

Form 8. Statement of Rights: Juvenile Delinquency Proceedings

STATEMENT OF RIGHTS JUVENILE DELINQUENCY PROCEEDINGS

You have been charged with a delinquent act by a document filed in Juvenile Court. You are presumed innocent of the charge(s) unless and until the state is able to prove guilt beyond a reasonable doubt. You have the following rights:

1. The right to understand the charge(s) against you.
2. The right to be represented by an attorney. If you cannot afford an attorney, the judge will appoint an attorney for you at public expense. The judge may order you or your parent(s), legal guardian(s), or legal custodian(s) to pay some or all of the attorney expense depending on the ability to pay. You may not be represented in court by anyone who is not an attorney, even if that person is your parent.
3. The right to plead guilty, plead not guilty, or remain silent. If you remain silent, the judge will enter a not guilty plea for you and the case will go to trial.
4. If you plead not guilty, you have additional rights including:
 - a. The right to a trial before a judge;
 - b. The right to require the state to prove beyond a reasonable doubt that you committed the offense(s);
 - c. The right to cross-examine witnesses called by the state;
 - d. The right to subpoena witnesses and present evidence on your own behalf; and
 - e. The right not to testify or to give an explanation of your actions.
5. If you plead guilty, you give up the rights listed in paragraph 4. The judge will ask you what you did. The judge cannot accept your guilty plea unless you admit doing something that is against the law.
6. Your guilty plea must be made freely and voluntarily, without threats or promises by anyone, with the exception of any plea agreement.
7. If you plead guilty or the judge finds you guilty, the judge may:
 - a. Counsel you and your parent(s), legal guardian(s) or legal custodian(s);
 - b. Place you on probation in your own home or a foster care facility under conditions established by the court;
 - c. Transfer your legal custody under court supervision and place you out of your home;
 - d. Transfer your legal custody by commitment to the Commissioner of Corrections;
 - e. Order restitution for any damage done to person(s) and/or property;
 - f. Order community work service and/or a fine up to \$1,000;
 - g. Order special treatment or care for your physical or mental health;
 - h. Recommend to the Commissioner of Public Safety that your driver's license be canceled;

- i. Require you to attend school until age 18 or completion of graduation requirements;
- j. Order the Commissioner of Public Safety to revoke your driver's license or to delay the issuance or reinstatement of your driver's license if you committed a controlled substance offense while driving a motor vehicle;
- k. Order an assessment of your need for sex offender treatment, and order that you undergo treatment, if you committed an offense involving criminal sexual conduct, interference with privacy, obscene or harassing telephone calls, or indecent exposure;
- l. Prohibit you from living near the victim if you committed a criminal sexual conduct offense;
- m. Consider imposition of additional consequences if a gun or dangerous weapon was involved;
- n. Require you to submit a DNA sample if you have been charged with a felony; and/or
- o. Require you to register as a predatory offender if you have been charged with a sexual offense or predatory offense.

8. If you plead guilty or the judge finds you guilty of a felony after your 14th birthday, this case may be used as a basis for additional jail or prison time if you are sentenced for another felony as an adult before your 25th birthday.

9. If you plead guilty or the judge finds you guilty of an offense, this case may be used as a basis to transfer any future felony-level case to adult court or treat it as an extended jurisdiction juvenile prosecution.

10. If you plead guilty or the judge finds you guilty of an offense and you are not a citizen of the United States, the plea or finding of guilt may result in deportation, exclusion from admission to the United States, or denial of naturalization as a United States citizen.

11. Your parent(s), legal guardian(s), or legal custodian(s) may not participate in the hearing until you either plead guilty or the judge finds you guilty of the offense. At that time your parent(s), legal guardian(s), or legal custodian(s) has the right to present information to the judge and may be represented by an attorney.

IF YOU HAVE ANY QUESTIONS ABOUT YOUR RIGHTS, ASK YOUR ATTORNEY BEFORE THE HEARING OR, ASK THE JUDGE DURING YOUR HEARING.

DATE: _____
 (Signature of Child)

DATE: _____
 (Signature of Parent, Legal Guardian, or Legal Custodian)