

Sample Script for Appointment of Attorney

[If the child and parents are unrepresented by counsel:]

You, *[name of child]*, have a right to have an attorney represent you during this detention hearing and during all other hearings in the juvenile court. If you want to employ a private attorney, the court will give you an opportunity to do so.

[Or:]

The court has reviewed the financial declaration of *[name of parent or guardian]* and finds that *[name of child]* is entitled to appointment of counsel. At this time, the court appoints *[the public defender/_____]* to represent *[him/her]*. If it is later found that *[name of parent or guardian]* can afford to pay for the attorney's services, *[name of parent or guardian]* will have to reimburse the county for the cost of appointed counsel.

[If child attempts to waive right to counsel:]

This is a serious and important matter. If the court finds that grounds for detention exist, this hearing could result in your *[being held/continuing to be held]* in *[juvenile hall/other facility]*. Eventually, if the court finds that you have done the acts that are written in the petition, you may be sent to *[Division of Juvenile Facilities institution/ranch/camp/other facility]*. Do you have any questions about your right to have an attorney represent you at this hearing? Understanding this right and the possible consequences of this hearing, do you want to proceed at this time without an attorney?

You would be better off with a lawyer. The lawyers in the Public Defender's Office are highly qualified to handle juvenile delinquency cases. They possess a good knowledge of juvenile court law, juvenile court procedure, and the workings of this court. Why don't you let me appoint one for you so that you can meet with him or her to discuss your case. After you discuss the case with the lawyer, you can evaluate your situation, see how you get along with the attorney, and then decide if you still want to act as your own lawyer.

*[If the child agrees, appoint counsel and continue the case for a short period.
If the child insists on self-representation, continue:]*

Before I can allow you to represent yourself, you must convince me that you know what you are doing. I will go over with you the dangers and disadvantages of your proceeding without a lawyer and what could happen if I let you act as your own lawyer. You must convince me that you are knowingly and intelligently giving up your constitutional right to have this court appoint a lawyer to represent you.

Do you understand that you will be up against an experienced prosecuting attorney who will try your case and that neither *[he/she]* nor the court will assist you or otherwise provide special treatment to you?

Do you understand that you will have to follow all the technical rules of law, procedure, and evidence, just as a lawyer must?

Do you understand that, depending on the stage of the proceedings, should you decide that you no longer want to represent yourself, the court may deny you the opportunity to change your mind and to have a lawyer appointed?

The right to act as your own lawyer is not a license to abuse the dignity of this court. If the court determines that you are doing that by engaging in deliberate misbehavior that is causing disruption in the trial proceedings, the court will terminate your right to self-representation. Do you understand that?

Suppose that should happen. Do you understand how difficult it will be for a lawyer to be appointed in the middle of your case and represent you with any degree of success?

Do you still want to represent yourself?

[When applicable, add:]

The court now finds that [*name of child*] and [*his/her*] parents have intelligently waived the right to counsel at this hearing.