

JUVENILE RIGHTS IN WISCONSIN

RIGHTS? DOES
THAT MEAN LIKE
IN RIGHT ON?

SOMETIMES,
MAN... SOMETIMES.

THIS HANDBOOK PREPARED BY
THE CENTER FOR THE STUDY OF STUDENT
CITIZENSHIP, RIGHTS AND RESPONSIBILITIES
AND
FREEDOM THROUGH EQUALITY, INC.

MILWAUKEE LEGAL SERVICES, INC.

NO PARKING

a special **rap** section

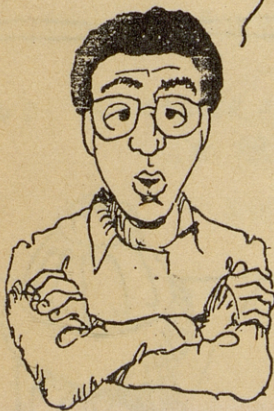


HEY, NOW **DIG IT** PEOPLE,
IF **YOU** ARE UNDER 18 THEN
YOU'RE A **JUVENILE** UNDER
STATE LAW. AND THIS
MEANS YOU'VE GOT **RIGHTS**.
AND THERE'S TIMES WHEN
YOU GOT TO KNOW THEM.



THESE RIGHTS ARE **THE**
LAW. THEY CAN'T BE
TAKEN **AWAY** FROM YOU
IF YOU'RE HARRASSED OR
ARRESTED. YOU GOT RIGHTS
WHETHER YOU BREAK THE
LAW OR NOT. THEY ARE
YOUR **PROTECTION** AGAINST
UNFAIR TREATMENT.

YOUR RIGHTS ARE WHAT THIS **RAP**
SECTION IS ALL ABOUT. WE'RE NOT
TRYING TO TELL YOU **WHAT TO DO**.
AIN'T **NOBODY** CAN DO THAT. WHAT YOU
DO WITH YOUR LIFE IS FOR **YOU** TO
DECIDE. THAT'S WHERE IT'S **AT**. YOU'RE
A **HUMAN BEING**. YOU'RE **BEAUTIFUL**.
YOU CONTROL YOUR LIFE.



ALL **WE** CAN DO IS PUT YOU
HIP TO THE **LAW**. NOT JUST TO
SURVIVE, **BUT TO USE**. THE **LAW**
IS YOUR **TOOL**. IT'S NO GIFT, IT'S
A **RIGHT**. YOU CAN MAKE IT
WORK FOR **YOU**.



YOU'VE GOT THE
POWER! DIG IT!



USUALLY A JUVENILE'S FIRST CONTACT WITH THE LAW IS A NOTICE TO APPEAR IN CHILDREN'S COURT CENTER OR ARREST

...AND THERE ARE SOME THINGS ABOUT NOTICES AND ARRESTS YOU SHOULD KNOW



A JUVENILE CAN BE ARRESTED IF HE IS SUSPECTED OF BREAKING ANY CITY, STATE OR FEDERAL LAW, OR IF HE IS SUSPECTED OF VIOLATING A JUVENILE LAW. THERE ARE SEVERAL WAYS THIS CAN COME ABOUT.



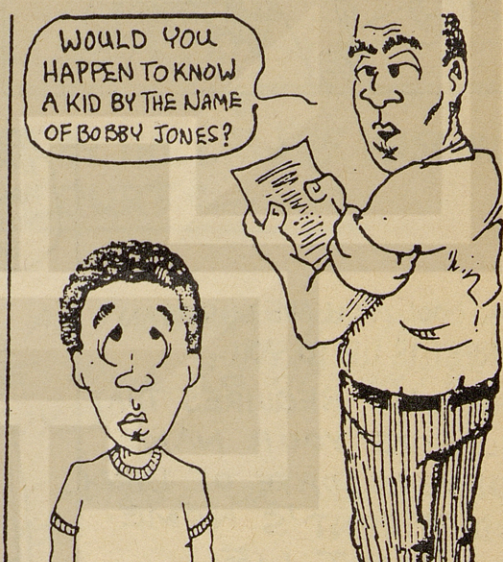
IF ANY PERSON KNOWS OF A JUVENILE WHO HAS VIOLATED A LAW HE MAY TELL THE POLICE. THE POLICE THEN PREPARE A POLICE REPORT ABOUT THE INCIDENT WHICH IS SENT TO JUVENILE COURT. THE POLICE WILL ALSO SEND A NOTICE TO THE JUVENILE'S PARENTS TO APPEAR BEFORE A PROBATION OFFICER AT THE CHILDREN'S COURT CENTER

...AN HE BEAT UP MY BOY COMING HOME FROM SCHOOL. YOU GOT IT?

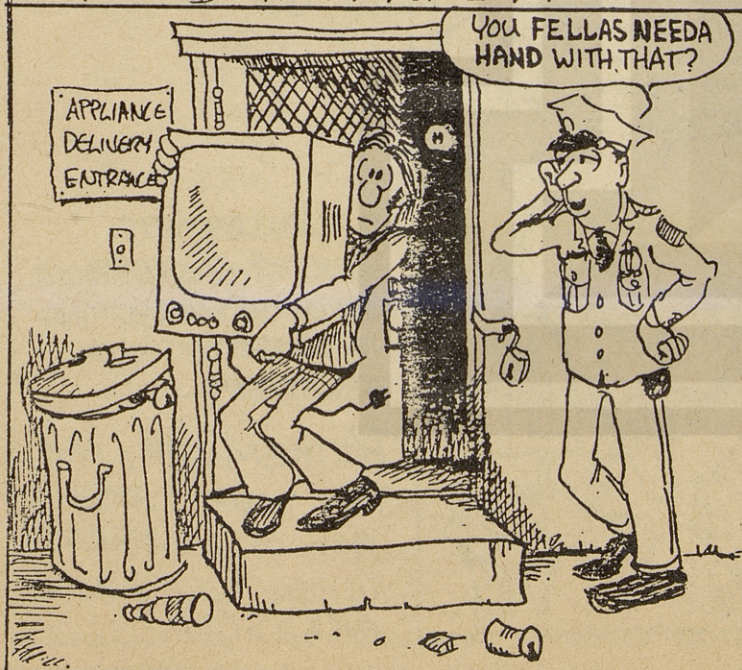
YES MRS. JONES.



WOULD YOU HAPPEN TO KNOW A KID BY THE NAME OF BOBBY JONES?



A JUVENILE MAY ALSO BE ARRESTED IF A POLICE OFFICER SEES HIM DOING AN UNLAWFUL ACT—OR BELIEVES A JUVENILE PROBABLY COMMITTED AN UNLAWFUL ACT.



A POLICEMAN DOES NOT HAVE TO SAY "YOU ARE UNDER ARREST" IN ORDER FOR AN ARREST TO TAKE PLACE. IF A POLICEMAN SEEMS IN ANY WAY TO BE TAKING YOU INTO CUSTODY, LIKE GRABBING YOUR ARM, TREAT IT AS AN ARREST..

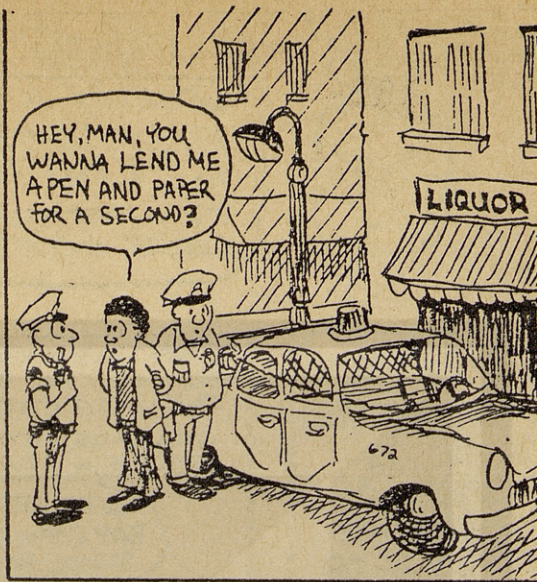


IF YOU ARE ARRESTED:

TWO THINGS TO REMEMBER*



YOU WILL PROBABLY BE TENSE, SCARED, AND EXCITED. **COOL IT. SHAKE IT OFF!** AND **LOOK**. WHO IS THERE? YOU MAY NEED WITNESSES LATER. GET THEIR NAMES AND BADGE NUMBER OF THE OFFICER WHO ARRESTS YOU. GET THE TIME AND PLACE. DON'T TRUST TO MEMORY--- WRITE IT DOWN AS SOON AS YOU CAN.



HOW COOL YOU ARE DURING AN ARREST IS UP TO YOU...

THE LAW REQUIRES THAT YOU GIVE YOUR NAME, ADDRESS, DATE OF BIRTH, AND PARENT'S NAME. **DON'T LIE**

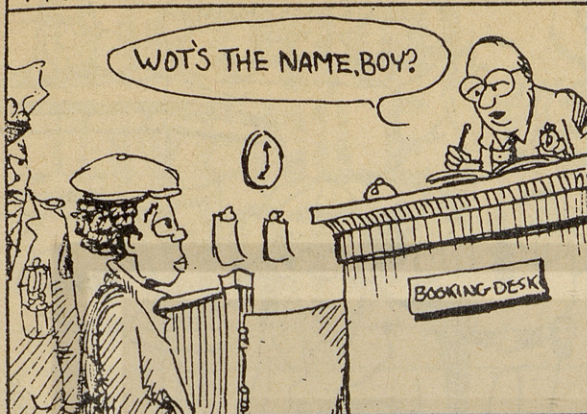
IF YOU DO YOU MAY GET BUSTED FOR OBSTRUCTING AN OFFICER.



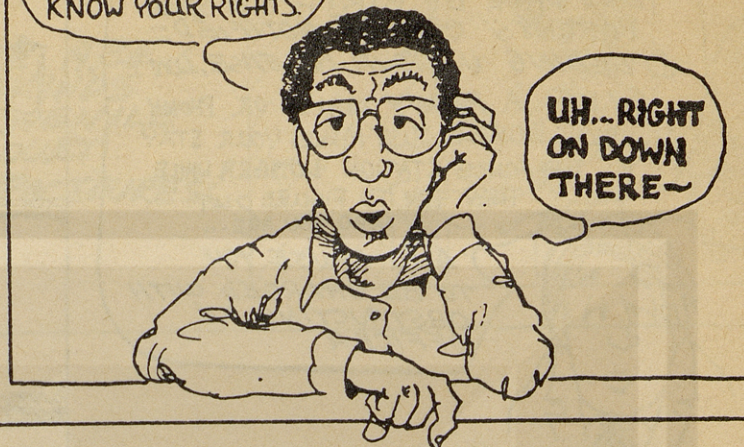
..BUT YOU CAN SAVE YOURSELF A LOT OF HASSLE IF YOU DO YOUR FIGHTING IN COURT INSTEAD OF THE STREET.....

REMEMBER, ASK FOR YOUR PARENTS AND A LAWYER WHEN YOU ARE ARRESTED.

WHEN ARRESTED, A JUVENILE IS USUALLY TAKEN HOME OR TO THE POLICE DEPARTMENT.



IT'S AT THIS POINT THAT YOU BETTER KNOW YOUR RIGHTS.

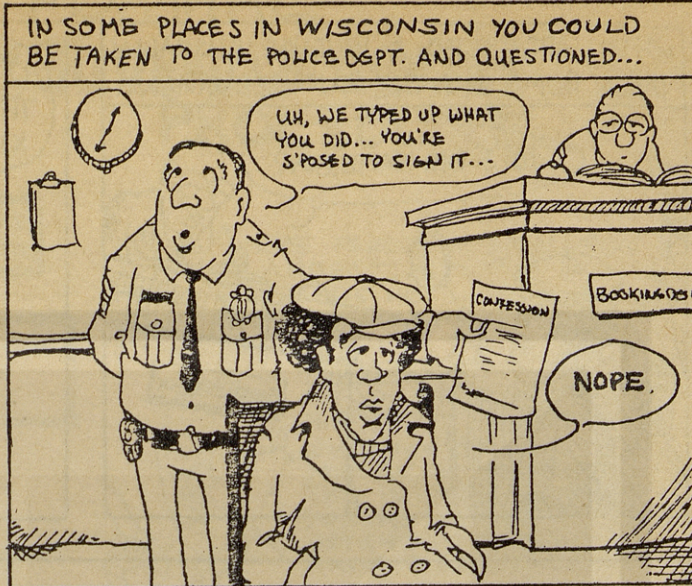
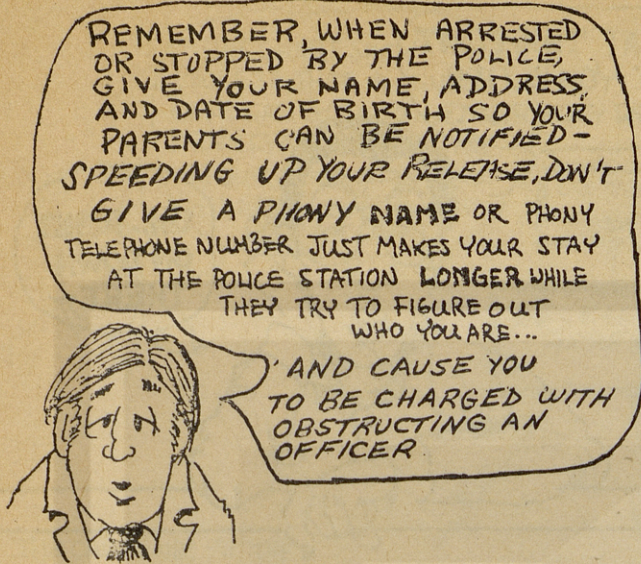


SOME BASIC RIGHTS GUARANTEED BY THE LAW OF WISCONSIN AND THE U.S. SUPREME COURT

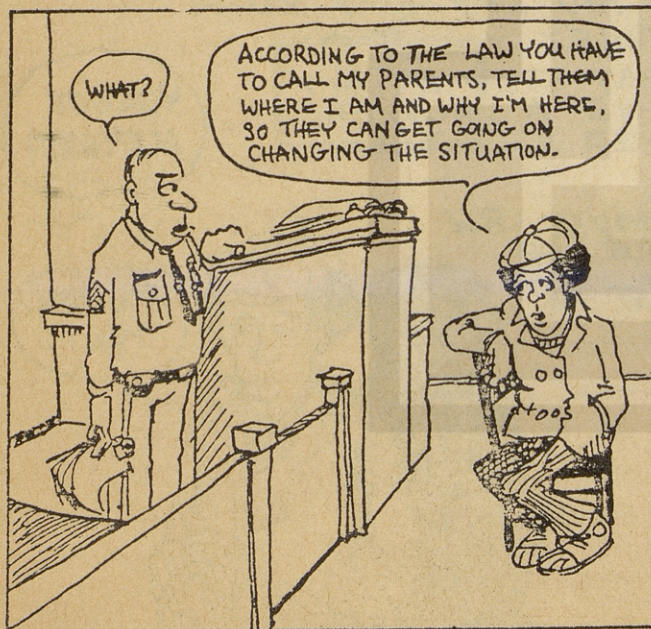
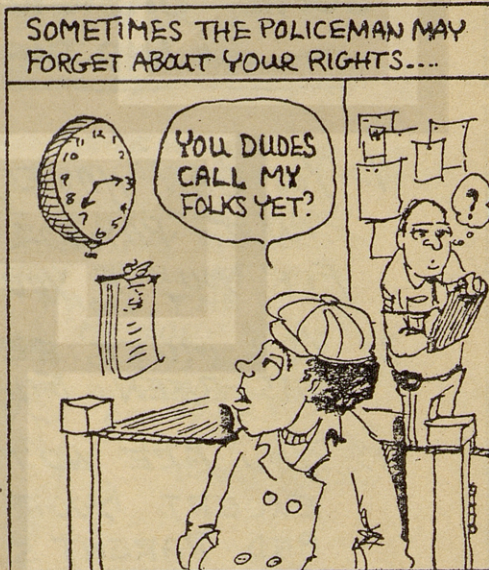
1. YOU CAN HAVE A LAWYER AT ANY TIME. IF YOU CAN'T PAY FOR A LAWYER, ONE WILL BE APPOINTED FOR YOU, IF YOU ASK FOR A LAWYER.
2. YOU MUST BE TOLD WHAT CHARGE OR COMPLAINT HAS BEEN FILED AGAINST YOU.
3. YOU ARE NOT REQUIRED TO SAY ANYTHING EXCEPT YOUR NAME, ADDRESS, DATE OF BIRTH, AND PARENT'S NAME. YOU MAY REMAIN SILENT IF YOU WANT. ANYTHING YOU SAY MAY BE USED AS EVIDENCE AGAINST YOU. IF YOU START TALKING YOU MAY STOP AT ANY TIME. IF YOU DON'T HAVE A LAWYER, ASK FOR ONE, THE LAWYER WILL TELL YOU WHAT TO SAY.
4. YOU AND YOUR PARENTS MUST BE TOLD THE TIME AND PLACE OF ANY HEARING IN YOUR CASE IN TIME TO PREPARE FOR IT.

YOU GOT ALL THAT?



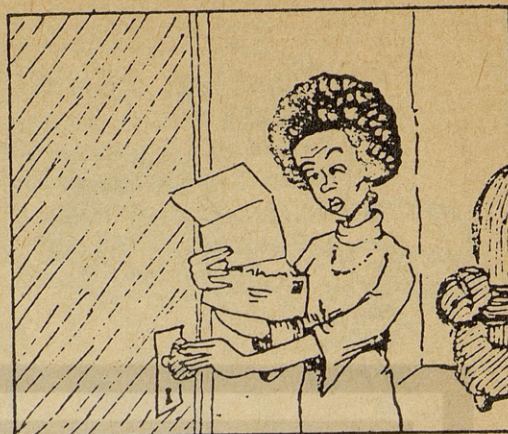


DEMAND THAT YOUR PARENTS OR GUARDIAN BE NOTIFIED IMMEDIATELY. THIS IS THE LAW. IF THE CHARGES AGAINST YOU ARE NOT TOO SERIOUS YOU MAY BE RELEASED TO YOUR PARENTS, IF THEY PROMISE TO BRING YOU TO COURT. OTHERWISE YOU CAN BE PUT IN DETENTION AND YOU SHOULD GET A HEARING WITHIN 24 HOURS



GOING THROUGH JUVENILE COURT...

THERE ARE TWO KINDS OF JUVENILE COURT PROCEDURES:



INFORMAL PROCEDURE

WHEN A COMPLAINT HAS BEEN MADE AGAINST YOU, YOU AND YOUR PARENTS MAY BE REQUIRED TO APPEAR BEFORE A PROBATION OFFICER TO TELL YOUR SIDE OF THE STORY.

REMEMBER - AT THE HEARING BEFORE THE PROBATION OFFICER, YOU HAVE THE RIGHT TO HAVE A LAWYER PRESENT AND THE RIGHT TO REMAIN SILENT.

THE PROBATION OFFICER MAY DECIDE THAT IT IS NOT NECESSARY FOR YOU TO GO TO COURT, BUT THAT YOU NEED COUNSELING OR ADVICE. HE MAY IMPOSE RESTRICTIONS ON YOU FOR A PERIOD OF TIME. YOUR FAILURE TO FOLLOW THESE RESTRICTIONS MAY CAUSE YOU TO GO TO COURT AT A LATER DATE.

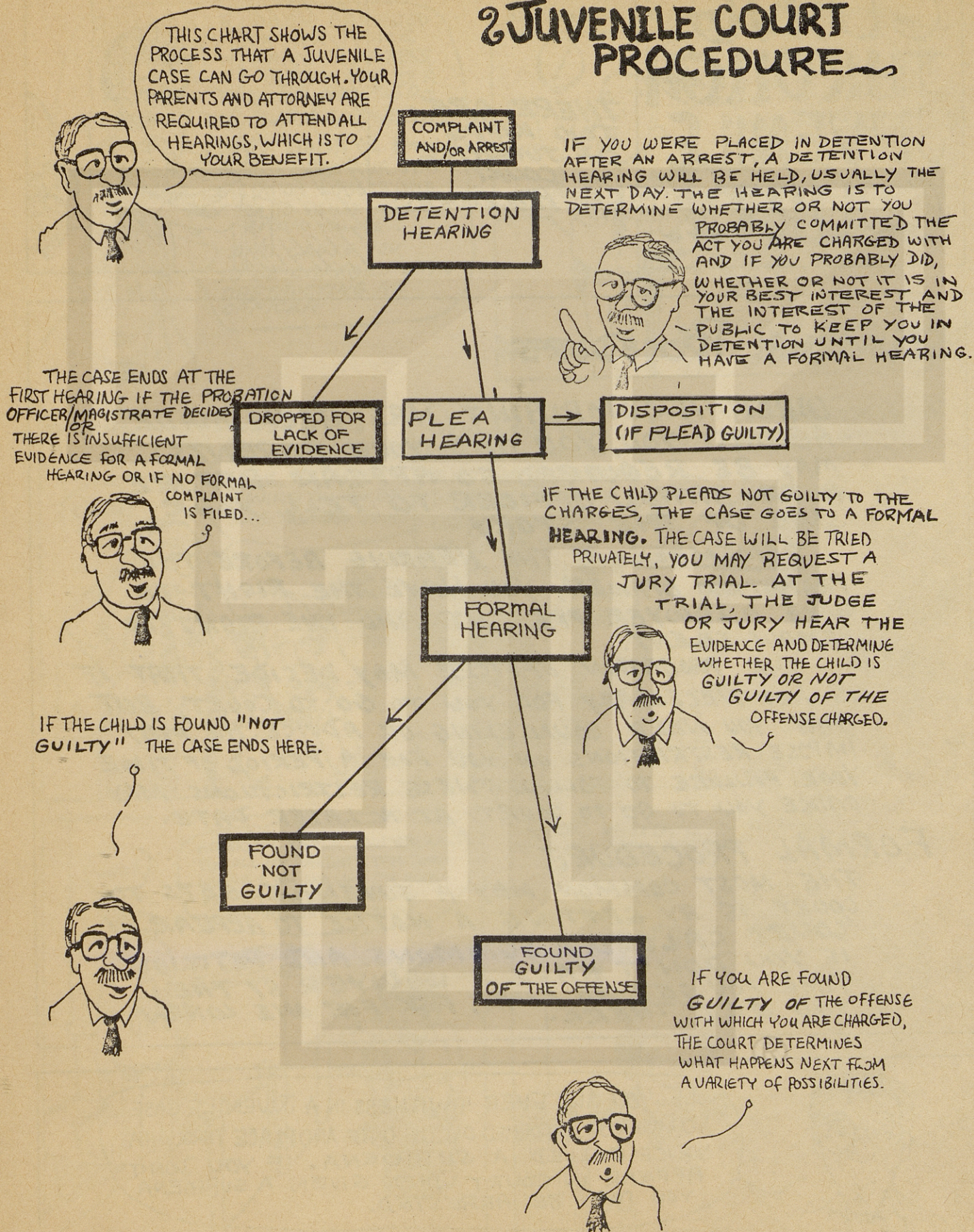
FORMAL PROCEDURE

THE MOST COMMON WAY A JUVENILE GETS TO COURT IS BY GETTING A NOTICE TO APPEAR IN COURT CALLED A SUMMONS AND PETITION. IF YOU DON'T HAVE A LAWYER BY THE TIME YOU GET TO COURT, ASK FOR ONE WHEN YOU GET THERE.



IF YOU ARE EVER A WITNESS IN A JUVENILE CASE YOU WILL BE INFORMED OF THE DATE AND PLACE THROUGH A NOTICE CALLED A SUBPOENA. IF YOU DON'T APPEAR IN COURT WHEN GIVEN A SUBPOENA YOU MAY BE ARRESTED.

FORMAL JUVENILE COURT PROCEDURE



IF THE JUVENILE IS FOUND GUILTY OF AN OFFENSE, THE JUDGE DETERMINES THE DISPOSITION. THIS WILL VARY WITH THE CIRCUMSTANCES OF THE CASE.

The Court may find that you are a CHILD IN NEED OF SUPERVISION if you continually disobey your parents in serious matters or if you skip school or run away from home a lot. You can be found IN NEED OF SUPERVISION if you are dangerous to the morals or health of yourself or others, if you are found in an illegal place, if you are employed in an illegal job, or if you've broken a law that only applies to children.

IF THE COURT FINDS THAT YOU ARE IN NEED OF SUPERVISION, IT MAY send you back to your parents on condition that your parents do certain things OR put you on probation OR transfer your custody to Milwaukee County for placement with a relative or in a foster home.

If you are charged with violating a TRAFFIC REGULATION and you are 16 years or older, your case will be in the adult traffic court, not juvenile court.

The Court may find that you are a DELINQUENT CHILD if you have broken a law that would have been a crime if an adult had done it.

IF THE COURT FINDS THAT YOU ARE A DELINQUENT CHILD, IT MAY send you back to your parents under certain conditions OR put you on probation OR transfer your custody from your parents for either special treatment or rehabilitation (Wales or Oregon).



WAIVER OF JUVENILE COURT JURISDICTION TO ADULT CRIMINAL COURT

If you are 16 years or older, the juvenile court can transfer its power to hear your case to adult criminal court for trial and sentencing. This is called a "waiver."

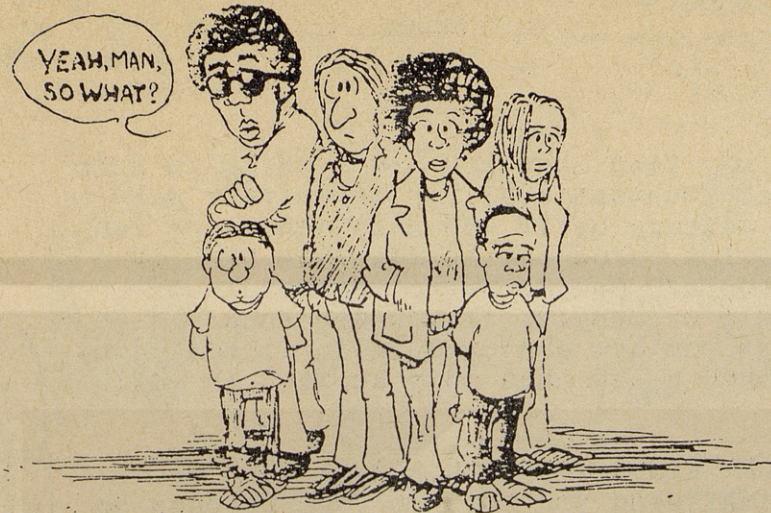
Before you can be transferred to adult criminal court, a "waiver hearing" must be held to determine whether or not it is in your interest and the interest of the public to have you stand trial as an adult. You have the right to be represented by an attorney at the waiver hearing.

In Milwaukee County the juvenile court is called "Children's Court" and is located at the following:

CHILDREN'S COURT CENTER
10201 Watertown Plank Road
Milwaukee, Wisconsin 53220
Telephone: 257-7710

If your parents cannot afford to pay an attorney to represent you, they should contact the office of the Public Defender. The office is located in the Children's Court Center, telephone: 257-7728.

SO WHAT DOES THIS MEAN TO YOU?



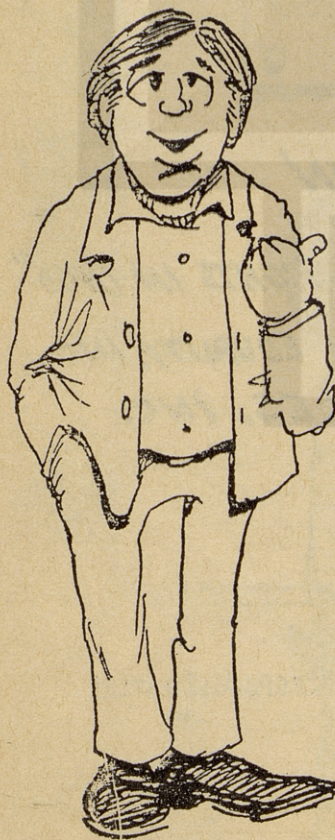
THAT'S UP TO YOU - YOU HAVE TO MAKE UP YOUR OWN MIND ABOUT THE LAW. AT SOME TIME YOU PROBABLY WILL HAVE TO DEAL WITH POLICE AND COURTS EVEN IF YOU DON'T BREAK THE LAW. IT'S IMPORTANT THAT YOU KNOW YOUR RIGHTS. REMEMBER TO ASK FOR A LAWYER AS SOON AS POSSIBLE.

IF YOU SHOULD EVER BE FOUND DELINQUENT OR IN NEED OF SUPERV.
BY THE JUVENILE COURT **YOU ARE NOT A CRIMINAL!**

YOU ARE STILL ALLOWED TO BECOME A CIVIL SERVANT, A POLICEMAN OR LAWYER EVEN WITH A JUVENILE COURT RECORD.

SO IF YOU **DO** GET IN TROUBLE, REMEMBER THAT IT'S NOT GOING TO RUIN YOUR LIFE.

TO BE SURE YOU
KNOW YOUR RIGHTS,
JUST CUT OUT THIS
LIST AND KEEP IT
WITH YOU. AND HERE'S
HOPING YOU NEVER
HAVE TO USE IT.



CUT ALONG DOTTED LINE

YOUR RIGHTS

1. You can have a lawyer at any time. If you can't pay for a lawyer, one will be appointed for you, if you ask for a lawyer.
2. You must be told what charge or complaint has been filed against you.
3. You are not required to say anything except your name, address, date of birth, and parent's name. You may remain silent if you want. Anything you say may be used as evidence against you. If you start talking you may stop at any time. If you don't have a lawyer, ask for one, the lawyer will tell you what to say.
4. You and your parents must be told the time and place of any hearing in your case in time to prepare for it.
5. You may call witnesses on your side.
6. You may have the person who made the complaint about you appear in court to testify under oath in your presence and you may ask him questions.
7. The judge or jury must find you guilty of the act you are charged with beyond a reasonable doubt.
8. Your parents must be notified if you are arrested.
9. You may not be held in a place where adult criminals are held.

REMEMBER: Don't resist an arrest, even if you are sure you are innocent. Write down the details of your arrest, names of witnesses, and badge numbers of the police who arrested you as soon as you can.

CUT ALONG DOTTED LINE

This handbook is not a substitute for a lawyer. The research reported herein was performed pursuant to grants from the Department of Health, Education and Welfare and the Office of Economic Opportunity, Washington, D.C. The opinions expressed herein are those of the authors and should not be construed as representing the opinions or policy of any agency of the United States Government.

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ADAPTED WITH PERMISSION FROM "JUVENILE RIGHTS IN OHIO"
BY ATTORNEYS OF FREEDOM THROUGH EQUALITY, INC.
AND MILWAUKEE LEGAL SERVICES, INC.

JUVENILE RIGHTS IN OHIO

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