

SAMPLE COALITION SIGN-ON LETTER

May 15, 2024

Dear Chief Justice:

We are a coalition of parents, children, lawyers, local organizations, and other concerned community members who would like to see children's access to counsel strengthened in our state. We are asking that the Juvenile Court Rules be amended to establish an explicit right to counsel for children in all post-disposition matters, to ensure all children are represented by counsel throughout the duration of their case and until they are no longer under court or state supervision, and to require courts to collect data about post-disposition access to counsel.

As you know, more than 50 years ago, the United States Supreme Court issued *In re Gault*, a landmark decision finding that children require "the guiding hand of counsel at every step in the proceedings." But in our state, a child's access to counsel withers away once the court issues its disposition order. This is especially unfortunate, given the court's focus on ensuring positive youth development. Unlike the adult criminal justice system, where sentences focus on punishment, a juvenile court's disposition is intended to guide the child toward meaningful supports and opportunities. The court should ensure youth have access to an attorney who will represent their interests as they work toward success. Post disposition access to counsel will reduce recidivism, decrease juvenile justice costs, and inhibit institutional abuse.

The United States Department of Justice and leading national organizations, including the National Council of Juvenile and Family Court Judges and the Gault Center, assert that children's right to counsel includes access to counsel at post-disposition review hearings, reentry hearings, and on appeal. Similarly, national standards for defense counsel issued by the American Bar Association, the National Association of Counsel for Children, and the National Legal Aid and Defender Association require continuous legal representation for children throughout all post-disposition stages of their cases.

Two United States District Courts of Appeals have held that the Constitution demands that adjudicated children have meaningful access to the courts post-disposition. In fact, the Sixth District found in *John L. v. Adams* that children need more assistance than adults, for whom access to a law library is sufficient: "In order to make this right meaningful, the State must provide the juveniles with access to an attorney."

In order to properly protect children's constitutional right to counsel, uphold the principles of our court system, and ensure the success of court-involved children, our state must guarantee counsel to every child throughout the post-dispositional phase of the child's court case. We look forward to working with you to amend the Juvenile Court Rules to achieve these important goals.

Sincerely,

[Individual signatures of coalition members]