

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 your child an attorney 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. At the detention hearing, or the soonest possible opportunity, you should file a request with the court to have an attorney appointed to your child. The court will then make a determination of eligibility based on parent/guardian's resources. If found indigent and your child is detained, the court is required to immediately appoint your child with representation. In all other circumstances where your child is determined indigent but not detained, the court must provide your child with representation on or before the 5th working day after their charges have been filed.

WHAT CAN I EXPECT AFTER MY CHILD HAS BEEN ARRESTED?

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 shows the inner workings of the court process:



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. The risk of your child fleeing, or hurting him- or herself or others, are the most important factors considered when the court makes this decision.
- **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. 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 offense he or she was arrested for. 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 your child. Depending on the offense committed, dispositions can vary from deferred prosecution to an indeterminate 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 are required 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.