



# YOU &

## The juvenile court

Dutch



Opgroeien

Jeugdhulp

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## WHAT INFORMATION WILL YOU FIND IN THIS BROCHURE?

This brochure contains information about the judicial youth support service.

We explain:

- > how the judicial youth support service works
- > how to access it
- > who works there
- > what they can do for you and your parents.

Have you read the brochure but still have questions? Is something not clear?

Would you like to see your file? Contact your counsellor at the juvenile court social service department.

### MY COUNSELLOR

Name:

Telephone number:

Email address:

Can be reached at:

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*You counsellor will look for a solution together with you, your parents, people from your environment and your support workers*

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# THE JUVENILE COURT, YOUR LAWYER AND YOUR COUNSELLOR

## The juvenile court

The juvenile court is a court for **minors**. Minors are children and young people under the age of 18. They appear before a different court than adults. The secretariat of the juvenile court is called the **registry**. This is where the registrar works.

## The juvenile court judge

Juvenile court judges work at the juvenile court. The judges are specialised in juvenile law. The juvenile court judge **decides what you need in order to grow up in safety**. He or she speaks with you and your parents. But the juvenile court judge may reach a decision that you or your parents do not think is good. You and your parents must adhere to the decision but you can appeal it if you wish.

Would you like to talk to your juvenile court judge? That's possible. The juvenile court judge decides whether he or she will agree to the request. A meeting generally takes place in the office of the juvenile court judge, also known as **chambers**. That meeting is generally attended by the registrar, your lawyer and a counsellor of the juvenile court youth services.

## The Public Prosecutor's Office

You can't just walk into a juvenile court. Nor can you just contact the juvenile court judge by yourself. The Public Prosecutor's Office reviews your situation and decides whether it is necessary to involve the juvenile court judge. The Public Prosecutor's Office is sometimes also called the **Public Prosecution Service**.

## Your lawyer

If you are called to the juvenile court, you are entitled to free advice and assistance from a lawyer. He will defend you, not your parents. Your parents can hire their own lawyer to defend them before the juvenile court.

What does your lawyer do?

- > Defend you before the juvenile court.
- > Give you advice, that means telling what is best and what you shouldn't do.
- > Make sure that you're treated fairly.

Your lawyer needs to know everything about your situation. This is to ensure he or she is the best position to defend you. Your lawyer will talk to you and read your file. You can also request a meeting with your lawyer. Your lawyer is not allowed to pass on what you tell him or her. This is called **professional secrecy**. He or she is entitled to discuss certain things with your parents or the juvenile court judge, if you agree to this.

If you disagree with the decision of the juvenile court, you can lodge an **appeal**. You can also ask your lawyer about that.

### HOW DO YOU FIND A LAWYER?

**YOU DON'T HAVE TO LOOK FOR A LAWYER YOURSELF. ONE WILL BE ASSIGNED TO YOU AUTOMATICALLY. YOU OR YOUR PARENTS DO NOT HAVE TO PAY FOR THE LAWYER. YOU CAN ALSO DECIDE TO CHOOSE YOUR OWN LAWYER. IF YOU NO LONGER HAVE THE DETAILS OF YOUR LAWYER, YOU CAN ALWAYS ASK THE REGISTRAR OF THE JUVENILE COURT.**

## Your counsellor

The juvenile court judge is assisted by the juvenile court social service department. It's this department's job to investigate your situation before the juvenile court judge takes a decision. That is the 'social investigation'.

Once the juvenile court judge has taken a decision, the social services ensure that that decision is carried out. They do this together with you, your parents, your network and the support workers involved. In addition, they keep the juvenile court judge informed about how things are progressing and, if necessary, they ask the juvenile court judge to take a different decision.

Each family is allocated its own counsellor. Your counsellor will invite you, your family and your network to meetings and pay a visit to your home. Together with you, your parents and the support workers involved, your counsellor will look for the best solution so that you can grow up safely. He or she presents this to the juvenile court judge so that it can be taken into account when the judge takes a decision.

### PROFESSIONAL SECRECY

YOUR COUNSELLOR MAY NOT PASS ON ANYTHING YOU OR YOUR PARENTS TELL HIM OR HER. JUST LIKE YOUR LAWYER, YOUR COUNSELLOR IS ALSO BOUND BY PROFESSIONAL SECRECY. YOU CAN ALWAYS ASK HIM OR HER NOT TO PASS ON CERTAIN THINGS. BUT SOMETIMES IT MAY STILL BE NECESSARY TO PASS ON INFORMATION, FOR EXAMPLE IF YOU ARE IN DANGER OR COULD BE IN DANGER. YOU SHOULD TELL YOUR COUNSELLOR PRECISELY WHICH INFORMATION HE OR SHE MAY PASS ON AND TO WHOM. THE COUNSELLOR MUST PASS ON INFORMATION TO THE JUVENILE COURT JUDGE, OTHERWISE THE JUDGE CANNOT REACH A GOOD DECISION.

## What does your counsellor do?

The aim of the counsellor is to ensure you can grow up in a safe, loving and protected environment, supported by the people who are important to you. This is why your counsellor will ask you, your parents and your network a lot of questions about when it is safe, what is not going well, when you first felt unsafe and what you want to change to avoid feeling unsafe in the future. It is very important for the counsellor to be able to work well with you, your parents and your network so that everybody knows what he or she is concerned about, what is going well and what must change. The counsellor, together with you, your parents and your network, will think about how you can work on those concerns so that things go well with you and you will no longer need the support of the counsellor. Your opinion and that of your parents and your network are very important here, since this is all about your life. Every step the counsellor takes will be explained properly to you, your parents and your network so you always know what is happening and why.

If you have questions or want to talk about something, you can also reach out to counsellor for help. ■



# WHY DO YOU COME INTO CONTACT WITH THE JUVENILE COURT?

You do not appear before a juvenile court for no reason. This happens for one of four reasons:

- 1) You and your family are in a very difficult situation.
- 2) You urgently need help.
- 3) Your parents are no longer allowed to raise you.
- 4) You have committed a juvenile offence or are suspected of having committed one.

## 1) You are in a very difficult situation

If you and your family are in a very difficult situation, the Public Prosecutor's Office can involve the juvenile court. This is usually a complicated situation, and you, your parents and any support workers cannot work it out together.

These cases are referred to as a 'worrying situation' (VOS).

## 2) You urgently need support

Sometimes the juvenile court judge has to decide to take you into immediate protection because your situation is not safe. That is an 'urgent measure'. This only happens if you are in considerable danger and when something has to be done immediately to protect you.

## 3) Your parents are no longer allowed to raise you

The juvenile court judge can decide that your parents are no longer allowed to raise you. They are no longer allowed to take any decisions about you. This is called 'disqualification from exercising parental authority'. This happens when your parents do not treat you as expected by law. For instance, you are being severely mistreated, abused or neglected.

Somebody else takes on the duties of your parents. This person is called a **guardian**.

#### 4) You have committed a juvenile offence or are suspected of having committed one

If you have committed a juvenile offence or are suspected of having committed one, this is reported to the police. They draw up an official report. The police send this official report to the Public Prosecutor's Office (Public Prosecution Services). The prosecution service decides whether you have to appear before the juvenile court. The juvenile court judge rules on your situation. He or she takes into account what you have done wrong and the causes for your behaviour. ■

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*The juvenile court judge rules on your situation. He or she takes into account what you have done wrong and the causes for your behaviour*

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# APPEARING BEFORE THE JUVENILE COURT JUDGE. WHAT HAPPENS?

## 1) The juvenile court judge takes an interim measure: the temporary order

The juvenile court judge asks the juvenile court social service department to thoroughly look into your situation. This requires quite a lot of meetings with you, your parents and the support workers who work with you. This takes time. For this reason, the juvenile court judge can take an interim measure. This is a **temporary order**. This means you can already receive support while the counsellor is looking into your situation.

In the context of a worrying situation, a temporary order may not last longer than six months. If you are suspected of a juvenile offence, the measure can last nine months. In certain cases, when the Public Prosecutor's Office has not yet completed the investigation into the facts or if you are suspected of having committed a serious crime carrying a sentence of five years or more, the measure can be extended.

## 2) Your counsellor investigates your situation and gives advice to the juvenile court judge

In order to get to know your situation, your counsellor talks with you, your parents, your network and your support workers and asks a whole lot of questions about whether things are going well, what is not going well and what must change. That is the **social investigation**.

When the counsellor has been able to ask all his or her questions and has a good insight into your situation, he or she will draw up a **report** for the juvenile court register. This includes what you require to grow up safely and loved, surrounded by people who are important to you. Your counsellor will always listen to you, your parents and your network and considers your opinion important. Nevertheless, your counsellor could propose something other than what you want. Your counsellor will always explain the reasons for his or her proposal to you, your parents and your network and will try to find a solution that you support.

### 3) The juvenile court judge reaches a decision: the judgment

After the temporary order and after the social investigation, an assessment is made as to whether you are guilty and the juvenile court deals thoroughly with your situation by discussing it with you, your parents, your lawyer and any support workers involved in juvenile court. This is a **hearing on the merits**. Your counsellor is generally not present, but does draw up a report which states how things are going with you, what you have discussed and done, and what his or her advice is on what should happen next. You will receive an invitation to attend the hearing several weeks in advance. Sometimes a bailiff will bring the invitation to your home. That is called a **summons**.

- > Are you **over 12 years old**? Then you must attend. The juvenile court judge must hear you before he or she takes a decision.
- > Are you **under 12 years old**? You are still entitled to be heard and to give your opinion if you so wish. You can ask your lawyer to arrange this for you.

After the hearing on the merits, the juvenile court judge decides what you need. That is the **judgment**. The juvenile court judge can follow the advice of the counsellor, but he or she can also decide to do something else. The counsellor ensures that the decision is implemented.

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*Would you like to discuss something with the juvenile court judge? Write a letter to him or her with a request to be heard.*

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#### 4) Then what?

After the judgment of the juvenile court judge, the counsellor, together with you, your parents, your network and support workers involved ensure that the decision of the juvenile court judge is carried out.

Your counsellor regularly invites you, your parents and your network for a meeting so that he or she can monitor how things are progressing. That takes place at least once every six months.

Have you got questions? Do you think you need other support? Would you like to see your file? Then you can ask for a meeting with your counsellor yourself.

At least once a year you discuss your situation again at the juvenile court. The counsellor must also regularly inform the juvenile court judge about your situation and how you are getting on. ■

**WOULD YOU LIKE TO DISCUSS SOMETHING WITH THE JUVENILE COURT JUDGE? INFORM HIM OR HER OF THIS VIA YOUR LAWYER OR THE COUNSELLOR.**

# WHAT CAN THE JUVENILE COURT JUDGE DECIDE?

The juvenile court judge can impose various measures. It depends on your situation. In the context of a worrying situation, the juvenile court judge can decide that:

- > You may stay at home but a plan has to be drawn up with you, your parents and your network so that you can grow up safe, healthy, protected and happy.
- > You may stay at home but must adhere to certain conditions, for example: you may not have any contact with certain people or you must attend school regularly.
- > You receive counselling in your home.
- > You go to live for a while with someone else or in a different family.
- > You have to live for a while in a youth support facility

In the event of a juvenile offence, the juvenile court judge can decide that:

- > You must complete community service or a learning process.
- > You may perform a positive project: this is participation in an activity, a programme or a training or performing a task or project whereby you have to take initiative yourself on what you do and it is supervised by a recognised service.
- > You are placed in a community facility after a prior orientation.

## Costs of placement

If you are placed in a facility, 2/3rds of your family benefit goes to the facility. In this way, you pay something towards your stay. The juvenile court judge can allocate the rest of the amount to your parents or have it deposited in a savings account. That savings account is for you when you reach the age of 18.

If you are placed with a foster family, the family benefits, the Groei package, the family allowance will be paid entirely to the foster family. ■

# WHAT IF YOU DISAGREE WITH THE DECISION OF THE JUVENILE COURT JUDGE?

If you or your parents disagree with a decision of the juvenile court judge, you can lodge an appeal. Discuss this as soon as possible with your lawyer, because you must lodge your appeal within 30 days.

If you are staying in a community facility, you must lodge your appeal within 48 hours.

Public juvenile facilities are:

- > community facility De Kempen (campus De Markt and campus De Hutten);
- > community facility De Zande (campus Beernem, campus Ruiselede and campus Wingene);
- > community facility De Grubbe in Everberg;
- > the Flanders detention centre De Wijngaard in Tongeren Beveren.

You can appeal any decision of the juvenile court judge:

- > a temporary order
- > a judgment
- > any other order or prohibition, for example an order to visit your parents.

If you lodge an appeal, it will be handled by the Court of Appeal. Until they issue a judgment, the juvenile court judge cannot take any new decision. What the juvenile court judge ruled previously must be put into practice until there is a new judgement from the Court of Appeal.

Your files:  
what they contain and may you read them

Have you come into contact with the juvenile court? Then you have two files:

- 1) A file at the juvenile court
- 2) A file at the juvenile court social service department.

### Your file at the juvenile court

Your file contains information about the difficult situation you find yourself in or the facts and the circumstance of the juvenile offence you committed. It is kept up-to-date by the registrar of the juvenile court. The file also contains reports from your counsellor about how you are, his or her social investigation, and about the support, if any, which is currently being provided. This file may only be read by persons involved in the judicial procedure, for example, the juvenile court judge, a lawyer involved in your file, etc.

### Your file with the juvenile court social service department.

This file largely contains information about how you are doing (what is going well, what is not going well and what must change). It also contains all the information about the social investigation and about the support, if any, being provided. Your counsellor must inform you about what he or she writes in this file.

Your counsellor will pass on information from your file to support workers who are involved in your support, but he or she will only pass on what your support workers need to know to be able to help you.

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*Your counsellor, your lawyer and the juvenile court judge will never simply pass on information from your file to others. They treat your file with the utmost care and discretion.*

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## Access to your file

### Criminal record or not?

The right of access to your file is about the right to inspection and the right to an extract from or a copy of it. You can ask your counsellor yourself to receive access to your file. If you find that certain things you read there are not correct, you can talk to your counsellor about this. You decide together how you can better describe things.

Not all information in your file is accessible. The following items in your file are not open to inspection:

- > personal notes in preparation for formal reporting
- > details that have been ruled confidential by a third party
- > details about the private lives of third parties.
- > Has the juvenile court judge taken you into protection because you were in a worrying situation? In that case, you have not committed any offence. The judgment will not be recorded in the criminal record. You will not have a criminal record.

If you have committed criminal offences, your judgment will be logged in the central criminal register until you are 28. The central criminal register is only intended for judicial authorities. Other people therefore cannot access it.

## Can the information be deleted earlier from the central criminal register?

Information about judgments of the juvenile court can be deleted five years after the end of the measure. This is done at your request. For this you should contact the juvenile court where you live. That is not necessarily the juvenile court who handled your case.

## Certificate of good conduct (= extract from the criminal record)

Sometimes you need an extract from the criminal record (previously: certificate of good conduct). That does **not** show offences/crimes that you committed as a juvenile. Your (future) employer or school cannot see that you have a criminal record.

Do you need a 'model 2'?

This can contain certain facts. For example, if you have been remanded to the correctional court or have been issued with a general order prohibiting contact with minors. ■

## WHEN YOU REACH THE AGE OF 18

When you're eighteen, supervision by the juvenile court normally comes to an end. **The juvenile court judge closes your file.** Neither the juvenile court judge nor your counsellor will monitor you further. When you have committed a juvenile offence, the supervision of the juvenile court judge can be extended until you reach the age of 23 and in that case the counsellor will also monitor you until then.

Would you still like support as a (young) adult? Then you can go to:

- > the Centres for General Social Welfare Services(CAW)
- > the Youth Advisory Centres (JAC)
- > the Centres for Mental Healthcare (CGGZ)
- > the social services of the health fund
- > the Public Social Welfare Centre (OCMW)
- > etc.

Perhaps you are not yet read to stand on your own feet. Adults can also face problems, certainly if you are on your own.

Discuss this with your counsellor before you turn 18. He or she can help you, for example, if you:

- > would like to spend some more time with your foster family or in your facility
  - > want to live on your own
  - > need other support.

Your counsellor will point you in the right direction for **continued youth support**, but will no longer be able to help you themselves once you have turned 18.

You can find more info at [www.jeugdhulp.be/themas/jongvolwassenen](http://www.jeugdhulp.be/themas/jongvolwassenen).

# RIGHTS IN YOUTH SUPPORT

Within the youth support service, you have a lot of rights, but also some obligations.

More information can be found at:

- > [www.rechtenindejeugdhulp.be](http://www.rechtenindejeugdhulp.be)
- > [www.jeugdhulp.be/themas/rechten- in-de-jeugdhulp/rechten-voor-het- kind](http://www.jeugdhulp.be/themas/rechten-in-de-jeugdhulp/rechten-voor-het-kind)
- > [www.rechtspositie.be](http://www.rechtspositie.be)

Prefer a brochure?

Then take a look in:

- > 'This is how it works at the integral youth support service' (brochure for over 12s)
- > 'My rights within the youth support service'  
(brochure for under 12s)

You can request these via:

[info@kinderrechtswinkel.be](mailto:info@kinderrechtswinkel.be), [www.kinderrechtswinkel.be](http://www.kinderrechtswinkel.be) or by telephone at 070 21 00 71.

For information about children's rights in general, go to:

- > Het Kinderrechtencommissariaat: [www.kinderrechtencommissariaat.be](http://www.kinderrechtencommissariaat.be)
- > De Kinderrechtswinkels: [www.kinderrechtswinkel.be](http://www.kinderrechtswinkel.be)

## Questions or complaints

Talk it over with a friend, your teacher, a support worker, a youth worker. If they can't help you with your questions or complaints, talk things over with your counsellor. Your counsellor will look for a solution together with you, your parents and your support workers.

If for some reason you can't talk to your counsellor and you have a question or complaint about the youth support you are receiving, you can contact the Young People Helpline (JO line). JO line will work to resolve your issues and questions. If necessary, they will undertake an independent investigation into your complaints. ■

### JO LINE (Young People Helpline)

Call us free-of-charge on 0800 900 33

- > Monday from 10.00 a.m. to 1.00 p.m.
- > Wednesday from 1.00 p.m. to 5.00 p.m.
- > Thursday from 10.00 a.m. to 1.00 pm.
- > Friday from 1.00 p.m. to 5.00 p.m.

### Email

to [jo-lijn@opgroeien.be](mailto:jo-lijn@opgroeien.be)

# LEGAL ADVICE

## Are you looking for free legal advice?

Are you looking for free legal advice? Then you can apply to a Commission for Legal Aid. More information about this can be found at [www.advocaat.be/ FooterMenu/Een-advocaat-raadplegen/Gratis-juridisch-advies](http://www.advocaat.be/FooterMenu/Een-advocaat-raadplegen/Gratis-juridisch-advies).

## What if you need urgent support?

Are you scared that something will happen to you or that somebody is going to do something bad to you? Are you in danger?

- > Is it extremely urgent? Phone the police (101) or the emergency number (112) immediately.
- > Contact your counsellor or support worker as quickly as possible.
- > If you do not know who to turn to in this kind of situation, call 1712 (contact point for abuse, violence and child abuse). They will tell you what to do. Your call will not be listed on a telephone bill. Therefore, you can call from home without anyone knowing.
- > Want to chat? Phone, mail or chat with Awel: [www.awel.be](http://www.awel.be) or on number 102.

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## More information

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