

## THE JUVENILE COURT PROCESS



TEXAS CRIMINAL  
JUSTICE COALITION

### DOES MY CHILD NEED A LAWYER?

**YES.** It is important that your child has the proper representation to support him or her during this difficult time. If you have not found a lawyer for your child by the time he or she first appears before a judge, the judge will advise you to find representation.

### WHAT IF I CAN'T AFFORD A LAWYER?

If you cannot afford a lawyer to represent your child, the court is legally responsible to appoint one to your child's case. Before your child's detention hearing, or at the soonest possible opportunity, you should ask the court to have a lawyer appointed to your child. The court will then make a determination of eligibility based on parent/guardian's resources.

The court is required to hold a detention hearing within 24 hours (excluding weekends and holidays) from the time your child is taken into custody. You should be provided notice of the time, place, and purpose of the hearing so you may attend. Ideally, a lawyer will be provided before this detention hearing. If, however, a lawyer or you as the parent/guardian cannot be located within the appropriate 24 hours, a detention hearing may be held without you or a lawyer in attendance.

**In the event that a lawyer was not present at the detention hearing, the court will appoint a lawyer at a later date. Once a lawyer is appointed, that lawyer may request a new detention hearing within 10 working days of his or her appointment.**

Whether or not your child is ordered to be detained at the initial detention hearing, the court must provide continued representation to your child unless the case is terminated, or the family retains a lawyer, or the court appoints a new lawyer. Importantly, a child's right to counsel cannot be waived.

### WHAT CAN I EXPECT AFTER MY CHILD HAS BEEN REFERRED TO A JUVENILE COURT?

The court process can be a very confusing time for any family. It is important that you understand how the court operates and what exactly is happening to your child. This will allow you to speak to your child about what is best for him or her, and it will help you understand how to convey that to your lawyer. The figure below gives you a general sense of the inner workings of the court process:

**Detention Hearing → First Appearance → Adjudication Hearing → Disposition Hearing**

### WHAT DO ALL THESE HEARINGS MEAN?

□ **Detention Hearing:** This hearing determines whether or not your child will be detained in a pre-adjudication facility prior to his or her first appearance in court. To make the determination, the court considers various factors, including the risk of your child fleeing, or hurting him- or herself or others; whether you are able to provide suitable supervision, care, or protection over him or her; and whether he or she has been previously convicted and is likely to commit an offense if released. If your child has been appointed a lawyer, the lawyer will provide representation at this hearing.

- **First Appearance:** If your child has a lawyer, this hearing is where the lawyer will review the evidence and speak with the prosecutor about a possible plea bargain or deferred adjudication, which provides your child with the opportunity to have his or her charges dismissed upon completing a set of requirements put forth by the court (e.g., community service, drug awareness classes, mentorship programs, etc.). If your child does not have a lawyer, you will be advised to retain one.
- **Adjudication Hearing:** This hearing determines whether or not your child will be found guilty of the charges. If your child is found not guilty, the charges will be dropped and the case will be dismissed.
- **Disposition Hearing:** If your child has been found guilty, this hearing will determine what will happen to him or her. Depending on the offense committed, dispositions can vary from deferred adjudication to a determinate sentence in a juvenile correctional facility.

### WHAT IF MY CHILD IS MENTALLY UNSTABLE OR IS BEING TRIED AS AN ADULT?

If your child is mentally unstable or you have been told that he or she may be tried as an adult, you should know that there may be additional hearings to establish these facts.

- A **competency hearing** is used to determine whether or not your child is mentally able or “competent” to stand trial.
- A **transfer hearing** is used to determine whether or not your child should be certified as an adult and tried within the adult court system.

### ADDITIONAL INFORMATION

If you are still unclear about the details of the juvenile justice court process, please contact our organization so that we may assist you.