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Juvenile Justice Advocates Urge Ohio Supreme Court to Ensure All Children Have Access to Counsel

COLUMBUS— Today, the Ohio Public Defender, ACLU of Ohio, and Children's Law Center sent a letter urging the Supreme Court of Ohio to increase protections for children in the juvenile justice system regarding the right to appointed counsel. In 2012, the groups led a successful effort to require that children facing a felony charge at least consult with an attorney before being permitted to waive that right. Now they are calling on the Court to expand it to all cases in which a child might risk being placed outside the home.

"No child should navigate the juvenile delinquency system without the benefit of counsel, regardless of where they live or the nature of the charge. Ohio courts have come a long way in ensuring this happens, but this proposed rule levels the playing field for all kids," said Kim Tandy, executive director of the Children's Law Center.

The letter comes on the 50th anniversary of the Supreme Court's decision in *In re Gault*, which sets forth the principle that children have a constitutional right to counsel. This decision paved the way for children to have critical rights in juvenile court. But, in some jurisdictions in the U.S., children still appear in court without an attorney. And that includes Ohio.

"Every child deserves counsel, no matter their or their family's financial means," said Mike Brickner, senior policy director of the ACLU of Ohio. "Cases in the juvenile system can be complex because of each child's individual needs, family relationships, or other dynamics. Every court in Ohio should start with the idea that all children will have an appointed attorney to ensure no young person falls through the cracks."

Current court rules still allow many children on less serious charges to waive the right to counsel without even talking to a lawyer. It is estimated that of the 77,771 juvenile cases disposed of in courts across Ohio in 2015, between 28-42% of youth proceeded without counsel. While this represents an improvement, the data shows a wide disparity in waiver rates among counties. Juvenile cases have dropped nearly 50% since 2004, and in many counties, including several large jurisdictions, all kids already get lawyers.

"Fifty years after the Supreme Court's decision in *Gault*, we still have kids making snap decisions that can impact their lives for years without the benefit of having a lawyer. It is important that a child has a lawyer to review the charges, explain the court proceedings, and most importantly, speak for them in court – be the child's advocate. That is how our system of justice was intended to work," said Jill Beeler, Deputy Director of the Office of the Ohio Public Defender.

Read the letter here: www.childrenslawky.org; www.acluohio.org; www.opd.ohio.gov

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