Did you know that more than half the youth charged with breaking the law have a disability?

The most common disabilities among youth in the system are:

- **Learning disabilities**
- **Developmental disabilities**
- **Attention deficit hyperactivity disorder (ADHD)**
- **Autism, brain injury**
- **Emotional disorders such as:**
  - Depression
  - Anxiety
  - Conduct disorder

What are your child's rights in the juvenile justice system?

- **The right to have a lawyer.**
  If you cannot pay for a lawyer, the court will assign a public defender to represent your child at no cost to you.*

  In some cases, parents also have the right to their own attorneys.

- **The right to not divulge information until your child has spoken with a lawyer.**
  (If a lawyer is requested but not provided, the information divulged cannot be used in court.)

- **The right to not talk with police or sign any paper until a lawyer is consulted.**
  (If a lawyer is requested but not provided, the information divulged or paperwork signed cannot be used in court.)

- **The right to hear, in person, the charges against himself or herself.**

- **The right to deny charges and be given a trial in which:**
  - He or she is presumed innocent
  - The state proves its case using witnesses. (The child's lawyer may question witnesses and present evidence to the court.)
  - A decision made by the court may be appealed.

- **The right to present ideas for consequences such as probation or treatment, if found guilty.**

** A public defender represents the child, not the parent.*

If your child is placed in a correctional facility, what are your rights as a parent to receive information about their education?

You have a right to help develop your child's Individualized Education Program (IEP) or a Section 504 Plan. If you are not able to attend a special education meeting at a correctional facility, you may also help by:

- **Participating by telephone**
- **Sharing information about your child with facility staff**
- **Asking questions about the classes or special education services your child needs**
- **Asking to have a surrogate parent appointed to represent your child**
- **Obtaining copies of all education records**
- **Agreeing or disagreeing, in writing, with the IEP**

Only you, a surrogate parent, or your child who is 18 or older can legally sign the IEP.

Youth who already have an IEP are entitled to services through age 21, even if they are in a juvenile or adult correctional placement. These can include:

- **Hospital programs**
- **Detention centers**
- **Group homes**
- **Youth ranches**
- **Jail (Youth or adult)**
- **Boot camps**
- **Residential treatment settings**

PACER Center, Inc.

PACER is a parent center for families of children and young adults with disabilities: physical, mental, learning, and emotional. It is based on a parents-helping-parents philosophy.

PACER Center provides workshops, publications, and other resources to help families make decisions about education, vocational training, employment, and other services for their child or young adult with disabilities.

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Contact PACER for referrals to services or for more information regarding your child with disabilities in the juvenile justice system.

For additional information about the Juvenile Justice Program or PACER Center, contact Lili Garfinkel at PACER.

What You Should Know About Rights...

If you are the parent of a child with a disability who is in the juvenile justice system