?
9. What types of things qualify as mitigating circumstances?
10. How do mitigating circumstances affect sentencing?
11. What does *aggravating factors* mean?
12. Which types of things count as aggravating factors?
13. What impact does aggravating factors have on sentencing?

14. How would different penalties affect my life?

ACCEPTABLE ANSWERS TO KNOWLEDGE QUESTIONS:

Please use the following answers as a guide to determining whether your client has answered questions correctly and completely.

1. A juvenile court judge determines the sentence or consequence for the offense, including penalties and victim restitution, when found guilty.
2. There are sentencing guidelines, but other things positively or negatively influence the sentence, including whether any delinquent acts were committed in the past, how severe the delinquent act is, and other mitigating circumstances and aggravating factors.
3. This means being placed in a training school or facility under locked confinement where inmates may not leave without permission.
4. This means there are restrictions which could include school, curfew, illegal items, drugs, or weapons. There is also supervision and tracking.
5. The offender or person that caused the financial loss, or physical or emotional injury, is ordered by the court to restore goods or money to the victim of the delinquent act.
6. The amount is set by law and/or the Juvenile Court Fine Schedule for every offense. The fine amount includes surcharges and Court security fees.
7. Possible sites for community service hours include not-for-profit agencies, schools, parks, libraries, hospitals, substance abuse programs, homeless shelters, and nursing homes. Community service hours may not be done at home.
8. Mitigating circumstances are situations or behaviors that reflect favorably on the person.
9. They include significant improvement since the offense, physical/mental impairment, limited offense history, age and maturity of offender, currently in an appropriate level of treatment or supervision, treatment needs exceed need for consequence .
10. They may lighten or shorten the sentence.
11. Aggravating factors may increase the seriousness of the offense with a heavier sentence than the guidelines recommend.
12. These include prior offenses (more increase the seriousness), weapon use, heinous nature of the delinquent act, injuries, and threats to victims or witnesses, offender's callousness and cruelty shock the conscience of the court; offense involved substantial monetary loss; offender caused substantial physical or psychological injury to the victim; offender has offended against current victim on prior occasions; or the offender knew or should have known that the victim was particularly vulnerable; prior violent delinquent conduct; substantial offense history; need for out-of-home treatment; offender presents a danger to the community that requires secure confinement; lack of remorse; supervision to monitor restitution; lack of cooperation with lesser sanctions; lack of attendance or participation in educational programs; and gang involvement.

13. They increase the seriousness of the offense with a heavier or longer sentence than the guidelines recommend.

14. If you are on probation, you may still live in the same place. If you are in a secure facility, or out of home placement it would be a different place. Being placed in secure detention means no longer living at home, going where you want, and doing the things you enjoy.



MODULE 6 GOALS:

For the client to be able to tell their story from beginning to end with clarity and consistency.

Remind your client this is not a test!

Module 6: My Side of the Story

This is what you want to teach your client in Module 6:

How to put the different pieces of their story together in the correct order.

The difference between fact and fiction, so they can focus on the facts of their story.

The basic features of a story: the order of things, i.e., the beginning, middle, and end. The content: characters, timeframe, actions, locations, events, etc. Use your hypothetical case to illustrate this.

The difference between their own underlying thoughts, feelings, and interpretations of events.

Remind the client that the most important person to tell their story to is their defense attorney. If someone asks them to tell their story, they need to make sure that their attorney is with them.



[NOTE: You may have clients who insist that they have no story because “nothing happened.” Even when the client states this, there is still a story to tell, the story of what did not happen.]

KNOWLEDGE ASSESSMENT

To find out what your client already knows about this area, you must ask them the following questions BEFORE you begin the module. To determine how much they learn, you will ask them the same questions after completing the module.

This is not a test and will not be graded! Reassure your client that answering these questions will help you understand how to help them better.

Ask each question clearly and slowly so your client understands what you are asking. You can repeat each question as many times as the client needs. Ask one question at a time and wait for the



Please pay special attention to any accommodations your client may require for the knowledge, assessment, and presentation of material.

Review client responses with them.

Remind clients that questions they get wrong give you ideas about how to help them.

Use simplified language to teach concepts.

Assess your client's progress regularly with CHECK FOR UNDERSTANDING questions.

Use Practice Exercises to teach difficult concepts.

Work in brief segments

answer before moving to the next question.

ASSESSMENT

1. Is a fact true or not true?
2. Name three facts: (for example, the earth is round, trains move fast, apples are red).
3. If something is not true, is that fact or fiction?
4. Every story has a beginning, middle, and an _____.
5. Your story takes place at the movie theater. Would that be the location or the timeframe?
6. If you say that something happened at 10am, is that the morning, afternoon, or evening?
7. Joe and Amy go to the movies and buy some popcorn. Who are the characters in this story? What actions did they do?
8. Describe a feeling that you have experienced in the last week?
9. What is something that you have thought about in the past week?
10. What does it mean to interpret the meaning of something?
11. Name an event that you have participated in during the past month?

TEACHING INSTRUCTIONS

Step 1: Review your client's responses against "Acceptable Answers to Knowledge Questions", listed below, to determine which answers are correct and which answers are incorrect or incomplete.

Step 2: Review your client's responses with them.

Step 3: Show your client the questions they answered correctly and the ones they answered incorrectly or incompletely to assist you and your client identify areas to work on together.

Step 4: Reassure the client you will work together to teach them the correct answers to the questions they missed or need



Terms and Concepts:

Fact: An event or thing known to have happened or existed.

Fictional: Something invented, imagined, or made-up.

Action: The process of acting or doing something.

Characters: Is a person who is in a real or make believe story.

Location: Where something takes place; the physical place something happens.

Timeframes: When something took place, e.g., in the morning, last week, a year ago, etc.

Thoughts: The things that we think about like what we would like to eat for breakfast or what movie we would like to see this weekend.

to know more about.

Step 5: Use the information presented below to teach your client about the areas they need to learn about. We recommend you use the simplified language presented below to explain the concepts because your client is more likely to understand the concepts if you explain them this way. If the language seems too simple for your client, you can use more sophisticated language to describe the concepts.

Step 6: After each segment of information, there is a **CHECK FOR UNDERSTANDING** box. Questions are provided so you can immediately assess if your client is learning the concepts. Use their answers to guide whether you move on or repeat material. If the client successfully completes the questions in the box, move on to the next Content Area. Remember that it is more important for the client to demonstrate an understanding of the concepts addressed by each question than to answer every question correctly. If you feel the client has a good understanding of the concepts, they do not need to answer all or even a certain number of the questions correctly. The questions provided throughout the module are simply an attempt to evaluate how well the client understands the underlying concepts being presented. You will need to use your best judgment about whether the client is ready to move on if they have trouble with specific questions, but you believe that they understand the overall concept addressed by the questions.

Step 7: If the client continues to provide incorrect or incomplete answers after presentation of material, work through the recommended Practice Exercises.

Step 8: Re-check for understanding after the Practice Exercises.

Step 9: If the client persists in being unable to understand the information, note this and move to the next topic.

Step 10: You should work in seven to ten minute segments. After seven to ten minutes of presenting material and asking questions, provide the client with a brief break. Options include having a snack, stretching, doing a relaxation exercise, taking a short walk, enjoying some free conversation with you, and so forth.

CONTENT AREAS

For each Content Area, read the information to your client slowly and clearly. Immediately after giving them the information, ask the questions in the CHECK FOR UNDERSTANDING box. If the client gives you the correct answers for each of the questions, move to the next topic area.

Feelings: The same thing that we sometimes call our emotions. We can feel happy, sad, angry, frustrated, calm, anxious, peaceful, etc.

Interpretations: The way that we explain the meaning of something like when someone smiles at us we can interpret that to mean that they like us or are happy with something we did. If someone is frowning at us we can interpret that to mean that they are not happy with something we did or said.

Event: Something that took place; what happened.

For any incorrect or incomplete answers, review the material you just covered. After reviewing the related material one time, ask them the questions again. At this point, if they continue to have incorrect or incomplete answers, move on to the Practice Exercises. When you have completed the Practice Exercises, ask them the questions in the CHECK FOR UNDERSTANDING box a final time. If they continue to have difficulties, note the sections they are struggling with and move to the next Content Area.

What is true (fact) or not true (fiction)?

Facts are statements that describe reality or something that is true and real. For example, it is a fact that many people in the United States drive cars. It is also a fact that the sky is blue (most of the time) and grass is green. Facts can be proven to be true. For example, it is a fact that you can buy a gallon of milk at many grocery stores. This could be “proven” by going to several grocery stores and checking to see if they sell gallons of milk. If all the grocery stores sell gallons of milk, you could say that it is true that all the grocery stores you have been in sell gallons of milk. If you wanted to “prove” this fact to someone who did not go to the stores with you, you could take photos of the milk in the different grocery stores as “proof.”

This is the process the defense attorney and the prosecutor will use to try to “teach” the judge about the “facts” in your case.

The story that you and your defense attorney tell, and the one the prosecutor tells are probably going to be different and may have different facts. For example, if you have been charged with assault, the prosecutor may say that one fact in the case is that the person accusing you of assault had a bloody nose. The prosecutor is saying this is a “fact”; that it is true. This is where it gets confusing. It may be “true” that the victim had a bloody nose, but the prosecutor has to prove a second fact: that you gave the victim the bloody nose. Your defense attorney might argue that the bloody nose was not caused by you, but by the alleged victim running into a door before they were even with you.

And how will the judge know that it is “true” that the victim had a bloody nose? The prosecutor would have to show evidence that this was true – a picture of the victim with a bloody nose that showed the right date; a witness saying they saw the victim with a bloody nose, and so forth. Then the prosecutor would have to come up with a way to connect you to the bloody nose...did someone actually see you give the person a bloody nose? The

prosecutor would want that person to tell this to the judge in court. Or perhaps they found the blood of the victim on your hands and clothes. This might make the judge believe you punched the victim.

Your job is to tell your defense attorney all the facts in your case according to YOU. What happened? How did it happen? When did it happen? Where did it happen? Why did it happen? This will help your attorney understand your situation and help him or her sort through the facts of the case. If you believe that nothing happened, then describe the facts about that too.

You do not need to tell your educator the facts of your story. You will be asked, however, to tell the prosecutor and the judge your story. If you decide you want to talk to other people about the facts in your story (like a probation officer or your parents or friends), please talk with you attorney FIRST to get his or her advice. If you really want to tell the facts of your story to someone else, it can be very helpful to your case to have your attorney be there with you.

Organizing a Story: Beginning, Middle, and End

Every story has three parts that unfold in the same pattern: a beginning, middle, and an end. Think about books you have read and movies you have seen – there is a beginning, middle, and an end to all of these books and movies. If you think about your own story, about your charges using this pattern, it will be easier to remember it, and it will be easier to tell it to other people. Think of one of your favorite stories with your educator. Together, identify the story's beginning, middle, and end. Can you apply this concept to your own story?

1. **Location:** This is *where* the action took place (for example, in the city, in a field, in a school).
2. **Characters:** These are the *people* who were part of the story. One of the characters is YOU. Other characters would be people who were with you or at the same location. For example, if you have been charged with robbery, then you are one of the characters and the store clerk present at the time of the robbery would also be a character.
3. **Action:** This is what *happens* in the story, otherwise known as the “plot.” For example, the characters in a story might fly to the moon or build a city. In your story, the action is whatever happened related to your charges. For example, you might have been charged with taking something that is not yours or hitting someone else. “Stealing” or “hitting” would be considered the *action* of the story.
4. **Timeframe:** This is *when* the story takes place (for example, in the morning or evening; in the summer or winter; this year or last year, etc.).

In summary, this is what every story has:

- *Beginning, middle, and end*
- *Location*
- *Characters*
- *Action*
- *Timeframe*

Make sure you can fill in all of these for the story of your charges.

CHECK FOR UNDERSTANDING:

1. Is a fact true or not true?
 2. Name three facts: (for example, the earth is round, trains move fast, apples are red).
 3. If something is not true, is that fact or fiction? Every story has a beginning, a middle, and a what?
 4. Your story takes place at the movie theater. Would that be the location or the timeframe?
 5. Joe and Amy go to the movies and buy some popcorn. Who are the characters in this story? What actions did they do?
-

→ If your client does not get all of the answers or gives you incomplete answers, please repeat the material and ask the questions again.

→ If your client continues to give incomplete and/or incorrect answers, please do the following PRACTICE EXERCISES.

PRACTICE EXERCISES

Please use these exercises if 1) your client is having difficulty understanding the concepts or 2) your client needs extra practice with concepts to improve retention. Below are brief descriptions of the exercises. Complete exercise descriptions and instructions can be found in the client workbook on the pages indicated.

Fact or Fiction (Client Workbook: Module 6 Content Area A)

Review and discuss the following statements with the client and have them explain whether the statement is a fact or fiction and why they think so:

- In Colorado it snows during the winter.
- Pigs can fly.
- When you grow old, your hair turns purple.
- The earth is round.
- Fire engines are black.
- The judge decides my consequence . My attorney is on my side.

The Way the Story Goes (Client Workbook: Module 6 Content Area A)

Every story has a beginning, middle, and end. These terms can be demonstrated in a variety of ways and the story below can be used as an example. Read and discuss with the client.

Joe got up early, dressed, and had orange juice for breakfast. During lunch, he decided to have a big glass of milk. When he was ready for bed, he drank two small glasses of water.

What is the beginning of the story? Where does the story start? What does Joe do in the middle of the story?

What does Joe drink at the end of the story?

The Other Parts of a Story: Timeframe, Location, Characters, Actions (Client Workbook: Module 6 Content Area A)

Read the following story to your client and discuss the questions at the end:

Sara and Sage have been best friends since high school. They were so excited when both of them started working at the same mall. Every Friday night after work they would meet in the food court to walk home together. One night, as they were leaving the mall, they noticed that lights were still on in their favorite clothing store. Sara wanted to show Sage this awesome sweatshirt, so they decided to go into the store. Once in the store, they noticed that no one was there. After looking at the sweatshirt, Sara thought that she would “borrow” the shirt for the evening and go back the next day to pay. As they were leaving the store, a security guard approached them and asked what they were doing. She asked to see a receipt for the sweatshirt. Both Sara and Sage were taken to the security office and the police were called.

Answer the following questions:

Timeframe	<u>When</u> did it take place?
Location	<u>Where</u> did it take place?
Characters	<u>Who</u> were the people involved?
Action(s)	<u>What</u> happened?
<u>Why</u> did it happen?	

The World of Stories (Client Workbook: Module 6 Content Area A)

Depending on the client’s interest, reading level, and other learning abilities, you can use many different kinds of books (including graphic novels, comic strips, etc.) to review story concepts with the client like beginning, middle, end, timeframe, location, characters, and action. Work with the client to take the story and identify each of these parts of the whole. Review with the client that some stories are “true” (based on fact) and some are “not true” (fiction), and that the client’s story related to the delinquent act needs to be the “true” story. If books are not motivating for the client, films may be used.

Timelines (Client Workbook: Module 6 Content Area A)

Using a whiteboard or chalkboard, have the client create a simple timeline of events based on their favorite story or book from the exercise above. Using the timeline as a reference, ask the client questions about location, characters, actions, etc. to help them tell the story in their own words.

Thoughts, Feelings, and Interpretations

Part of understanding what happened, related to your charges, is to be able to describe what you were thinking and feeling. It is easy to confuse thoughts and feelings, but it is important to learn the difference. It is also important to understand that what you think and feel is connected to how you act, and how you act can create thoughts and feelings!

Here are examples of FOUR types of feelings: MAD, GLAD, SAD, and AFRAID. If you ever have trouble trying to figure out if what you are experiencing is a thought or a feeling, see if you can pick one of these four words. If one of these words describes your experience, then you are having a feeling! If it is NOT a feeling, it is a thought.

To help you learn the difference between feelings and thoughts, and to understand when a thought is an interpretation, reread the story above (Sara and Sage's story) and answer the following questions:

- What are your thoughts about Sara and Sage's situation?
- Why do you think they went into the store?
- Do you think they planned to steal a sweatshirt?
- What are your feelings about Sara and Sage's situation?
- What do you think Sara and Sage are feeling?
- What are your interpretations?
- Do you think Sara would have brought back the money the next day?
- What do you think the owners of the store might say?
- Do you think Sara and Sage did any harm?
- Do you think the security guard did the right thing by calling the police?

My Side of the Story. Why did it happen?

It is important for you and your educator to figure out together how to best help you remember and tell your story. Maybe you just need to review the information in this module. On the other hand, you might need to create a "list" of story elements (for example, action, characters, timeframe) or a "story map" for yourself (with the help of your attorney) so that you can use that guide to help you tell your story to others. A story map is a series of words and pictures that describe your story, kind of like your own homemade book. It is very important that you only work on this map with your defense attorney.

It is also very, very important that you practice talking about what you were thinking and feeling during the event. Let's say you were feeling very scared and that is why you believe you hit another person. The judge might look at that differently and have more sympathy for you than if you hit someone because you were mad at them. How you were thinking and feeling can actually change someone else's understanding of your whole story!

Remember, your attorney is your number one helper. Share your story with your defense attorney

CHECK FOR UNDERSTANDING:

1. Describe a feeling that you have experienced in the last week?
 2. What is something that you have thought about in the past week?
 3. What does it mean to interpret the meaning of something?
 4. Name an event that you have participated in during the last month?
-

→ If your client does not get all of the answers or gives you incomplete answers, please repeat the material and ask the questions again.

→ If your client continues to give incomplete and/or incorrect answers, please do the following PRACTICE EXERCISES.

PRACTICE EXERCISES

Please use these exercises if 1) your client is having difficulty understanding the concepts or 2) your client needs extra practice with concepts to improve retention. Below are brief descriptions of the exercises. Complete exercise descriptions and instructions can be found in the client workbook on the pages indicated.

Thought and Feeling Chains (Client Workbook: Module 6 Content Area C)

Have the client pick a favorite movie or book that they know the story of very well. Then using worksheets supplied in the participant workbook, guide the client to fill in ovals that are connected into a chain-like pattern that represent the thoughts, feelings, and interpretations of actions related to a character in their story. By building thoughts, feelings, and interpretations into a chain, it becomes more visually apparent how one thought leads to another and how thoughts/feelings tend to lead to certain choices and actions. Thought and feeling chains may also be created to help the client hypothesize about what the other characters in the story might have been thinking and feeling. Tie this experience into how the client might want to draw out their own story with their attorney.

Inside My Head (Client Workbook: Module 6 Content Area C)

Using an erasable whiteboard or chalkboard, the client or educator can make simple illustrations of the events and people that comprise the client's favorite story from a book or movie. Above the people who are illustrated, the educator can add thought bubbles (like those that appear in graphic novels and comic strips) so the client and educator can plug-in what the character was thinking and feeling as events unfolded.



STOP: Congratulations -- you have made it through all the Content Areas for Module 6. Please review Module 6 terms using the vocabulary card deck provided BEFORE proceeding to the post-test. Your deck for Module 6 will cover the following terms: *fact, fictional, character, timeframe, location, action, thoughts, feelings, interpretation and events*

POST-TEST KNOWLEDGE ASSESSMENT

Please give the following post-test to your client after completing Module 6. If your client answers all of the questions correctly, you may move to Module 7. If your client does not answer all the questions correctly or completely, please return to the Content Area that relates to those questions. Remember that it is more important for the client to understand the main concepts of the material than to answer a certain number of questions correctly. Ultimately it will be up to you to decide when your client is ready to move to the next module. If your client does not appear to be gaining the knowledge, despite repetition of material and your best efforts, please consult with your competency coordinator before moving to the next module.

This is not a test and will not be graded! Reassure your client that answering these questions will help you understand how to help them better.

Instructions:

Ask each question *clearly* and *slowly* so your client understands what you are asking. You can repeat each question as many times as the client needs. Ask one question at a time and wait for the answer before moving to the next question.

After you read each question, direct your client to:

1. Tell you the answer out loud and/or
2. Write the answer in the space provided on the handout.

If your client does not know the answer, tell them it is OK. Remind them this is not a test. Reassure them that you will teach them the answer to the question later. Move on to the next question.

Repeat this process until you have given your client a chance to answer all the questions. If your client gives you an answer out of order, that is OK. Your client may return to previous questions at any time.

If the client misses questions, please work through the material in the module that addresses these questions. Continue to review the relevant sections in the module until either: 1) the client learns the material and answers the questions correctly, or 2) you decide that the client is not going to be able to learn the material. If you believe your client is not making gains, please consult with your competency coordinator before moving to the next module.

Post-Test ASSESSMENT

1. Is a fact true or not true?
2. Name three facts: (for example, the earth is round, trains move fast, apples are red).
3. If something is not true, is that fact?
4. Every story has a beginning, middle, and an _____. _____.
5. Your story takes place at the movie theater. Would that be the location or the timeframe?
6. If you say that something happened at 10am, is that the morning, afternoon, or evening?
7. Joe and Amy go to the movies and buy some popcorn. Who are the characters in this story? What actions did they do?
8. Describe a *feeling* that you have experienced in the last week?
9. What is something that you have *thought* about in the past week?
10. What does it mean to *interpret the meaning* of something?
11. Name an *event* that you have participated in during the past month?

ACCEPTABLE ANSWERS TO KNOWLEDGE QUESTIONS:

Please use the following answers as a guide to determining whether your client has answered questions correctly and completely.

1. True.
2. Any variation of facts the client states.
3. No.
4. End.
5. Location.
6. Morning.
7. Joe and Amy are the characters, going to the movie and buying popcorn are the actions.
8. Make sure what the client says is a feeling if not explain why and ask them to describe something else they felt.
9. Any variation of thoughts the client states.
10. Any variation of: To explain what we think someone's actions mean, when someone smiles at us we interpret that to mean that they are happy with us or that they like you, etc.
11. Any variation of an event the client describes.