

08 - Rights of Juveniles

While all citizens of Michigan are protected by certain rights under the law, juveniles (under 17) did not always have those same rights. It was only after a Supreme Court ruling in 1967 that juveniles were given the same rights as adults when involved with the court system.

What are the rights of a juvenile in the legal justice system?

In general court proceedings, the juvenile has the following rights:

Right to an attorney - the juvenile must be offered an opportunity to have an attorney. If the juvenile desires legal counsel and cannot afford it, he/she is entitled to an attorney appointed by the court.

Preliminary hearing within 24 hours - The Juvenile Code requires a preliminary hearing be no later than 24 hours after admission to determine whether a petition will be issued and whether the juvenile will be held in custody pending a trial. If the juvenile is held in custody, a hearing is held within 24 hours. The hearing can be adjourned up to 14 days.

Notified of Allegations - the juvenile must be told why she/he is being held.

Right to trial by judge or jury - the juvenile is entitled to file a demand for a trial by judge or jury. Otherwise, a referee may be assigned to hear the case.

Right to hearing by judge - the juvenile is entitled to a hearing before a judge and the right to ask for a review of the referee's recommendations.

The juvenile's parent must be told what costs or reimbursement of costs they may be responsible for.

What about rights in delinquency proceedings?

In delinquency proceedings, the juvenile is entitled to:

Hear the charges in the petition and have an explanation of the proceedings;

Be informed of self-incrimination and how any statement made by the juvenile can be used against the juvenile in court proceedings;

! Be allowed a chance to deny or defend against the charges.

Who must be notified of the hearing in a delinquency proceeding?

The juvenile, the juvenile's parent, and the attorney representing the juvenile.

What about rights in child protective proceedings?

In abuse/neglect proceedings, the parent/guardian is entitled to:

- ! A court appointed attorney if the parent/guardian wishes to be represented by legal counsel and cannot afford to pay;
- ! Be informed whether an attorney has been appointed to represent the child;
- ! Receive a copy of the petition;
- ! Deny or admit the allegations and offer an explanation;
- ! Be read the allegations in the petition;
- ! Receive written notice of any hearing 7 days before the trial or dispositional review;
- ! Receive written notice 14 days before any permanent custody or permanency planning hearing;
- ! Be notified of further hearings personally or through an attorney.

If the child has been placed outside the child's home, the parent/guardian must be informed:

- ! of the agency's responsibility to develop an initial services plan;
- ! that the initial services plan must be prepared within 30 days of placement;
- ! that participation in an initial services plan is voluntary without a court order.

Who must be notified of a child protective proceeding?

The agency responsible for the child, the foster parent or custodian, the parents and attorney (unless parental rights have been terminated), the child's guardian, the guardian ad litem, the child's attorney, the child if 11 or older, any tribal leader if there is an Indian tribe affiliation, and any other person the court directs to be present.