

Wisconsin State Public Defender Principles of Juvenile Defense Practice

Juvenile court is an adversarial forum and a juvenile court adjudication carries with it serious, direct, and long-term consequences. The Wisconsin State Public Defender has developed this set of best practice standards to inform and guide the ethical and professional performance of juvenile defense attorneys, and to ensure the delivery of quality legal services to young clients. The principles outline a framework for representation that is client-centered and anchored in the law, science, and professional codes of responsibility. These principles reflect a core commitment to the unique role of the juvenile defender, and recognize juvenile defense as a highly specialized area of practice. On a practical level, the principles provide a roadmap for counsel to navigate every stage of juvenile delinquency practice from detention through post-disposition.

1. Juvenile defense is a specialized practice area that requires proficiency in criminal defense and a working knowledge of the Wisconsin Juvenile Justice Code, principles of adolescent development, relevant case law, and local resources and rules.
2. The child is the client, and a juvenile defense attorney is obligated to represent the client's expressed interest. A juvenile defense attorney never acts as a guardian ad litem.
3. A juvenile defense attorney is expected to promptly interview clients in person and to identify client goals and objectives of the representation, to counsel clients about options, and to keep clients informed during the course of the representation. Interviewing children requires age-appropriate communication methods and skills.
4. If a client is in custody, a juvenile defense attorney must work promptly and persistently for release of the child to the least-restrictive community placement consistent with the client's expressed interest.
5. A juvenile defense attorney must consider the legal competency of all juvenile clients to proceed by reviewing all relevant records and obtaining an evaluation of the client when appropriate.
6. A juvenile defense attorney cannot skip the basic duties of effective criminal defense practice, which include the following: Interviewing all prospective witnesses, investigating legal and factual defenses, litigating legal motions and other pretrial issues that are consistent with the theory of defense, and preparing for contested trials and dispositional hearings.
7. A juvenile defense attorney must consider all possible alternatives to a delinquency adjudication.
8. A juvenile defense attorney must recognize the seriousness of waiver to adult court and take reasonable steps to keep clients within the jurisdiction of the juvenile court. Attorneys must know the legal standards and procedure governing waiver as well as the legal circumstances that subject a client to original adult court jurisdiction.

9. A juvenile defense attorney must be familiar with all dispositional options under the law and with the resources available in the jurisdiction handling the case. An attorney should seek the least-restrictive option available for each client, consistent with the client's expressed interest.
10. A juvenile defense attorney must understand the collateral consequences of delinquency adjudications, particularly for felonies and sex offenses. An attorney must advise clients of the potential consequences throughout the representation and should review those consequences before the client enters an admission.
11. A juvenile defense attorney must be prepared to represent clients in post-disposition proceedings for changes of placement, revisions, extensions, and sanctions.
12. A juvenile defense attorney must advise juvenile clients about post-disposition relief, and should discuss appeal of any unfavorable outcome.