

Even if your child is charged as a juvenile, he or she may face consequences that an adult would, such as a loss of license.

Seufert Law Office, PA can help you :

Ensure that your child's rights are preserved during the proceedings.

Explain the juvenile justice system.

Minimize the consequences of any charges brought against your child.



When you're faced with a legal problem, contact Seufert Law Office, PA and let over 30 years of legal expertise speak for you. You'll talk with one of our attorneys—not an assistant—who will carefully explain your legal rights and options.

SEUFERT LAW OFFICES, PA



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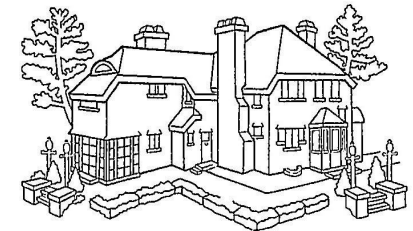
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Juveniles and the Law

QUESTION:

Can the police question my child at school without my presence during the interview?

ANSWER:

There is often confusion about a police officer questioning a juvenile without a parent or guardian being present. This question most often arises when an officer interviews a student at school. There is no law that prohibits police from questioning a juvenile without parental consent.

However, individual schools may have policies which would require parental consent prior to the police questioning a student who is at school. It is up to each school as to whether or not they allow the police to talk to a student.

QUESTION:

Does the law require the police to have a parent or guardian present when an officer questions a juvenile who has been held by the police and is not free to leave, in other words, in custody?

ANSWER:

Even when a juvenile is in custody, the police are not prohibited from questioning him or her without parental consent. There is nothing that says that the juvenile is required to talk to the police. Unless an individual is stopped while operating a motor vehicle, there is no requirement for him or her to answer a police officer's questions.

An individual who lies to the police may face a charge of False Reports to Law Enforcement, but it is not a requirement to talk to an officer in the first place.

If a juvenile is placed into custody, that juvenile has the same rights as an adult does. One of the most important rights is the right to talk with an attorney before any questioning. A juvenile should tell the officer that he or she wishes to speak to an attorney before any questioning.

The juvenile could also ask to speak to a parent. However, most juveniles in custody are not going to have that right prior to being questioned. The rights of a juvenile in custody allow them to speak to someone, whether or not that person is an attorney, are similar to those of an adult.



QUESTION:

Why did my child who is only sixteen get charged as an adult for Driving While Intoxicated (DWI or DUI)?

ANSWER:

A juvenile sixteen years of age or older is considered an adult for the purposes of an offense committed while operating a motor vehicle. Such a summons or arrest will result in the juvenile having an adult criminal and/or motor vehicle record upon conviction. If the juvenile is alleged to have committed an offense outside of the motor vehicle code during the course of that arrest, for instance Possession of a Controlled Drug, he or she will be charged as a juvenile for the purposes of that offense. In that situation, the juvenile would face both adult criminal charges as well as a juvenile petition.

QUESTION:

What rights does my child have during a juvenile hearing?

ANSWER:

Most of the constitutional guarantees that apply to adults apply to juveniles during the course of the juvenile hearings.

For example, the juvenile is entitled to a trial, to confront any witnesses, to have the state prove its case beyond a reasonable doubt and to be represented by counsel. However, the hearings are not open to the public. Only the juvenile, the prosecutor, the lawyers, parents of the juvenile, witnesses and the victim are allowed in the courtroom for any hearing.

If the juvenile is convicted of an offense the finding is "true" rather than "guilty". That is because the offense is not a crime, but the juvenile has been found a delinquent or a CHINS. After a finding of true, the juvenile would be sentenced in a manner that is similar to sentencing in adult court, up to and including placement in a locked facility.

In some instances, the juvenile could be certified and treated as an adult for offenses committed as a juvenile. The law sets out criteria for determining if certification is appropriate. A great deal of emphasis is placed on the juvenile's age, the nature of the current offense and any previous delinquent acts committed by the juvenile.

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