

Juvenile assistance in criminal proceedings

The youth welfare service in criminal proceedings supports and assists juveniles and adolescents in proceedings, but also supervises them with regard to instructions and tasks and acts as an advisor to the court.

Competent Department

- [Amtsgericht Bremen](#)
- [Amt für Soziale Dienste - Fachdienst Flüchtlinge, Integration & Familien - Jugendhilfe im Strafverfahren](#)
- [Sozialzentrum 1 Bremen Nord - Jugendhilfe im Strafverfahren](#)
- [Sozialzentrum 2 Gröpelingen / Walle - Jugendhilfe im Strafverfahren](#)
- [Sozialzentrum 3 Mitte/östliche Vorstadt - Jugendhilfe im Strafverfahren](#)
- [Sozialzentrum 4 - Süd - Jugendhilfe im Strafverfahren](#)
- [Sozialzentrum 5 - Vahr, Schwachhausen, Horn-Lehe - Jugendhilfe im Strafverfahren](#)
- [Sozialzentrum 6 - Hemelingen/ Osterholz - Jugendhilfe im Strafverfahren Sprache](#)

Basic information

The Youth Welfare Office performs the following tasks in its function as youth welfare in criminal proceedings:

- Checking at an early stage whether youth welfare services can be considered for the accused (and, if applicable, his or her family) (Section 52 (2) Sentence 1 Social Code Book VIII).
- Supervision of the juvenile or adolescent throughout the entire proceedings, if possible by the same staff member (Section 52 (3) Social Code Book VIII)
- Right and duty to refer instructions and conditions (Section 38 (2) Sentence 5 Juvenile Courts Act)
- Support for the young person during detention and the juvenile sentence (section 38 (2) sentence 9 Juvenile Courts Act) and subsequent reintegration support (section 38 (2) sentence 9 Juvenile Courts Act)

Requirements

Existing suspicion of a criminal offense against a juvenile (14 to 17 years of age at the time of the offense) or an adolescent (18 to 20 years of age at the time of the offense).

Procedure

If criminal proceedings are initiated against a juvenile or adolescent, the police, public prosecutor's office and courts must immediately involve the youth welfare office. Pursuant to Sections 38 and 50 (3) sentence 2 of the Juvenile Courts Act, the Youth Welfare Office must cooperate in the proceedings under the Juvenile Courts Act. It acts as a youth welfare service in criminal proceedings and does not become active only by appointment but by law.

Legal bases

- [§ 38 Jugendgerichtsgesetz \(JGG\)](#)

More information

The youth welfare service in criminal proceedings has the following rights:

- Right to be present at the main hearing and to be informed in good time of the time and place of the main hearing (section 50(3) sentence 1 Juvenile Courts Act).
- Right to be heard at the main hearing (section 50 (3) sentence 2, (3) sentence 3) and also otherwise to express his or her views at any stage of the proceedings, in particular on the imposition of conditions or instructions (sections 38, 31 Juvenile Courts Act, section 52 (2) Social Code VIII)
- In criminal proceedings, to contribute the socio-educational assessment regarding the young person's personality, stage of development, social situation and prospects (Section 38, Paragraph 2, Sentences 1, 2, Section 50, Paragraph 3, Sentence 2 Juvenile Courts Act)
- Comprehensive contact and traffic rights with the accused (Section 93 (3) of the Juvenile Court Act in conjunction with Section 148 of the Code of Criminal Procedure). In particular, youth assistance in criminal proceedings must also be consulted compulsorily and "without delay" in the case of young people in pre-trial detention (detention avoidance assistance) (section 72a Juvenile Courts Act).
- With detention decision support, youth welfare services in criminal proceedings can provide alternatives or a basis for decision-making to avoidance support (Section 72 of the Juvenile Courts Act).
- Youth assistance in criminal proceedings can and should take a position on § 105 Juvenile Court Act (application of juvenile criminal law to adolescents) and § 3 Juvenile Court Act (criminal responsibility)
- Specifically in the case of juveniles, the right to apply for the removal of the criminal stigma (section 97(1) of the Juvenile Courts Act).

In addition, in criminal proceedings, youth welfare also assumes the role of an advisory body to the judiciary, which means that it also has certain duties and tasks to perform vis-à-vis the judiciary:

- The court and the public prosecutor's office must be informed immediately if services have already taken place or have been initiated, so that the judiciary can check whether diversion (a means of dealing with a less serious offense without formal

criminal proceedings) of the criminal proceedings (sections 45, 47 of the Juvenile Courts Act) is possible (section 52(2) sentence 2 of Social Code VIII)

- to report to the court on court-issued instructions and conditions as well as significant violations (not in the case of minor irregularities) (Section 52 (2) Social Code VIII in conjunction with Section 28 (2) sentences 5 and 6 Juvenile Courts Act) if no probation officer has been appointed for this purpose (Sections 38 (2) sentence 7 and 10 (1) number 5 Juvenile Courts Act)
- In detention cases, the youth welfare service shall report on the result of its investigations in an expedited manner

The youth welfare worker in criminal proceedings has a duty of confidentiality that is reinforced by criminal law (Section 203 (1) No. 5 of the Criminal Code), but no right to refuse to testify in criminal proceedings.