

## Will I Be Allowed To Speak During My Child's Court Case?

Yes. During the adjudication hearing the guilt or innocence of the child is determined. Parents are not allowed to speak during this hearing unless they are a witness or called upon by the court. The disposition hearing is where the court determines what the final result of the case will be. A parent, guardian or custodian has the right to submit to the court a parental written statement on a form provided by the juvenile probation department. The parent can also make an oral statement at the disposition hearing.

## What Are A Parent's Responsibilities In The Juvenile Justice System?

As a parent, guardian or custodian of a child whose case is in the Texas juvenile justice system, you have certain responsibilities. Attendance at your child's hearings is required by law under Section 51.115 of the Family Code. You also have a responsibility to help your child comply with any court-ordered conditions of release from detention or conditions of probation imposed by the court to the best of your ability. A juvenile court may order a parent, guardian or custodian to do certain things. You have a responsibility to abide by any court orders directed at you, including bringing your child to court as directed.

## What If My Employer Will Not Let Me Miss Work To Attend My Child's Hearing?

Section 51.116 of the Texas Family Code provides that your employer may not terminate your employment if you are required to attend your child's hearing. If you are terminated for attending the hearing or hearings, you are entitled to be reinstated to your former position. In this situation, you should contact an attorney immediately for legal assistance.



## Can I Be Ordered To Pay Court Costs, Fees, Support and Restitution?

Yes. A juvenile court may order a parent, guardian or custodian to do any act the court determines is reasonable and necessary for the welfare of the child. The court may order you to refrain from certain actions as well. You may also be ordered to pay support for the child if the child is placed out of your home. Additionally, you may be ordered to pay for the cost of treatment programs and restitution to victims of your child's conduct. If the juvenile court appointed an attorney for your child, the court may order you to reimburse the county for the fees it paid to the attorney.

## Do I Need My Own Personal Attorney When My Child Goes to Court?

Possibly. The attorney who represents your child does not represent you, so you must decide if you need an attorney who will represent your interests in the event the court seeks to order you to do certain acts, refrain from certain actions or pay the costs of support, treatment or restitution.

## What If I Violate A Juvenile Court Order?

If you fail to comply with all applicable juvenile court orders, you may be found in contempt of court. The state may file a motion for enforcement against you and incarceration (jail) may be a possibility. If incarceration is a possible penalty at the enforcement hearing, you may be entitled to a court-appointed attorney if you are indigent and cannot afford to hire an attorney.



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For additional copies or if you have any problems or questions, please contact your local juvenile probation office or law enforcement agency at:

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# PARENTAL RIGHTS AND RESPONSIBILITIES

*A Parents' Guide to Understanding Their Rights and Responsibilities in the Texas Juvenile Justice System*



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## Which Persons Have Parental Rights in the Juvenile Justice System?

The Texas Family Code Title 3 (Juvenile Justice Code) governs juvenile proceedings in Texas. Chapter 61 of the Texas Family Code defines the rights of parents in the Texas Juvenile Justice System. A "parent" includes the natural or adoptive parent of a child, the legal guardian of a child, and a person with whom the child lives--called a custodian. The Texas Family Code is available on the Internet at [www.capitol.state.tx.us](http://www.capitol.state.tx.us).



### Will I Be Notified When My Child is Arrested?

Yes. If your child is taken into custody (arrested) by a law enforcement officer or juvenile probation officer, the officer must promptly give notice to the child's parent, guardian or custodian as required by Section 52.02 of the Texas Family Code. The notice must tell you that your child has been taken into custody and the reason why.

## Where Will My Child Be Taken After an Arrest?

When your child is arrested, he or she will normally be taken first to a juvenile processing office that is located at the arresting law enforcement agency's offices. Your child may also be taken directly to the local juvenile detention facility if there is one in your county or nearby. A child who has been arrested and detained may be released to a parent after a magistrate or probation officer decides whether his or her release is appropriate. A child needing medical attention will first be taken to a hospital or medical clinic for treatment. A child suspected of an alcohol related offense may be taken to a place to perform an intoxilyzer or take a specimen of a child's blood.



### Can My Child Be Fingerprinted And Photographed Without My Permission?

It depends. If your child is in custody or referred to a juvenile court for a Class B misdemeanor or higher, your permission is not necessary. However, if your child is not in custody, your written consent must be obtained before fingerprints and/or photographs can be taken. A police officer may take temporary custody of a child to obtain fingerprints or photographs in order to investigate a case or to identify a runaway. Afterwards, the police officer must take steps to notify you that the fingerprints and/or photographs were taken.

### Can A Sample Of My Child's Blood Or Other Tests Be Taken Without My Consent?



Yes. A parent may not give up a child's constitutionally protected right against illegal searches and seizures. These rights can only be given up by the child. However, blood tests and other evidentiary searches may lawfully be conducted without a child's or parent's permission under certain circumstances. In particular, a search warrant may be issued by a judge for blood samples or other tests without the child and attorney's consent. Tests, such as one for HIV, can only be administered after your child has been adjudicated (found guilty) for specific offenses.

## Can I See My Child After An Arrest While In the Custody of Law Enforcement?

Yes. If your child is taken to a juvenile processing office, you and your child both have certain rights. A child should not be left unattended at the juvenile processing office and the child is entitled to be accompanied by a parent, guardian or custodian. This is your child's right under Section 52.025 of the Texas Family Code. Under Section 61.103 of the Family Code, a parent has the right to communicate in person privately with their child for reasonable periods of time while the child is in a juvenile processing office. Regardless of whether or not this is your child's first experience in the juvenile justice system, your presence and support is important. You must also keep in mind that your conduct with law enforcement, juvenile probation personnel and court officials may impact whether you will have contact with your child. The law enforcement agency may regulate the time, place and conditions of the visit so as not to disrupt the activities of the facility and also to maintain security and safety.

## Who Decides If My Child Is Taken To A Juvenile Detention Facility?

The arresting law enforcement officer or probation officer will decide if the child's conduct (offense) requires formal detention. Law enforcement officers have the discretion to release a child to the child's parent, guardian or custodian. If the offense is a minor offense, law enforcement will usually release the child. However, for serious offenses or for repeat offenders, the decision is frequently made to take the child to the juvenile detention facility.



## If My Child Is Detained At A Juvenile Detention Facility, When Will My Child Have a Hearing?

A child is entitled to have a detention hearing by the second working day after the child is taken into custody. If the child is detained on a Friday or Saturday, the hearing will be on the first working day after the child is taken into custody. Reasonable notice of the time, place and purpose of the hearing must be given to the parents, guardian or custodian if they can be found. If a child has no parent, guardian or custodian present at the hearing, the judge will appoint a person to assist the child at the hearing (i.e., a guardian ad litem).

## Does My Child Need An Attorney?

While a child does not have to be represented by an attorney at the first detention hearing, it is a good idea if at all possible. At the first detention hearing, the judge will inform everyone of the child's right to be represented by an attorney. If the child does not already have an attorney and the child and family cannot afford an attorney, the court will appoint an attorney for the child. The child must be represented by an attorney at all remaining detention hearings and other hearings in the case.

## Can I Visit My Child in a Juvenile Detention Facility?

Yes. The juvenile detention facility is required to provide you with the visitation policy of the detention facility. Under Section 61.103 of the Family Code, the parent, guardian or custodian has the right to communicate in person privately with the child for reasonable periods of time. The facility can control the time, place and conditions of the visitation in order to maintain facility security, safety and operations.



## Will I Be Notified About the Proceedings In A Juvenile Case?

Yes. Once your child's case has been referred to the juvenile court, you must be informed about the proceedings and other information. You will be informed about the circumstances of the offense, the custody event, whether the offense was gang or alcohol related, whether there were any injuries to any person and who else was involved in the offense with your child. Additionally, you will be informed about the juvenile court process and ways you can assist with your child's case. The juvenile probation department will typically provide you with this information and is available to answer your questions.