

Juvenile Waiver of Counsel

Child Waiver of Counsel Prohibition Act

Summary: This act protects accused children in court proceedings by ensuring that they do not waive their constitutional right to counsel.

SECTION 1. SHORT TITLE

This Act shall be called the “Child Waiver of Counsel Prohibition Act”

SECTION 2. CHILD WAIVER OF COUNSEL PROHIBITED

After section XXX, the following new section XXX shall be inserted:

Waiver of Right to Counsel—A juvenile’s right to counsel may not be waived at any court proceeding.

SECTION 3. EFFECTIVE DATE

This Act shall take effect on July 1, 2006.

JUVENILE WAIVER OF COUNSEL POLICY MODEL

Fairness for Accused Children Act

Summary: This act protects accused children in court proceedings by ensuring that they do not waive their constitutional right to counsel unless they consult with an attorney, among other protections.

SECTION 1. SHORT TITLE

This Act shall be called the "Fairness for Accused Children Act"

SECTION 2. FAIRNESS FOR ACCUSED CHILDREN

After section XXX, the following new section XXX shall be inserted:

(A) A court shall deny a juvenile's waiver of counsel unless all of the following conditions are met:

1. The waiver occurs in the presence of and after consultation with counsel.
2. The waiver is executed on the record in open court and in writing.
3. The waiver is executed in language regularly spoken by the juvenile.
4. The court conducts a full inquiry into the youth's comprehension of that right and his or her capacity to make the choice knowingly and intelligently.
5. Stand-by counsel is appointed.

(B) After a juvenile waives the right to counsel, at each later stage of court proceedings at which the youth appears without counsel, the court shall renew the offer of counsel.

SECTION 3. EFFECTIVE DATE

This Act shall take effect on July 1, 2006.