

FACT SHEET: SB 166
TRAINING FOR JUVENILE DELINQUENCY ATTORNEYS
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THE PROBLEM

Despite the high stakes involved in today's juvenile court proceedings, many children still fail to receive effective legal representation. In some jurisdictions, children appear in delinquency proceedings with no attorney at all, one that is under-trained, or one who has not been trained at all to handle the unique and complex issues raised in juvenile delinquency court. Disappointingly, a 2009 survey by the MacArthur Juvenile Indigent Defense Action Network of California delinquency counsel found that 47% of panel and contract attorneys had no specific juvenile training when they began to represent children in delinquency cases, and that of those who did have some training, 48% had a day or less. In California, attorney resources are available but they are not always used.

BACKGROUND

Competent representation in juvenile proceedings is important to the young person and her family, the juvenile justice system, and the community at large. Even a relatively minor offense exposes youth to life-changing consequences. Because juveniles have not yet developed mature judgment, delinquency representation requires counsel to have special skills both in the defense of the case and in working with young clients. Competent representation is needed to preserve the integrity of the justice system, prevent wrongful conviction, and reduce unnecessary incarceration. The adequacy of delinquency representation has a direct impact on systemic costs for unnecessary incarceration, court challenges, and ultimately, whether the young person will succeed in the community (Burrell, 2012).

The role of the juvenile attorneys, be they defense or prosecutors, is enormous. In addition to all of the responsibilities involved in presenting the criminal case, juvenile defenders must also gather information regarding clients' individual histories, families, schooling, and community ties to assist courts in

diverting appropriate cases, preventing unnecessary pre-trial detention, avoiding unnecessary transfers to adult court, and ordering individualized dispositions.

As the counterpart to juvenile delinquency court, the dependency court has long recognized the need for standards of practice for all participants in that sector. Not only are dependency attorneys required to meet mandatory minimum training and education requirements to certify that they are qualified to represent children in proceedings, all stakeholders in dependency court are required to meet mandatory minimum education and training requirements and standards of practice before working in dependency court and on a continuing basis.

SOLUTION

Given the extensive knowledge required to provide competent representation, contracts for delinquency counsel should require a specified amount of training before someone may be appointed. This bill would require Judicial Council to establish minimum hours of training and education necessary in order to be appointed as counsel in delinquency proceedings. These training hours may be counted toward the minimum continuing legal education hours required by the State Bar of California. California lawyers are already required to complete (and pay for) 25 hours of continuing legal education every three years with four of those hours being in ethics, one on substance abuse and one on the elimination of bias.

SUPPORT

California Public Defenders Association (co-sponsor), Youth Law Center (co-sponsor), Pacific Juvenile Defender Center, Center for Juvenile Law and Policy (Loyola Law School).

OPPOSITION

None.