

## Summary of Statutes and Rules Regarding Appointment of Counsel, Indigence Determinations, and Waiver of Counsel in Juvenile Delinquency Proceedings

State	Appointment of Counsel	Indigence Determinations	Waiver of Counsel
Alabama	Counsel automatically appointed if there is a possibility of child being institutionalized or incarcerated. Otherwise juvenile must request counsel and indigence determined before appointment. Ala. Code 1975 § 12-15-202 (f)	No presumption of indigence. Juvenile and parent/guardian must complete affidavit and court determines if indigent. Ala. Code § 15-12-5 and § 12-15-63; Ala. Rules of Crim.Procedure 6.3	No restrictions. Waiver must be knowing, voluntary, intelligent. Ala. Code 1975 § 12-15-202 (f)
Alaska	Counsel appointed if indigent, unless valid waiver or retained counsel. Alaska Stat. § 47.12.090. <b><u>Dedicated Juvenile offices in urban counties.</u></b>	No presumption of indigence. Court determines if indigent. Alaska Stat. § 47.12.090	<b><u>If felony charge, must consult with attorney before waiving.</u></b> Otherwise waiver must be knowing, voluntary, and intelligent and parent must concur. Alaska Stat. § 47.12.090
Arizona	Counsel appointed if indigent or "before any court appearance which may result in institutionalization or mental health hospitalization" unless valid waiver. Ariz. Rev. Stat. § 8-221(A) and (B). <b><u>In Maricopa County, the independent Office of the Public Advocate and the Juvenile Division in the Pima County Public Defender Office provide juvenile representation.</u></b>	No presumption of indigence. Juvenile and parent/guardian must fill out financial questionnaire and court determines if indigent. Juv. Ct. Rules of Proc., Rule 10; Ariz. Rev. Stat. § 8-221(G)	No restrictions. Waiver must be knowingly, intelligently and voluntarily given in view of the juvenile's age, education and apparent maturity, in writing or minute order, and parent/guardian must be present. Ariz. Rev. Stat. § 8-221; 17B A.R.S. Juv. Ct. Rules of Proc., Rule 10

Arkansas	Counsel automatically appointed if likelihood that juvenile will be committed. Otherwise counsel appointed if juvenile appears without counsel and it does not appear that he/she will retain counsel, unless valid waiver. Ark. Code Ann. § 9-27-316	No presumption of indigence, however court will appoint regardless if it does not appear that counsel will be provided for juvenile. Juvenile and parent/guardian must complete affidavit and court determines if indigent and may require parent/guardian to pay for court-appointed counsel. Juv. Ct. Rules of Proc., Rule 10; Ariz. Rev. Stat. § 8-221(G)	Cannot waive if: 1) parent/guardian filed petition or requested removal of juvenile from home; 2) likelihood juvenile will be committed; 3) an extended juvenile jurisdiction offender; and 4) in custody of DHS/DYS. Otherwise, court through questioning the juvenile extensively must determine that the waiver is "freely, voluntarily, and intelligently" given. Ark. Code Ann. § 9-27-317
California	Counsel appointed if juvenile appears without counsel unless valid waiver. Cal. Welf. & Inst. Code § 634, 679, 700. <b><u>Some counties, such as San Francisco, have dedicated juvenile divisions responsible for juvenile representation.</u></b>	Initial presumption of Indigence; court appoints, whether juvenile is indigent or not. If parent/guardian able to pay and does not retain private counsel, will be ordered to reimburse for cost of counsel.	No restrictions. Waiver must be intelligently made. Age taken into account when determining if intelligent. Cal. Welf. & Inst. Code §634
Colorado	Juvenile must request counsel and indigence determined before appointment. Colo. Rev. Stat. § 19-2-706; Colo. R. Juv. P. 3	No presumption of indigence. Juvenile and parent/guardian must complete application and public defender determines if indigent, reviewable by judge. Chief Justice Directive 04-04	No restrictions. Case law states that waiver must be knowing, intelligent, and voluntary and parent/guardian must be present. Colo. Rev. Stat. § 19-2-706; Colo. R. Juv. P. 3
Connecticut	Unclear if juvenile must request counsel before appointment. Conn. Gen. Stat. § 46b-135. <b><u>Many districts have a dedicated juvenile unit.</u></b>	No presumption of indigence. Juvenile and parent/guardian must complete application and public defender determines if indigent, appealable to judge. Conn. Gen. Stat. § 51-297, 299	No restrictions. Case law states that waiver must be knowing, intelligent, and voluntary with greater scrutiny applied than in adult cases. Conn. Gen. Stat. § 46b-135

<p><b>Delaware</b></p>	<p>Counsel appointed if indigent unless valid waiver or retained counsel. Unclear if automatic or if juvenile must request counsel. Del. Fam. Ct. Crim. R. 10; Del. Fam. Ct. Crim. R. 44</p>	<p>No presumption of indigence. Public defender determines indigent before arraignment and court at arraignment. If not indigent, court may still appoint at cost to the parent/guardian. Del. Fam. Ct. Crim. R. 10 and 44; 29 Del. Code Ann. § 4602(b)</p>	<p>No restrictions. Waiver must be knowing, voluntary, intelligent, in writing or on the record, and parent/guardian must be present. Del. Fam. Ct. Crim. R. 44</p>
<p><b>District of Columbia</b></p>	<p>Counsel appointed if juvenile appears without counsel and it does not appear that he/she will retain counsel. Rule states that juveniles "shall be represented at all judicial hearings . . ." D.C. Code § 16-2304; D.C. Super. Ct. R. Juv. Proc. R. 44; <i>In re A.L.M.</i>, 631 A.2d 894, 898 (D.C. App. 1993)</p>	<p>No presumption of indigence. Unsure of process.</p>	<p>Statutory language interpreted to mean that juveniles cannot under any circumstances. D.C. Code § 16-2304; D.C. Super. Ct. R. Juv. Proc. R. 44; <i>In re A.L.M.</i>, 631 A.2d 894, 898 (D.C. App. 1993)</p>
<p><b>Florida<sup>^</sup></b></p>	<p>Counsel appointed unless valid waiver. Fla. R. Juv. P. 8.165; 8.070</p>	<p>No presumption of indigence. Juvenile and parent/guardian must complete application and court determines if indigent.</p>	<p><b><u>Juvenile must consult with an attorney before waiving.</u></b> Waiver must be knowing and voluntary, in writing, and parent/guardian or attorney must be present. Court must advise juvenile of the right to an attorney at every subsequent hearing. Fla. R. Juv. P. 8.165</p>
<p><b>Georgia*</b></p>	<p>Counsel appointed if indigent and "liberty is in jeopardy." O.C.G.A. § 15-11-511 and § 15-11-475 (effective January 1, 2014). <b><u>Circuit defenders, operating under state policies, must establish a specialized juvenile division.</u></b> O.C.G.A. §12-23(c)</p>	<p>No presumption of indigence. Public defender determines if indigent. O.C.G.A. §17-12-23, 24 (2012) and §17-12-80.</p>	<p>Cannot waive if liberty is in jeopardy. Otherwise, case law states that waiver must be voluntary and knowing. Heavier burden than in adult proceedings to establish valid waiver. O.C.G.A. § 15-11-511 and § 15-11-475 (effective Jan. 1, 2014)</p>

<b>Hawaii</b>	Counsel may be appointed "in any situation in which it deems advisable." Haw. Fam. Ct. R. 155	Unsure if presumption or of process. In adult cases, person must complete affidavit and public defender determines if indigent. Haw. Rev. Stat. § 802-4 (no mention of juveniles)	No restrictions. No statute, rule, or case law found regarding waiver for juveniles. Case law states that it must be knowing, voluntary, and intelligent. Adult statute states that a failure to provide financial information to public defender is a waiver of counsel. <i>In the Interest of Doe</i> , 77 Haw. 46, 49-50 (Haw. 1994)
<b>Idaho*</b>	Counsel automatically appointed unless valid waiver. Id. Code § 20-514 (4); Id. Juv. R. 9. <b><u>Metro areas, such as Cassia County have specialized juvenile offices.</u></b>	Initial presumption of indigence; court shall appoint "whether or not the parent(s) or guardian are able to afford counsel." Expenses may be assessed later. Id. Code § 20-514(7); §19-854	Cannot waive if: (1) under 14; (2) charged with a felony or sex crime; (3) facing commitment; or for (4) transfer hearings, competency hearings, and recommitment proceedings. Id. Code § 20-514(5)-(6); Id. Juv. R. 9
<b>Illinois</b>	Counsel automatically appointed (statute reads in part: "No hearing on any petition or motion filed under this Act may be commenced unless the minor who is the subject of the proceeding is represented by counsel.") 705 Ill. Comp. Stat. § 405/1-5	Unsure if presumption or of process.	Cannot waive counsel under any circumstances. 705 Ill. Comp. Stat. § 405/5-170
<b>Indiana*</b>	<b><u>Counsel appointed prior to first hearing, including detention hearing</u></b> if juvenile appears without counsel unless valid waiver <i>or declined</i> . Ind. Code § 31-32-4-2.	Conclusive presumption of indigence. Statute is silent about indigence, presumption established by case law.	No restrictions. Right to counsel can be waived or declined by the juvenile's attorney if the juvenile voluntarily joins with the waiver, by the juvenile's parent/guardian if not adverse, had a meaningful consultation with the juvenile (can also be waived) and the juvenile voluntarily joins with the waiver, by the juvenile alone if emancipated. Ind. Code §31-32-5-1

Iowa	<p><b><u>Counsel automatically appointed at the detention hearing or earlier</u></b> if serious crime if juvenile has not retained counsel. Iowa Code §232.11. <b><u>3 regional juvenile offices located in Des Moines, Waterloo, and Sioux City handle all juvenile cases in the state.</u></b></p>	<p>No presumption of indigence. Court determines if indigent and will (1) appoint counsel if indigent; (2) require parent/guardian to retain counsel for juvenile; or (3) require parent/guardian to pay for court-appointed counsel. Iowa Code §§ 232.141(2), 815.9, and 815.11</p>	<p><b><u>Cannot waive counsel under any circumstances.</u></b> Iowa Code §232.11(1)(2)</p>
Kansas	<p>Counsel automatically appointed if juvenile or parent/guardian fails to retain private counsel. Kan. Stat. Ann. § 38-2306(a)</p>	<p><b><u>Initial presumption of indigence; indigence not a bar to appointment,</u></b> but court may order juvenile and/or parent/guardian to reimburse for cost. Kan. Stat. Ann. § 38-2306(a)</p>	<p>No restrictions. Waiver must be knowing and intelligent. Kan. Stat. Ann. § 38-2306</p>
Kentucky	<p>Counsel appointed if indigent (if presumption of indigence-effect of automatic appointment of counsel). Ky. Rev. Stat. § 610.060. <b><u>Specialized Juvenile Unit on Frankfort represent juveniles in post-disposition issues.</u></b></p>	<p>Presumption of indigence established through case law and statutory restrictions on waiver. Court may require parent/guardian to pay for court-appointed counsel. Ky. Rev. Stat. § 610.060</p>	<p><b><u>Cannot waive counsel if: (1) charged with a felony or sex offense or (2) "the court intends to impose detention or commitment."</u></b> Otherwise, <b><u>a juvenile must consult with counsel before waiving,</u></b> and the court at a hearing must find that the waiver was knowing, intelligent, and voluntary. Ky. Rev. Stat. § 610.060; D.R. v. Commonwealth, 64 S.W.3d 292 (Ky. App. 2001)</p>

<p><b>Louisiana</b></p>	<p>Counsel appointed unless and until juvenile retains private counsel or waives counsel. La. Ch.C. Art. 809. <b><u>In Orleans Parish, the Louisiana Center for Children's Rights, represents all juveniles in that Parish.</u></b></p>	<p><b><u>Initial presumption of indigence; counsel may be appointed without determination.</u></b>          Court determines if indigent and may require parent/guardian to reimburse court. La. Ch.C. Art. Art. 320; 321</p>	<p><b><u>Cannot waive counsel if: (1) charged with a felony or a revocation of probation or parole or (2) where it is recommended that the juvenile be placed in a mental institution. Otherwise, juvenile must consult with an attorney first,</u></b> waiver must be in writing, and court must find that it is knowing and voluntary. La. Ch.C. Art. 810</p>
<p><b>Maine</b></p>	<p>Juvenile must request counsel and indigence determined before appointment. Me. Rev. Stat. Ann. Tit. 15 § 3306</p>	<p>No presumption of indigence. Juvenile and parent/guardian must complete application, unsure who determines if indigent.</p>	<p>No restrictions. No statute, rules, or case law found regarding waiver. Me. Rev. Stat. Ann. Tit. 15 § 3306</p>
<p><b>Maryland</b></p>	<p>Unsure when/how counsel is appointed. Md. Courts and Judicial Proceedings Code Ann. § 3-8A-20</p>	<p>No presumption of indigence. Juvenile and parent/guardian must complete affidavit, unsure who determines if indigent.</p>	<p><b><u>Must consult with an attorney before waiving.</u></b> The court at a hearing must determine waiver must be knowing and voluntary as determined in a hearing and an attorney must be present. Md. Courts and Judicial Proceedings Code Ann. § 3-8A-20; 3-8A-06</p>
<p><b>Massachusetts</b></p>	<p>Counsel appointed if juvenile has not retained counsel. Mass. Gen. Laws 119, §29. <b><u>The Youth Advocacy Division of the State Public Counsel provides representation statewide.</u></b></p>	<p>No presumption of indigence. Unless parent/guardian is the victim, court determines if indigent. If not indigent, court will assess \$300 fee to pay the cost of counsel. Mass. Gen. Laws 119, §29A; SJC Rule 3:10</p>	<p>No restrictions. No statute, rule, or case law found regarding waiver.</p>

<b>Michigan</b>	Counsel is automatically appointed if parent/guardian fails to appear or parent/guardian is the victim. Otherwise, counsel is appointed if indigent or parent/guardian refuses to retain counsel.	Conclusive presumption of indigence. All children are appointed counsel.	Cannot waive if GAL or parent objects or if court determines appointment is in the best interest of the juvenile. Otherwise waiver must be voluntarily and understandably made and done on the record. Mich. Comp. Laws § 712A.17c
<b>Minnesota</b>	Counsel (or standby counsel if the child waives the right to counsel) is automatically appointed if: charged with a gross misdemeanor or felony offense or out-of-home placement has been proposed. Otherwise, counsel appointed if indigent or parent/guardian does not retain private counsel. Minn. Stat. Ann. § 260B.163, Subd. 4; Minn. R. Juv. Del. P. 3.01; 3.02	No presumption of indigence. Court determines if indigent. Minn. R. Juv. Del. P. 3.06	<b><u>Must have in-person consultation with attorney before waiving.</u></b> Waiver must be knowingly, intelligently, and voluntarily, in writing, and on the record. Minn. Stat. Ann. § 260B.163 Subd. 10; Minn. R. Juv. Del. P. 3.04
<b>Mississippi</b>	Counsel appointed if indigent. However, statute reads juvenile " <i>shall</i> be represented by counsel at all critical stages."	No presumption of indigence. Unsure of process.	No statute or rule regarding waiver. However, statute on right to counsel suggests that juvenile cannot waive his right to an attorney under any circumstances ("the child shall be represented by counsel at all critical stages"). Miss. Code Ann. § 43-21-201(1)
<b>Missouri</b>	Juvenile must request counsel and indigence determined before appointment. Mo. Rev. Stat. § 211.211	No presumption of indigence. Juvenile and parent/guardian must complete affidavit and public defender determines if indigent. Mo. Rev. Stat. § 600.086	No restrictions. Waiver must be knowing and intelligent and with the approval of the court. Waiver may be withdrawn at any time. Mo. Rev. Stat. § 211.211

<b>Montana</b>	Counsel appointed if juvenile or parent/guardian fails to retain private counsel unless valid waiver. Mont. Code Ann. § 41-5-1413	Initial presumption of indigence; for appointment of counsel. Juvenile and parent/guardian must complete affidavit and public defender determines if indigent. Counsel may be rescinded if not indigent. MONT CODE ANN § 47-1-111	Cannot waive if possibility of commitment for a period of more than 6 months. Mont. Code Ann. § 41-5-1413
<b>Nebraska</b>	Juvenile must request counsel and indigence determined before appointment. Neb. Rev. Stat. § 43-272	No presumption of indigence. Court makes initial determination, and may require an affidavit. Neb. Rev. Stat. § 29-3901-3903	No restrictions. Case law states that waiver must be knowing, intelligent, and voluntary. Neb. Rev. Stat. § 43-272
<b>Nevada</b>	Juvenile must request counsel and indigence determined before appointment. Nev. Rev. Stat. § 62D.030. <b><u>The Clark County Public Defender Juvenile Division represents children in the Las Vegas area.</u></b>	No presumption of indigence. Juvenile and parent/guardian must complete affidavit and court determines if indigent. Nev. Rev. Stat. § 62D.030; Nev. Rev. Stat. § 171.188	No restrictions. Waiver must be "knowingly, intelligently, voluntarily and in accordance with any applicable standards established by the juvenile court" Nev. Rev. Stat. § 62D.030
<b>New Hampshire</b>	Counsel appointed if indigent unless valid waiver. Statute suggests that regardless of indigence, counsel is appointed for detention hearing. N.H. Rev. Stat. § 169-B:12	No presumption of indigence. Unsure of process, but court can require parent/guardian to pay for court-appointed counsel. N.H. Rev. Stat. § 169-B:12	Cannot waive counsel at detention hearing. If the court believes the minor has a cognitive, emotional, learning, or sensory disability he/she must consult with an attorney before waiving. Otherwise, waiver must be knowing, voluntary, intelligent, and a "non-hostile" parent/guardian must agree. N.H. Rev. Stat. § 169-B:12

New Jersey	<p>Unsure when/how counsel is appointed. N.J. Stat. § 2A:4A-39. <b><u>The Office of Juvenile Services oversees planning, policy and training in juvenile delinquency cases.</u></b></p>	<p>No presumption of indigence. Unsure of process.</p>	<p><b><u>Must consult with an attorney (both juvenile and parent) before.</u></b> Waiver must be knowingly, willingly, and voluntarily, in writing and done in the presence of an attorney. Cannot waive if lack mental capacity. N.J. Stat. § 2A:4A-39</p>
New Mexico	<p>Counsel appointed if indigent or if parent/guardian has not retained counsel. N.M. Stat. Ann. § 32A-2-14; N.M. Children's Ct. Rule 10-223. <b><u>Dedicated juvenile divisions in Albuquerque and Las Cruces, and dedicated attorneys in Santa Fe and Farmington handle all juvenile cases in their respective counties.</u></b></p>	<p>No presumption of indigence. Court determines if indigent. If parent able but unwilling to retain counsel, court will order reimbursement. NMRA 10-223 and NMRA 10-408</p>	<p><b><u>Juveniles cannot waive counsel under any circumstances.</u></b> N.M. Stat. Ann. § 32A-2-14; N.M. Children's Ct. Rule 10-223</p>
New York	<p>Counsel automatically appointed if juvenile has not retained counsel. N.Y. Fam. Ct. Act § 320.2. <b><u>In New York City, the Juvenile Rights Practice Unit of the Legal Aid Society represents children.</u></b></p>	<p><b><u>Conclusive presumption of indigence. All children are entitled to counsel at state cost.</u></b> N.Y. Fam. Ct. Act § 241.</p>	<p><b><u>Juveniles cannot waive counsel under any circumstances.</u></b> N.Y. Fam. Ct. Act § 249</p>
North Carolina	<p>Counsel automatically appointed if juvenile has not retained counsel. N.C. Gen. Stat. § 7B-2000. <b><u>The Office of the Juvenile Defender trains and supports juvenile defenders who contract with the state to provide representation.</u></b></p>	<p><b><u>Conclusive presumption of indigence.</u></b></p>	<p>Statute interpreted to mean that <b><u>juveniles cannot waive counsel under any circumstances.</u></b> N.C. Gen. Stat. § 7B-2000; NORTH CAROLINA JUVENILE DEFENDER, NORTH CAROLINA JUVENILE DEFENDER MANUAL, Ch. 2 (2008)</p>

<b>North Dakota</b>	Counsel automatically appointed if not represented by parent/guardian. Otherwise, juvenile must request counsel and indigence determined before appointment. N.D. Cent. Code § 27-20-26	No presumption of indigence. Unsure of process. N.D. Cent. Code § 27-20-26	No statute or rule regarding waiver. Case law states that a juvenile cannot waive if not represented by parent/guardian. Otherwise waiver must be knowing, voluntary, and intelligent. N.D. Cent. Code § 27-20-26
<b>Ohio<sup>^</sup></b>	Counsel appointed if juvenile "not represented by parent/guardian." Otherwise, appointed if indigent. Unclear if automatic or if juvenile must request counsel. Ohio Rev. Code § 2151.352; Ohio Juv. R. 4. <b><u>The Juvenile Defender Office represents juveniles across the state in post-conviction cases.</u></b>	No presumption of indigence. Unclear of process especially as it relates to mandatory representation.	Cannot waive if: (1) serious youthful offender sentence requested; (2) facing bindover to adult court; or (3) conflict between juvenile and parent/guardian. If charged with a felony, must consult with an attorney before waiving. Otherwise, waiver must be knowing, intelligent, and voluntary, made in open court and in writing. Ohio Rev. Code § 2151.352; Ohio Juv. R. 3
<b>Oklahoma</b>	Counsel appointed if indigent. If not indigent, court can order parents to retain private counsel. If not indigent, but parent refuses, court may appoint counsel <i>for detention hearings</i> . 10A Okl. St. § 2-2-301	No presumption of indigence. Court determines if indigent. 10A Okl. St. § 2-2-301	No restrictions. No statute, rule, or case law found regarding waiver. 10A Okl. St. § 2-2-301
<b>Oregon</b>	Juvenile must request counsel and indigence determined before appointment. Or. Rev. Stat. § 419C.200	No presumption of indigence. Juvenile and parent/guardian must complete financial statement, and court determines if indigent. Or. Rev. Stat. §135.050	No restrictions. No statute or rule regarding waiver. Case law states that a waiver must be an "intelligent and understanding choice." Or. Rev. Stat. § 419C.200

<p><b>Pennsylvania</b><sup>^</sup></p>	<p>Counsel automatically appointed if juvenile unrepresented at any hearing. 42 Pa. Cons. Stat. Ann. § 6337; Pa.R.J.C.P. 151. Counties are wholly responsible for defense delivery; <u><b>in Philadelphia County, the Juvenile Court Division of the Defender Assoc. represents juveniles.</b></u></p>	<p><u><b>Conclusive presumption of indigence.</b></u> PA Rules of Juvenile Court Procedure RULE 151.</p>	<p><u><b>Cannot waive if under 14. If over 14 cannot waiver for a detention, transfer, adjudicatory, plea, or dispositional hearing; or a hearing to revoke or modify probation.</b></u> Otherwise, waiver must knowingly, intelligently, and voluntarily made. Pa.R.J.C.P. 152</p>
<p><b>Rhode Island</b></p>	<p>Unsure when/how counsel is appointed. R.I. Gen. Laws § 14-1-58. <u><b>But, the Juvenile Division of the State Office of the Public Defender represents children across the state.</b></u></p>	<p>No presumption of indigence. Juvenile and parent/guardian must complete affidavit and public defender determines if indigent. R.I. Gen. Laws § 14-1-58; R.I. Gen. Laws § 12-15-8 and 9.</p>	<p>No restrictions in statute or rule. Case law states that waiver must be knowing and intelligent and only in "the most extraordinary circumstances" R.I. Gen. Laws § 14-1-58; <i>In re John D.</i>, 479 A.2d 1173, 1178 (R.I. 1984)</p>
<p><b>South Carolina</b></p>	<p>Counsel appointed if juvenile unrepresented at detention hearing. Otherwise counsel appointed if indigent. S.C. Code Ann. § 63-19-830; S.C. Fam. Ct. R. 36</p>	<p>Statute suggests presumption of indigence for detention hearings. Otherwise, court determines if indigent before appointing counsel. S.C. Code Ann. §63-19-1040</p>	<p>Must consult with an attorney before waiving <i>at a detention hearing</i> . Otherwise no restrictions. Court must specifically require juvenile to "consider whether they do or do not waive the right of counsel." S.C. Code Ann. § 63-19-830; S.C. Code Ann. § 63-19-1030(D)</p>
<p><b>South Dakota</b></p>	<p>Juvenile must request counsel and indigence determined before appointment. S.D. Codified Laws § 26-7A-30; S.D. Codified Laws § 26-7A-31</p>	<p>No presumption of indigence. Juvenile and parent/guardian must complete affidavit and court determines if indigent. S.D. Codified Laws § 23A-40-6</p>	<p>No restrictions in statute or rule. Case law states waiver must be knowing and intelligent, meaning juvenile must be aware of dangers of self-representation. <i>In re R.S.B.</i> , 498 N.W.2d 646, 647 (S.D. 1993)</p>

<p><b>Tennessee*</b></p>	<p>Counsel automatically appointed if juvenile in jeopardy of being removed from the home and no parent/guardian is present or there is a conflict with the parent/guardian. Otherwise juvenile must request counsel and indigence determined before appointment. Tenn. Code § 37-1-126. <b><u>In Shelby County, the Juvenile Defenders Unit of the Office of the Public Defender, is responsible for juvenile defense.</u></b></p>	<p>No presumption of indigence. Unsure of process. Tenn. Code § 37-1-126(b)</p>	<p>Must consult with " a knowledgeable adult with no adverse interests to the juvenile" (not necessarily an attorney). Waiver must be knowing and voluntary, in writing, and the court must determine that the juvenile comprehends the right to an attorney and the consequences of waiving. Tenn. R. Juv. P. 30</p>
<p><b>Texas</b></p>	<p>Counsel appointed if juvenile has not retained private counsel, is indigent, and/or has not or cannot waive counsel. Tex. Fam. Code § 51.10. <b><u>Dedicated juvenile defense offices are responsible for representation in Travis and Dallas Counties.</u></b></p>	<p>No presumption of indigence. Court determines if indigent. If not indigent, court may order parent/guardian to retain counsel for juvenile. Tex. Fam. Code § 51.10; Tex. Fam. Code § 51.102(b)(1)(A)</p>	<p>Cannot waive at: transfer hearing to adult court; adjudication hearing; disposition hearing; commitment hearing; or if juvenile has a mental or developmental disability. Otherwise, <b><u>waiver must be made by juvenile and his attorney,</u></b> it must be in writing or recorded, and found to be voluntary. Tex. Fam. Code § 51.10; Tex. Fam. Code § 51.09</p>
<p><b>Utah</b></p>	<p>Juveniles must request counsel and indigence determined before appointment. Utah Code Ann. § 78A-6-1111</p>	<p>No presumption of indigence. Juvenile and parent/guardian must complete affidavit and court determines if indigent. Utah Code Ann. § 78A-6-1111; Utah Code Ann. § 77-32-202</p>	<p>Waiver must be knowing and voluntary. If under 14 cannot waive without a parent/guardian present. Utah Code Ann. § 78A-6-1111; Utah Juv. P. R. 26(e)</p>

<p><b>Vermont</b></p>	<p>Counsel is appointed if juvenile has not retained counsel. V.R.F.P. Rule 6 (2005).  <u><b>The Juvenile Defender's Office represents juveniles in custody in post-disposition cases in the state.</b></u></p>	<p>No presumption of indigence. Court determines if indigent. Vt. Stat. Ann. tit. 13 § 5236</p>	<p><u><b>Juvenile (and juvenile's GAL or parent/guardian) must consult with an attorney prior to waiving.</b></u> In addition, court must find that there is (1) a factual and legal basis for the waiver; (2) the waiver must be in the best interests of the child; and (3) the waiver is voluntarily and knowingly entered into by both the child and the child's GAL. If under 13, presumption that juvenile cannot knowingly waive counsel. V.R.F.P. Rule 6</p>
<p><b>Virginia</b></p>	<p><u><b>Counsel appointed at detention hearing</b></u> unless juvenile has already retained counsel. Subsequent to detention hearing, court will continue appointment, or appoint if no detention hearing if juvenile requests and is indigent. Va. Code Ann. §16.1-266</p>	<p><u><b>Initial presumption of indigence for detention hearings.</b></u> Otherwise, juvenile and parent/guardian must complete affidavit and court determines if indigent. Va. Code Ann. §16.1-266</p>	<p><u><b>If charged with a felony, must consult with an attorney before.</b></u> Otherwise, waiver must be in writing, the juvenile and his parent/guardian consent, and the waiver must be consistent with the interests of the juvenile. Va. Code Ann. §16.1-266</p>
<p><b>Washington^</b></p>	<p>Counsel appointed if indigent and juvenile subject to transfer to adult criminal court or in "danger of confinement." Wash. Rev. Stat. § 13.40.140</p>	<p>No presumption of indigence. Juvenile and parent/guardian must complete affidavit and court determines if indigent. However, may provisionally appoint counsel prior to indigence determination. Wash. Rev. Stat. 10.101.020; Wash Rev. Stat. 10-101. Wash. Rev. Stat. § 13.40.140</p>	<p>Cannot waive if under 12, but parent/guardian can for you. <u><b>Must consult with an attorney before waiving.</b></u> Waiver must be in writing and found to be knowing, intelligent, and voluntary on the record. Wash. Rev. Stat. § 13.40.140; JuCR 7.15</p>

<b>West Virginia</b>	Counsel appointed if indigent and juvenile has not retained private counsel unless valid waiver. W. Va. Code § 49-5-9; W. Va. R. Juv. P. Rule 5	No presumption of indigence. Court determines if indigent. W. Va. R. Juv. P. Rule 5; West Virginia Code § 29-21-16	Statute requires that any waiver be knowing. <b><u>Case law interpretes this to mean that a juvenile must consult with an attorney prior to waiving.</u></b> W. Va. Code § 49-5-9; <i>State ex rel. J.M. v. Taylor</i> , 166 W. Va. 511, 519 (W. Va. 1981)
<b>Wisconsin</b>	Statute unclear: "shall be represented at all stages" and "upon request or on its own motion, the court may appoint counsel for the juvenile or any party, unless the juvenile or the party has or wishes to retain counsel of his or her own choosing" Wis. Stat. § 938.23	Presumption of indigence. Court may appoint counsel without a determination of indignecy. Unclear if there are provisions requiring reimbursement from non-indigent parties. Wis. Stat. § 938.23	Cannot waive if under 15. Otherwise, waiver must be knowingly and voluntarily made and accepted by court. If accepted by court juvenile cannot be transferred to adult court, placed in a correctional facility or a secured residential care center; or participate in the serious juvenile offender program." Wis. Stat. § 938.23
<b>Wyoming</b>	Juvenile must request counsel and indigence determined before appointment. Appointed counsel may be a GAL and must take into account the best interests of the child. Wyo. Stat. Ann. § 14-6-222; Wyo. Juv. Proc Rule 52	No presumption of indigence. Juvenile and parent/guaridan must complete financial affidavit 5 days before hearing and court determines if indigent. Wyo. Stat. Ann. § 7-6-106	No restrictions specific to juveniles. Adult statute states that any waiver must be knowing and voluntary ("full awareness of his rights and of the consequences of a waiver"). Wyo. Stat. Ann. § 7-6-107; Wyo. Juv. Proc. Rule 5(d)

^ indicates recent reforms

\* indicates reforms that are pending or recent as of 2013

**Georgia's** House Bill 242 revised significant portions of the State's juvenile code. Previously there were no restrictions on a juvenile's ability to waive counsel. The new legislation limit children who's "liberty is in jeopardy from waiving and automatically assign counsel in those cases. The bill passed unanimously, it was signed into law on May 2, 2013 and goes into effect January 1, 2014.

<http://www.legis.ga.gov/legislation/en-US/display/20132014/HB/242>

**Idaho** passed H0149 which clarifies when juveniles are appointed counsel and limits the circumstances in which juveniles may waive their right to counsel. Previously, there were no restrictions on a juvenile's ability to waive counsel, but under the new legislation, juveniles charged with certain serious crimes or who are facing commitment cannot waive. The bill passed unanimously, was signed into law on April 2, 2013, and took effect on July 1, 2013. <http://legislature.idaho.gov/legislation/2013/H0149.htm>

**Indiana** proposed a juvenile court rule regarding appointment and waiver of counsel in juvenile proceedings that is currently pending. The rule would ensure that counsel was appointed in all cases prior to the detention hearing or initial hearing, whichever came first, and would require any waiver to be done in open court on the record, confirmed in writing, and in the presence of an attorney. Proposed rule information is not included above. <http://www.in.gov/judiciary/4044.htm>

**Ohio** revised Rule of Juvenile Procedure 3 expanding the circumstances where a juvenile could not waive counsel; previous rule only restricted a child facing bindover to adult court from waiving counsel. New rule went into effect in July 2012.

In Shelby County, **Tennessee**, the County Public Defender's Office in an agreement with the Dept. of Justice, has, among other reforms, established the Juvenile Defender Unit which must be fully operational by the end of this year. In 2012 the DOJ found extreme deficiencies and due process violations in the juvenile court system.