

Juvenile Right to Jury Trial Chart

Last Revised July 17, 2014

State	Juvenile Right to Jury Trial?	Statute (if applicable)	Case (if applicable)
Alabama	No constitutional or statutory right to jury trial, but judge may exercise discretion and grant motion for jury trial.	Rights of a Child, ALA. CODE 1975 § 12-15-202 (2009). This statute does not include right to jury trial in its list of rights accorded to juveniles.	<i>Ex parte State ex. rel. Simpson</i> , 263 So.2d 137 (Ala. 1972). Holding: Juvenile court may, in its discretion, grant juvenile's motion for a jury trial in a delinquency hearing even though a juvenile has no constitutional or statutory right to a jury trial. The verdict in this case was advisory.
Alaska	Yes , Alaska youth have a right to a trial by jury in adjudicatory hearings, if requested at least 20 days before trial.	ALASKA DELINQUENCY R. 21(a). The court will decide the merits of the case unless the juvenile requests a trial by jury. Such a request must be made no later than 20 days before any scheduled trial date.	<i>R.L.R. v. State</i> , 487 P.2d 27, 32-33 (Alaska 1971). Holding: "Whenever child in delinquency proceeding is charged with acts which would be a crime, subject to incarceration, if committed by adult, State Constitution guarantees juvenile right to jury trial."
American Samoa	Sometimes : When the offense would have been a felony if committed by an adult, a juvenile has a right to a jury trial.	AM. SAMOA CODE ANN. § 45.0123 (1980). "A child, his parent, his guardian, or any interested party may demand a trial by jury, or the Court on its own motion may order the jury to try any case in adjudicatory hearings... when a child is alleged to have committed an act which would be a felony if committed by an adult. Unless a jury is demanded, it is considered waived."	

		AM. SAMOA CODE ANN. § 45.0124(b) (1980). “Hearings shall be held before the Court without a jury, except as provided in 45.0123.”	
Arizona	No , juveniles have no right to a jury trial.	Formality of Proceedings, 17B ARIZ. REV. STAT., JUV. CT. RULES OF PROC., Rule 6 (2001). “Proceedings... shall be conducted as informally as the requirements of due process and fairness permit, and shall proceed in a manner similar to the trial of a civil action before the court sitting without a jury.”	
Arkansas	Sometimes : Juveniles tried as an extended juvenile jurisdiction offender have a right to a jury trial. This status depends on the nature of the offense and the age of the juvenile.	ARK. CODE ANN. § 9-27-503(d) (2008). “Upon finding that the juvenile shall be treated as an extended juvenile jurisdiction offender, the court shall enter its written findings and inform the juvenile of his or her right to a jury trial and shall set a date for the adjudication.”	
California	No , juveniles have no right to a jury trial. Judge can have discretion to impanel an advisory jury to aid in fact finding in certain cases.		<i>Richard M. v. Superior Court</i> , 4 Cal.3d 370, 376 (Cal. 1971). Holding: “Jury trial is inapplicable in juvenile proceedings.” <hr/> <i>People v. Superior Ct. (Carl W.)</i> , 15 Cal. 3d 271, 280 (Cal. 1975). Holding: “This section enjoining and empowering trial court judge to control all

			proceedings with view to expeditious and effective ascertainment of jurisdictional facts includes discretionary power to impanel advisory jury to aid in ascertainment of such facts, in appropriate cases.”
Colorado	<u>Sometimes</u> : Juveniles accused of a crime of violence may demand a jury trial.	COLO. R. JUV. P. 3.5. “In any action in delinquency in which a juvenile is alleged to be an aggravated juvenile offender, ... or is alleged to have committed an act that would constitute a crime of violence... if committed by an adult, the juvenile or the district attorney may demand a trial by a jury of not more than six persons..., or the court, on its own motion, may order a jury trial.” Right is waived if it is not demanded.	
Connecticut	<u>No</u> , juveniles have no right to a jury trial. There is an exception for juveniles accused of serious sexual offenses.	CONN. GEN. STAT. ANN. § 54-76e (West 2014). “Trial shall be held without a jury.” CONN. GEN. STAT. ANN. § 46b-133d (West 2012). “When a proceeding has been designated a serious sexual offender prosecution... and the child does not waive the right to a trial by jury, the court shall transfer the case from the docket for juvenile matters to the regular criminal docket of the Superior Court.”	
Delaware	<u>No</u> , juveniles have no		<i>R.S. v. Delaware</i> , No. N-80-01-0488 FC-A,

	right to a jury trial.		1981 WL 377683 (Del. Super. Ct. Jan. 28, 1981). Holding: A "request for a de novo jury trial must be considered frivolous."
District of Columbia	<u>No</u> , juveniles have no right to a jury trial.	D.C. CODE §16-2316 (2014). "The Division shall, without a jury, hear and adjudicate cases involving delinquency, need of supervision, or neglect."	
Florida	<u>No</u> , juveniles have no right to a jury trial.	FLA. R. JUV. P. 8.110. "The adjudicatory hearing shall be conducted by the judge without a jury. At this hearing the court determines whether the allegations of the petition have been sustained."	
Georgia	<u>No</u> , juveniles have no right to a jury trial.	GA. CODE ANN., § 15-11-17 (West 2014). "All hearings under this chapter shall be conducted by the court without a jury."	<i>Robinson v. State</i> , 179 S.E. 2d 248 (Ga. Sup. Ct. 1971). Holding: The provision of the Juvenile Court Act that a juvenile hearing be conducted without a jury does not violate due process or fundamental fairness.
Guam	<u>No</u> , juveniles have no right to a jury trial.	GUAM FAM. CT. R. 29. This statute describes the conduct in formal and informal hearings for juvenile petitions and designates the judge as fact finder and adjudicator.	
Hawaii	<u>No</u> , juveniles have no right to a jury trial.	HAW. REV. STAT. § 571-41 (2014). "Cases of children... shall be heard by the court separate from hearings of adult cases and without a jury."	
Idaho	<u>Sometimes</u> : juveniles	IDAHO JUV. R. 15(g).	

	have no right to jury trial unless the juvenile is accused of a violent crime and is waived into adult court.	<p>“All issues shall be tried solely before the court.”</p> <hr/> <p>IDAHO CODE ANN. § 20-509. Juveniles accused of violent crimes who have been waived into adult court have a right to a jury trial.</p>	
Illinois	<u>Sometimes</u> : Generally, juveniles do not have a right to a jury trial, but juveniles accused of specifically enumerated offenses do have a right to a jury trial.	<p>705 ILL. COMP. STAT. ANN. 405/5-620 (West 2014). “After hearing the evidence, the court shall make and note in the minutes of the proceeding a finding of whether or not the minor is guilty.”</p> <hr/> <p>705 ILL. COMP. STAT. ANN. 405/5-605 (West 2014). “All delinquency proceedings shall be heard by the court except those proceedings under this Act where the right to trial by jury is specifically set forth.”</p> <p>705 ILL. COMP. STAT. ANN. 405/5-810 (West 2014). Right to trial by jury when tried under the extended juvenile jurisdiction provision.</p> <p>705 ILL. COMP. STAT. ANN. 405/5-815 (West 2014). Right to trial by jury when tried as a habitual juvenile offender.</p> <p>705 ILL. COMP. STAT. ANN. 405/5-820 (West 2014). Right to trial by jury when tried as a violent juvenile offender.</p>	<p><i>People ex rel. Birkett v. Konetski</i>, 909 N.E.2d 783 (Ill. 2009). Holding: Statute requiring juvenile registration as a sex offender without providing for a jury did not violate a juvenile’s right to due process.</p>

Indiana	No , juveniles have no right to a jury trial.	IND. CODE § 31-32-6-7(a) (2014). “Except as provided in subsection (b), all matters in juvenile court shall be tried to the court.” Subsection (b) indicates that adults charged with a crime have the right to a jury.	
Iowa	No , juveniles have no right to a jury trial.		<i>In the Interest of A.K., Minor Child</i> , 825 N.W.2d 46, 51 (Iowa 2013). Holding: “Neither statutory nor constitutional provisions guarantee juveniles the right to a jury trial.”
Kansas	Yes , juveniles in Kansas have a right to a jury trial if a jury is requested within 30 days of not guilty plea.	KAN. STAT. ANN. § 38-2357 (West 2014). “The trial of a felony or misdemeanor case shall be to the court unless the juvenile requests a jury trial in writing within 30 days from the date of the juvenile's entry of a plea of not guilty.”	<i>In re L.M.</i> , 186 P.3d 164, 172 (Kan. 2008). Holding: “Because the [Kansas Juvenile Justice Code (KJJC)] has lost the parens patriae character of the former [Kansas Juvenile Offender Code (KJOC)] and has transformed into a system for prosecuting juveniles charged with committing crimes, we conclude that the proceedings under the KJJC fit within the meaning of the phrase “all prosecutions”... and juveniles have a right to a jury trial under the Kansas Constitution.”
Kentucky	No , juveniles have no right to a jury trial.	KY. REV. STAT. ANN § 610.070 (West 2014). “All cases involving children brought before the court whose cases are under the jurisdiction of the court shall be granted a speedy hearing and shall be dealt with by the court without a jury.”	
Louisiana	No , juveniles have no	LA. CHILD. CODE ANN. art. 808 (2013).	

	right to a jury trial.	“All rights guaranteed to criminal defendants by the Constitution of the United States or the Constitution of Louisiana, except the right to jury trial, shall be applicable in juvenile court proceedings.”	
Maine	<u>No</u> , juveniles have no right to a jury trial.	15 ME. REV. STAT. ANN. tit. 15, § 3310 (2014). “The Maine Rules of Evidence shall apply in the adjudicatory hearing. There shall be no jury.”	
Maryland	<u>No</u> , juveniles have no right to a jury trial.	MD. CODE ANN. § 3-808. Children in Need of Assistance cases shall be heard without a jury. MD. CODE ANN. § 3-8A-13. Juvenile delinquency causes shall be tried without a jury.	
Massachusetts	<u>Yes</u> , juveniles in Massachusetts have a right to a jury trial.	MASS. GEN. LAWS ANN. Ch. 119, § 55A. Massachusetts youth are tried by jury in delinquency cases unless the child files a written waiver and consents to be tried by the court without a jury.	
Michigan	<u>Yes</u> , juveniles in Michigan have a right to a jury trial.	MICH. COMP. LAWS § 712A.17(2). Michigan youth have a right to a trial by jury if requested by “a person interested in the hearing” or the court may order a jury on its own motion.	
Minnesota	<u>Sometimes</u> : Only youth	MINN. STAT. ANN. § 260B.130.	

	prosecuted under extended juvenile jurisdiction have a right to a jury trial.	Minnesota youth have a right to a trial by jury in extended juvenile jurisdiction prosecutions, whereby certain older youth who have committed certain offenses are given a juvenile disposition and a stayed adult sentence.	
Mississippi	<u>No</u> , juveniles have no right to a jury trial.	<p>MISS. CODE ANN. § 43-21-203. “Hearings in all cases involving children shall be conducted without a jury.”</p> <hr/> <p>MISS. CODE ANN. § 43-21-557. Statute lists the rights of a juvenile defendant at an adjudicatory hearing. Right to jury trial is not listed.</p> <hr/> <p>MISS. CODE ANN. § 43-21-561. The court (judge) is the fact finder and determines adjudication.</p>	
Missouri	<u>No</u> , juveniles have no right to a jury trial.	<p>MO. ANN. STAT. § 211.171. Statute governs the hearing procedures for juvenile causes. There is no mention of a jury.</p> <hr/> <p>MO. ANN. STAT. § 211.181. Identifies the court as the fact finder in juvenile cases.</p>	<i>In Interest of J--- M---</i> , 812 S.W.2d 925 (Mo. 1991). Holding: A court finding is equivalent to a jury verdict.
Montana	<u>Yes</u> , juveniles in Montana have a right to a jury trial.	MONT. CODE ANN. § 41-5-1502(1). Montana youth have a right to a trial by jury, which is waived if not demanded.	
Nebraska	<u>No</u> , juveniles have no right to a jury trial.	NEB. REV. STAT. § 43-279. “The adjudication portion of hearings shall be conducted before the court without a jury.”	

Nevada	No , juveniles have no right to a jury trial.	NEV. REV. STAT. § 62D.010(1)(c). Juvenile proceedings must be conducted without a jury.	
New Hampshire	Sometimes : If a juvenile meets the criteria for commitment to an adult facility and their disposition includes an order of conditional release that extends beyond age of majority, the juvenile has a right to a jury trial.	N.H. REV. STAT. § 169-B:19(III-c). New Hampshire youth have a waivable right to a trial by jury if they meet “the criteria for commitment to an adult correctional facility,” and their “disposition includes an order of conditional release extending beyond the juvenile’s age of majority.”	
New Jersey	No , juveniles have no right to a jury trial.	N.J. STAT. ANN. § 2A:4A-40 (1982). “All rights guaranteed to criminal defendants by the Constitution of the United States and the Constitution of this State, except the right to indictment, the right to trial by jury and the right to bail, shall be applicable to cases arising under this act.”	
New Mexico	Yes , juveniles in New Mexico have a right to a jury trial. The right is waived if not demanded. The right does not extend to probation revocation hearings.	N.M. STAT. ANN. § 32A-2-16(A) (West 2012). “A jury trial on the issues of alleged delinquent acts may be demanded by the child, parent, guardian, custodian or counsel in proceedings on petitions alleging delinquency when the offense alleged would be triable by jury if committed by an adult. If a jury is demanded and the child is entitled to a	

		<p>jury trial, the jury's function is limited to that of trier of the factual issue of whether the child committed the alleged delinquent acts. If no jury is demanded, the hearing shall be by the court without a jury."</p> <p>N.M. STAT. ANN. § 32A-2-24(B) (West 2012).</p> <p>"The standard of proof in probation revocation proceedings shall be evidence beyond a reasonable doubt and the hearings shall be before the court without a jury."</p>	
New York	<u>No</u> , juveniles have no right to a jury trial.	<p>N.Y. FAM. CT. ACT §§ 340.1-347.1 (McKinney 2011).</p> <p>These statutes outline the requirements for and nature of the fact-finding hearing. There is no mention of a jury.</p>	<i>In re D.</i> , 27 N.Y. 2d (N.Y. Ct. App. 1970). Holding: Jury trial is neither constitutionally required nor desirable in cases of juvenile delinquency.
North Carolina	<u>No</u> , juveniles have no right to a jury trial.	<p>N.C. GEN. STAT. § 7B-3503 (2001).</p> <p>"The court, sitting without a jury, shall permit all parties to present evidence and to cross-examine witnesses."</p>	
North Dakota	<u>No</u> , juveniles have no right to a jury trial.	<p>N.D. CENT. CODE § 27-20-24(1) (2011).</p> <p>"Hearings under this chapter must be conducted by the court without a jury."</p>	
Northern Mariana Islands	<u>Yes</u> , juveniles in Northern Mariana Islands have a right to a jury trial.	<p>6 N. MAR. I. CODE § 5136 (2014).</p> <p>"If the juvenile denies the allegations in the petition, the court shall conduct a full evidentiary adjudication hearing, in the</p>	

		<p>manner prescribed by the Commonwealth Rules of Evidence. The juvenile shall have the same constitutional rights afforded to criminal defendants.”</p> <hr/> <p>7 N. MAR. I. CODE §3101 (2014). “(a) Criminal Actions. Any person accused by information of committing a felony punishable by more than five years imprisonment or by more than \$2,000 fine, or both, shall be entitled to a trial by a jury of six persons. The Commonwealth Rules of Criminal Procedure apply, except that the jury shall be of six persons or such smaller number as the parties may stipulate with the approval of the court.”</p>	
Ohio	<u>Sometimes</u> : Serious youthful offenders (statutorily defined) have a right to a jury trial.	<p>OHIO REV. CODE ANN. § 2151.35(A)(1) (2003). “The court shall hear and determine all cases of children without a jury, except cases involving serious youthful offenders under section 2152.13 of the Revised Code.”</p>	
Oklahoma	<u>Yes</u> , juveniles in Oklahoma have a right to a jury trial.	<p>OKLA. STAT. ANN. tit. 10, § 7303-4.1 (1998). “In adjudicatory hearings to determine if a child is delinquent or in need of supervision, any person entitled to service of summons or the state shall have the right to demand a trial by jury, which shall be granted as in other cases, unless</p>	

		waived, or the judge on the judge's own motion may call a jury to try any such case. Such jury shall consist of six persons."	
Oregon	<u>No</u> , juveniles have no right to a jury trial.	OR. REV. STAT. § 419C.400 (2005). "The hearing shall be held by the court without a jury."	<i>In the Matter of Reynolds</i> , 317 Or. 560, 857 P.2d 842 (1993). Holding: Juveniles do not have a right to a jury trial because a delinquency case is not a criminal prosecution.
Pennsylvania	<u>No</u> , juveniles have no right to a jury trial.	42 PA. CONS. STAT. § 6336 (2012). "Hearings... shall be conducted by the court without a jury, in an informal but orderly manner."	<i>In re Terry</i> , 265 A.2d 350 (Pa. 1970). Holding: Juveniles do not have a right to a jury trial in delinquency proceedings.
Puerto Rico	<u>No</u> , juveniles have no right to a jury trial.	P.R. LAWS ANN. tit. 34, § 2208 (2010). Hearings in cases of juvenile offenders shall be heard without a jury.	
Rhode Island	<u>No</u> , juveniles have no right to a jury trial.	R.I. GEN. LAWS § 14-1-30 (2010). This statute describes the conduct of hearings and who can attend. The statute does not mention a jury.	<i>In re McCloud</i> , 293 A.2d. 512 (R.I. Sup. Ct. 1972). Holding: under both the Federal and the State Constitution, a juvenile in delinquency proceedings has no right to a jury trial.
South Carolina	<u>No</u> , juveniles have no right to a jury trial.	S.C. CODE ANN. § 63-19-1410 (2008). "When a child is found by decree of the court to be subject to this chapter, the court shall in its decree make a finding of the facts upon which the court exercises its jurisdiction over the child." S.C. CODE ANN. § 63-3-590 (2008).	<i>In Re Stephen W.</i> , No. 27413, 2014 WL 3461568 (S.C. July 16, 2014). Holding: Juveniles do not have a right to a jury trial in delinquency proceedings.

		“All cases of children must be dealt with as separate hearings by the court and without a jury.”	
South Dakota	No , juveniles have no right to a jury trial.	<p>S.D. CODIFIED LAWS § 26-7A-30 (1991). Lists rights of juveniles but does not include right to a jury trial.</p> <hr/> <p>S.D. CODIFIED LAWS § 26-7A-34 (1991). “Dispositional hearings and all other hearings shall be tried to the court and shall be conducted and designed to inform the court fully of the exact status of the child and to ascertain the history, environment and past and present physical, mental and moral condition of the child and of the child's parents, guardian, or custodian.”</p>	
Tennessee	No , juveniles have no right to a jury trial.	<p>TENN. CODE ANN. § 37-1-124 (West 2010). “Hearings pursuant to this part shall be conducted by the court without a jury.”</p>	<p><i>State v. Burns</i>, 205 S.W.3d 412, 416 (Tenn. 2006). Holding: “As evidenced by our current statutory scheme, our legislature has determined that, while they are still within the juvenile court system, our juveniles are to be tried by judges, not juries.”</p>
Texas	Yes , juveniles in Texas have a right to a jury trial.	<p>TEX. FAM. CODE ANN. § 54.03(b)(6) (West 2009). “At the beginning of the adjudication hearing, the juvenile court judge shall explain to the child and his parent, guardian, or guardian ad litem... (6) the child’s right to trial by jury.”</p>	

Utah	<u>No</u> , juveniles have no right to a jury trial.	UTAH CODE ANN. § 78A-6-114 (West 2008). “Hearings in minor’s cases shall be held before the court without a jury and may be conducted in an informal manner.”	
U.S. Virgin Islands	<u>No</u> , juveniles have no right to a jury trial.	5 V.I. Code tit. 5 § 2517 (1983). “All hearings under this subchapter shall be dealt with by the Family Division and shall be heard without a jury.”	
Vermont	<u>No</u> , juveniles have no right to a jury trial.	VT. STAT. ANN. tit. 33, § 5110 (2009). “Hearings under the juvenile judicial proceedings chapters shall be conducted by the Court without a jury and shall be confidential.”	
Virginia	<u>Sometimes</u> : Juveniles have no right to a jury trial. There is a right to a jury on appeal.	VA. CODE ANN. § 16.1-296 (2009). “Where an appeal is taken by a child on a finding that he or she is delinquent...trial by jury on the issue of guilt or innocence of the alleged delinquent act may be had on motion of the child, the attorney for the Commonwealth or the circuit court judge.”	
Washington	<u>No</u> , juveniles have no right to a jury trial.	WASH. REV. CODE ANN. § 13.04.021(2) (West 1999). “Cases in the juvenile court shall be tried without a jury.”	
West Virginia	<u>Yes</u> , juveniles in West	W. VA. CODE ANN. § 49-5-6(a) (2006).	

	Virginia have a right to a jury trial. Juveniles charged with an offense that, if committed by an adult, could lead to incarceration have a right to a jury trial.	<p>“In a proceeding under this article, the juvenile, the juvenile’s counsel or the juvenile’s parent or guardian may demand, or the judge on his or her own motion may order a jury trial on any question of fact, in which the juvenile is accused of any act or acts of delinquency which, if committed by an adult would expose the adult to incarceration.”</p> <p>A juvenile charged with a status offense or an offense, which, if committed by an adult, could not lead to incarceration, does not have a right to a jury trial.</p> <hr/> <p>W. VA. CODE ANN. § 49-5-13d (2006). Right to a jury trial does not apply to the teen court program.</p>	
Wisconsin	<u>No</u> , juveniles have no right to a jury trial.	<p>WIS. STAT. ANN. § 938.31(4) (West 2009). “The court shall make findings of fact and conclusions of law... In cases alleging a juvenile to be delinquent or in need of protection or services... the court shall make findings relating to the proof of the violation of law and to the proof that the juvenile named in the petition committed the violation alleged.”</p>	<p><i>In Interest of Hezzie R.</i>, 580 N.W.2d 660, 663 (Wis. 1998). Holding: If the adjudication may lead to a sentence in an adult correctional facility, there is a right to a jury trial. NB: After this case, the Wisconsin legislature changed its statutes so that the DOC no longer had the power to transfer a juvenile adjudicated delinquent to an adult correctional facility. <i>See</i> WIS. STAT. ANN. § 938.357 (2012).</p>
Wyoming	<u>Yes</u> , juveniles in Wyoming have a right to a	WYO. STAT. ANN. § 14-6-223(c) (West 2014).	

	jury trial. This right is waived if not demanded.	“A party against whom a petition has been filed or the district attorney may demand a trial by jury at an adjudicatory hearing... Demand for a jury trial must be made to the court not later than ten (10) days after the party making the demand is advised of his right to a jury trial. No deposit for jury fees is required. Failure of a party to demand a jury is a waiver of this right.”	
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Note: Rhode Island and Kansas categorizations on this chart differ from its description in the NCJJ 2007 snapshot document.