

JUVENILE DELINQUENCY CASES

Counsel for juveniles in delinquency proceedings should abide by the Nevada Indigent Defense Standards of Performance applicable to felony and misdemeanor cases where applicable. The performance standards set forth below recognize the need to meet some concerns particular to representation of juveniles in delinquency proceedings.

Standard 1: The Role of Defense Counsel

- (a) The role of counsel in delinquency cases is to be an advocate for the child. Counsel should:
1. Ensure that the interests and rights of the client are fully protected and advanced irrespective of counsel's opinion of the client's culpability;
 2. fully explain to the juvenile the nature and purpose of the proceedings and the general consequences of the proceeding, seeking all possible aid from the juvenile on decisions regarding court proceedings;
 3. make sure the juvenile fully understands all court proceedings, as well as all his or her rights and defenses;
 4. upon appointment, counsel should first seek to meet separately with the juvenile out of the presence of the parent;¹
 5. not discuss any attorney-client privileged communications with the parent, or any other person, without the express permission of the juvenile;
 6. fully inform both the juvenile and juvenile's parents about counsel's role, especially clarifying the lawyer's obligation regarding confidential communications;

¹The use of the word "parent" in these Standards refers to parent, guardian, custodial adult, or person assuming legal responsibility for the child.

7. present the juvenile with comprehensible choices, help the juvenile reach his or her own decisions, and advocate the juvenile's viewpoint and wishes to the court; and
 8. refrain from waiving substantial rights or substituting counsel's own view, or the parents' wishes, for the position of the juvenile.
- (b) Counsel may request the appointment of a guardian ad litem, or may elect not to oppose such an appointment, only when very unusual circumstances warrant such an appointment. Every effort should be made to limit the role of the guardian ad litem to the minimum required for him/her to accomplish the purpose for which the appointment was made. In most cases, both the guardian and the client should be instructed not to discuss the facts of the case as this discussion may not be privileged.

Standard 2: Education, Training, and Experience of Defense Counsel

- (a) Counsel who undertake the representation of a client in a juvenile delinquency proceeding shall have the knowledge and experience necessary to represent a child diligently and effectively.
- (b) Counsel should consider working with an experienced juvenile delinquency practitioner as a mentor when beginning to represent clients in delinquency cases.
- (c) At a minimum, counsel should attend 4 hours of CLE relevant to juvenile defense annually.
- (d) Counsel shall familiarize themselves with Nevada statutes relating to delinquency proceedings, as well as the Nevada Rules of Criminal Procedure, Nevada Rules of Evidence, Nevada Rules of Appellate Procedure, relevant caselaw, and any relevant local court rules. Counsel should be knowledgeable about and seek ongoing formal and informal training in the following areas:
 1. Competency and Developmental Issues:
 - (A) Child and adolescent development;
 - (B) Brain development;

- (C) Mental health issues, common childhood diagnoses, and other disabilities; and
 - (D) Competency issues and the filing and processing of motion for competency evaluations.
2. Attorney/Client Interaction:
- (A) Interviewing and communication techniques for interviewing and communicating with children, including police interrogations and Miranda considerations;
 - (B) Ethical issues surrounding the representation of children and awareness of the role of the attorney; and
 - (C) Awareness of the role of the attorney versus the role of the guardian ad litem, including knowledge of how to work with a guardian ad litem
3. Department of Juvenile Justice Services/Other State and Local Programs:
- (A) Diversion services available through the court and probation;
 - (B) The child welfare system and services offered by the child welfare system;
 - (C) Nevada Department of Child and Family Services facility operations, release authority, and parole policies;
 - (D) Community resources and service providers for children and all alternatives to incarceration available in the community for children;
 - (E) Intake, programming, and education policies of local detention facility;
 - (F) Probation department policies and practices; and
 - (G) Gender specific programming available in the community.
4. Specific Areas of Concern:
- (A) Police interrogation techniques and Miranda consideration, as well as other Fourth, Fifth, and Sixth Amendment issues as they relate to children and adolescents;
 - (B) Substance abuse issues in children and adolescents;
 - (C) Special education laws, rights, and remedies;

- (D) Cultural diversity;
- (E) Immigration issues regarding children;
- (F) Gang involvement and activity;
- (G) School-related conduct and zero tolerance policies (“school to prison pipeline” research, search and seizure issues in the school setting);
- (H) What factors lead children to delinquent behaviors;
- (I) Signs of abuse and/or neglect;
- (J) Issues pertaining to status offenders; and
- (K) Scientific technologies and evidence collection.

Standard 3: Adequate Time and Resources

Counsel should not carry a workload that by reason of its excessive size or representation requirements interfere with the rendering of quality legal service, endangers the juvenile’s interest in the speedy disposition of charges, or risks breach of professional obligations. Before agreeing to act as counsel or accepting appointment by a court, counsel has an obligation to make sure that he or she has sufficient time, knowledge, and experience and will pursue adequate resources to offer quality legal services in a particular matter. If, after accepting an appointment, counsel finds he or she is unable to continue effective representation, counsel should consider appropriate caselaw and ethical standards in deciding whether to move to withdraw or take other appropriate action. Counsel must maintain an appropriate, professional office in which to consult with clients and witnesses and must maintain a system for receiving collect telephone calls from incarcerated clients.

Standard 4: Initial Client Interview

- (a) Preparing for the Initial Interview: Prior to conducting the initial interview, the attorney should:
 - 1. be familiar with the elements of the offense and the potential punishment;

2. obtain copies of relevant documents that are available, including copies of any charging documents, recommendations, and reports made by the Department of Juvenile Justice and law enforcement;
 3. be familiar with detention alternatives and the procedures that will be followed in setting those conditions;
 4. consider all possible defenses and affirmative defenses and any lesser-included offenses that may be available;
 5. consider the collateral consequences attaching to any possible sentencing, for example parole or probation revocation, immigration consequences, sex offender registration and reporting provisions, loss of driving privileges, DNA collection, school suspension or expulsion, consequences relating to public housing, etc.; and
 6. review the petition for any defects.
- (b) Counsel shall make every effort to conduct a face-to-face interview with the client as soon as practicable and sufficiently in advance of any court proceedings. In cases where the client is detained or in custody, counsel should make efforts to visit with the client within 24-48 hours after receiving the appointment. Counsel should:
1. interview the client in a setting that is conducive to maintaining the confidentiality of communications between attorney and client;
 2. maintain ongoing communications and/or meetings with the client, which are essential to establishing a relationship of trust between the attorney and client;
 3. provide the client with a method to contact the attorney, including information on calling collect from detention facilities;
 4. utilize the assistance of an interpreter as necessary and seek funding for such interpreting services from the court;
 5. work cooperatively with the parents, guardian, and/or other person with custody of the child to the extent possible without jeopardizing the legal interests of the child;
 6. consider the client's age, developmental stage, mental retardation, and mental health diagnoses in all cases, understand the nature and

consequences of a competency proceeding, and resolve issues of raising or not raising competency in consultation with the client; and

7. be alert to issues that may impede effective communication between counsel and client and ensure that communication issues such as language, literacy, mental or physical disability, or impairment are effectively addressed to enable the client to fully participate in all interviews and proceedings. Appropriate accommodations should be provided during all interviews, preparation, and proceedings, which might include the use of interpreters, mechanical or technological supports, or expert assistance.

Standard 5: Detention Hearing

- (a) When appropriate, counsel shall attempt to obtain the pretrial release of any client. Counsel shall advocate for the use of alternatives to detention for the youth at the detention hearing. Such alternatives might include electronic home monitoring, day or evening reporting centers, utilization of other community-based services such as after school programming, etc. If counsel is appointed after the initial detention hearing or if the youth remains detained after the initial detention hearing, counsel shall consider the filing of a motion to review the detention decision.
- (b) If the youth's release from secure detention is ordered by the court, counsel shall carefully explain to the juvenile the conditions of release from detention and any obligations of reporting or participation in programming. Counsel should take steps to secure appointment of counsel to juveniles prior to the detention hearing.

Standard 6: Informal Supervision/Diversion

Counsel shall be familiar with all available alternatives offered by the court or available in the community. Such programs may include diversion, mediation, or other informal programming that could result in a juvenile's case being dismissed, handled informally, or referred to other community programming. When appropriate

and available, counsel shall advocate for the use of informal mechanisms that could steer the juvenile's case away from the formal court process.

Standard 7: Case Preparation and Investigation

A thorough investigation by defense counsel is essential for competent representation of youth in delinquency proceedings. The duty to investigate exists regardless of the youth's admissions or statements to defense counsel of facts or the youth's stated desire to plead guilty. Counsel should:

- (a) obtain and examine all charging documents, pleadings, and discovery;
- (b) request and secure discovery, including exculpatory/impeaching information;
- (c) request the names and addresses of prosecution witnesses, their prior statements, and criminal records;
- (d) obtain the prior statements of the client and his or her delinquency history; all papers, tapes, or electronic recordings relevant to the case; expert reports and data upon which they are based, statements of co-defendants, an inspection of physical evidence, all documents relevant to any searches conducted, 911 tapes and dispatch reports, records of the client, including, but not limited to, educational, psychological, psychiatric, substance abuse treatment, children services records, court files, and prior delinquency records and be prepared to execute any needed releases of information or obtain any necessary court orders to obtain these records;
- (e) research and review the relevant statutes and caselaw to identify elements of the charged offense(s), defects in the prosecution, and available defenses;
- (f) conduct an in-depth interview of the client to assist in shaping the investigation;
- (g) consider seeking the assistance of an investigator when necessary and consider moving the court for funding to pay for the use of an investigator;
- (h) attempt to locate all potential witnesses and have them interviewed (if counsel conducts a witness interview, counsel should do so in the presence of a third person who can be called as a witness);

- (i) obtain the assistance of such experts as are appropriate to the facts of the case;
- (j) consider going to the scene of the alleged offense or offenses in a timely manner;
- (k) consider the preservation of evidence and document such by using photographs, measurements, and other means; and
- (l) be mindful of all requirements for reciprocal discovery and be sure to provide such in a timely manner.

Standard 8: Pretrial Motions

Counsel should consider filing an appropriate motion whenever there exists a good-faith reason to believe that the applicable law may entitle the client to relief that the court has discretion to grant. Counsel shall review all statements, reports, and other evidence and interview the client to determine whether any motions are appropriate. Counsel should timely file all appropriate pretrial motions and participate in all pretrial proceedings.

- (a) The decision to file pretrial motions should be made after thorough investigation and after considering the applicable law in light of the circumstances of the case. Among the issues that counsel should consider addressing in a pretrial motion are:
 - 1. the pretrial detention of the client;
 - 2. the constitutionality of the implicated statute(s);
 - 3. defects in the charging process or the charging document;
 - 4. severance of charges or defendants;
 - 5. discovery issues;
 - 6. suppression of evidence or statements;
 - 7. speedy trial issues; and
 - 8. evidentiary issues.
- (b) Counsel should only withdraw or decide not to file a motion after careful consideration, and only after determining whether the filing of a motion may be necessary to protect the client's rights against later claims of waiver or procedural default.

- (c) Motions should be filed in a timely manner and with an awareness of the effect of filing the motion on the client's speedy trial rights. When an evidentiary hearing is scheduled on a motion, counsel's preparation for the hearing should include:
1. investigation, discovery, and research relevant to the claim advanced;
 2. subpoenaing of all helpful evidence and witnesses; and
 3. full understanding of the burdens of proof, evidentiary principles, and trial court procedures applying to that hearing, including the benefits and costs of having the client testify.
- (d) Requests or agreements to continue a contested hearing date shall not be made without consultation with the client. Counsel shall diligently work to complete the investigation and preparation in order to be fully prepared for all court proceedings. In the event that counsel finds it necessary to seek additional time to adequately prepare for a proceeding, counsel should consult with the client and discuss seeking a continuance of the upcoming proceeding. Whenever possible, written motions for continuance made in advance of the proceeding are preferable to oral requests for continuance. All requests for a continuance should be supported by well-articulated reasons on the record in the event it becomes an appealable issue.

Standard 9: Plea Negotiations

- (a) Under no circumstances should defense counsel recommend to a client acceptance of a plea unless appropriate investigation and study of the case has been completed, including an analysis of controlling law and the evidence likely to be introduced at trial.
- (b) Counsel should:
1. with the consent of the client, explore diversion and other informal and formal admission of disposition agreements with regard to the allegations;
 2. fully explain to the client the rights that would be waived by a decision to enter into any admission or disposition agreement;
 3. keep the client fully informed of the progress of the negotiations;

4. convey to the client any offers made by the prosecution and the advantages and disadvantages of accepting the offers;
 5. continue to preserve the client's rights and prepare the defense notwithstanding ongoing negotiations; and
 6. not enter into any admission or disposition agreement on behalf of the client without the client's authorization.
- (c) In developing a negotiation strategy, counsel must be completely familiar with:
1. concessions that the client might offer the prosecution as part of a negotiated settlement, including, but not limited to:
 - (A) not to proceed to trial on the merits of the charges;
 - (B) to decline from asserting or litigating particular pretrial motions;
 - (C) an agreement to fulfill specified restitution conditions and/or participation in community work or service programs, or in rehabilitation or other programs; and
 - (D) providing the prosecution with assistance in prosecuting or investigating the present case or other alleged criminal/delinquent activity.
 2. benefits the client might obtain from a negotiated settlement, including, but not limited to:
 - (A) that the prosecution will not oppose the client's release pending disposition or appeal;
 - (B) that the client may enter a conditional plea to preserve the right to litigate and contest certain issues affecting the validity of the conviction;
 - (C) that one or more of the charged offenses may be dismissed or reduced either immediately or upon completion of a deferred prosecution agreement;
 - (D) that the client will not be subject to further investigation or prosecution for uncharged alleged delinquent conduct;
 - (E) that the client will receive, with the agreement of the court, a specified sentence or sanction;

- (F) that the prosecution will take, or refrain from taking, at the time of disposition and/or in communications with the probation department a specified position with respect to the sanction to be imposed on the client by the court; and
 - (G) that the client will receive, or the prosecution will recommend, specific benefits concerning the client's place and /or manner of confinement and/or release on probation.
- (d) In the decision-making process, counsel should:
1. inform the client of any tentative negotiated agreement reached with the prosecution, explain to the client the full content of the agreement, and explain advantages, disadvantages, and potential consequences of the agreement; and
 2. not attempt to unduly influence the decision, as the decision to enter a plea of guilty rests solely with the client; where counsel reasonably believes that acceptance of a plea offer is in the best interest of the client, counsel should advise the client of the benefits of this course of action.
- (e) Prior to the entry of the plea, counsel should meet with the client in a confidential setting that fosters full communication and:
1. make certain that the client understands the rights he or she will waive by entering the plea and that the client's decision to waive those rights is knowing, voluntary, and intelligently made;
 2. make certain that the client fully and completely understands the conditions and limits of the plea agreement and the maximum punishment, sanctions, and other consequences the client will be exposed to by entering the plea; and
 3. explain to the client the nature of the plea hearing and prepare the client for the role he or she will play in the hearing, including answering questions of the judge, and providing a statement concerning the offense.
- (f) After entry of the plea, counsel should:
1. be prepared to address the issue of release pending disposition hearing. Where the client has been released, counsel should be

- prepared to argue and persuade the court that the client's continued release is warranted and appropriate. Where the client is in custody prior to the entry of the plea, counsel should, where practicable, advocate for the client's release pending disposition; and
2. make every effort to review and explain the plea proceedings with the client and to respond to any client questions and concerns.

Standard 10: Adjudicatory Hearing

- (a) Counsel should develop a theory of the case in advance of the adjudicatory hearing. Counsel shall issue subpoenas and obtain court orders for all necessary evidence to ensure the evidence's availability at the adjudicatory hearing. Sufficiently in advance of the hearing, counsel shall subpoena all potential witnesses. Where appropriate, counsel should have the following materials available at the time of the contested hearing:
 1. copies of all relevant documents filed in the case;
 2. relevant documents prepared by investigators;
 3. outline or draft of opening statement;
 4. cross-examination plans for all prospective prosecution witnesses;
 5. direct examination plans for all prospective defense witnesses;
 6. copies of defense subpoenas;
 7. prior statements of all prosecution witnesses;
 8. prior statements of all defense witnesses;
 9. reports from all experts;
 10. a list and copies of originals of defense and prosecution exhibits;
 11. copies of all relevant statutes or cases; and
 12. outline or draft of closing argument.
- (b) Counsel should be fully informed as to the rules of evidence and the law relating to all stages of the trial process and should be familiar with legal and evidentiary issues that can reasonably be anticipated to arise in the trial.
- (c) Counsel should decide if it is beneficial to secure an advance ruling on issues likely to arise at trial (e.g., admissibility of evidence), and where appropriate,

- counsel should prepare motions and memoranda in support of the client's position.
- (d) Throughout the adjudicatory process, counsel should endeavor to establish a proper record for appellate review. As part of this effort, counsel should request, whenever necessary, that all discussions and rulings be made on the record.
 - (e) Counsel should advise the client as to suitable courtroom dress and demeanor.
 - (f) Counsel should plan with the client the most convenient system for conferring throughout the contested hearing.
 - (g) During the adjudicatory hearing, counsel shall raise objections on the record to any evidentiary issues; in order to best preserve a client's appellate rights, counsel shall object on the record and state the grounds for such objection following the court's denial of any defense motion.
 - (h) Counsel shall ensure that an official court record is made and preserved of any pretrial hearings and the adjudicatory hearing.
 - (i) Counsel shall utilize expert services when appropriate and petition the court for assistance in obtaining expert services when necessary.
 - (j) Counsel should anticipate weaknesses in the prosecution's proof and consider appropriate motions for judgment of acquittal at all appropriate stages of the litigation.
 - (k) Counsel should consider the strategic advantages and disadvantages of entering into any stipulations.
 - (l) In preparing for cross-examination, counsel should:
 1. be prepared to question witnesses as to the existence of prior statements that they may have made or adopted;
 2. consider the need to integrate cross-examination, theory, and theme of the defense;
 3. avoid asking unnecessary questions that may hurt the defense case;
 4. anticipate evidence that the prosecution may call in its case-in-chief and on rebuttal;
 5. create a cross-examination plan for all anticipated witnesses;

6. review all prior statements and testimony of the witnesses in order to be aware of all inconsistencies or variances; and
7. review relevant statutes, regulations, and policies applicable to police witnesses and consider a pretrial motion or voir dire examination of prosecution experts to determine qualifications of experts or reliability of the anticipated opinion.

Standard 11: Presenting the Client's Case

- (a) Counsel should develop, in consultation with the client, an overall defense strategy. In deciding on defense strategy, counsel should consider whether the client's interests are best served by not putting on a defense case and instead relying on the prosecution's failure to meet its constitutional burden of proving each element beyond a reasonable doubt.
- (b) Counsel should discuss with the client all of the considerations relevant to the client's decision to testify. Counsel should also be familiar with his or her ethical responsibilities that may be applicable if the client insists on testifying untruthfully. Counsel should maintain a record of the advice provided to the client and the client's decision concerning whether to testify.
- (c) Counsel should be aware of the elements of any affirmative defense and know whether, under the applicable law of the jurisdiction, the client bears a burden of persuasion or a burden of production.
- (d) In preparing for presentation of a defense case, counsel should, where appropriate, do the following:
 1. develop a plan for direct examination of each potential witness;
 2. determine the implications that the order of witnesses may have on the defense case;
 3. determine which facts necessary for the defense case can be elicited through the cross-examination of the prosecution's witnesses;
 4. consider the possible use of character witnesses;
 5. consider the need for expert witnesses and what evidence must be submitted to lay the foundation for the expert's testimony;
 6. review all documentary evidence that must be presented; and

7. review all tangible evidence that must be presented.
- (e) In developing and presenting the defense case, counsel should consider the implications it may have for a rebuttal by the prosecutor.
 - (f) Counsel should prepare all witnesses for direct and possible cross-examination. Where appropriate, counsel should also advise witnesses of suitable courtroom dress and demeanor.
 - (g) Counsel should conduct redirect examination as appropriate.

Standard 12: Objections to the Hearing Master's Recommendations

Counsel shall advise client of the role of the Hearing Master and the procedure and purpose of filing objections to the Hearing Master's findings and recommendations. Counsel shall review the Hearing Master's decision for possible meritorious grounds for objection. If the Hearing Master's decision does not contain findings of facts and conclusions of law, counsel shall request in writing such findings of facts and conclusions of law in accordance with NRS 62B.030(3) Counsel shall ensure that the transcript of the proceeding is timely obtained and objections are timely filed in accordance with NRS 62B.030(4). Counsel shall draft and file objections and supplemental points and authorities with specificity and particularity and participate in the oral argument if scheduled.

Standard 13: Preparation for the Disposition Hearing

Preparation for disposition should begin upon appointment. Counsel should:

- (a) be knowledgeable of available dispositional alternatives both locally and outside of the community;
- (b) review, in advance of the dispositional hearing, the recommendations of the probation department or other court department responsible for making dispositional recommendations to the court;
- (c) inform their client of these recommendations and other available dispositional alternatives; and

- (d) be familiar with potential support systems of the client such as school, family, and community programs and consider whether such supportive services could be part of a dispositional plan.

Standard 14: The Disposition Process

During the disposition process, counsel should:

- (a) correct inaccurate information that may be detrimental to the client and object to information that is not properly before the court in determining the disposition;
- (b) present to the Court all known and reasonably available mitigating and favorable information, including relevant expert testimony or reports;
- (c) develop a plan that seeks to achieve the least restrictive and burdensome disposition alternative and that can reasonably be obtained based on the facts and circumstances of the offense, the client's background, the applicable disposition and alternatives, and other information pertinent to the disposition decision;
- (d) consider filing a memorandum setting forth the defense position with the court prior to the dispositional hearing;
- (e) maintain contact with the client prior to the disposition hearing and inform the client of the steps being taken in preparation for sentencing;
- (f) obtain from the client and/or the client's family relevant information concerning his or her background and personal history, prior delinquency record, employment history, education, and medical history and condition and obtain from the client sources that can corroborate the information provided;
- (g) request any necessary and appropriate client evaluations, including those for mental health and substance abuse;
- (h) ensure the client has an opportunity to examine the disposition report;
- (i) inform the client of his or her right to speak at the disposition hearing and assist the client in preparing the statement, if any, to deliver to the court;

- (j) inform the client of the effects that admissions and other statements may have upon an appeal, retrial, or other judicial proceedings;
- (k) collect affidavits to support the defense position when appropriate and prepare witnesses to testify at the sentencing hearing and request the opportunity to present tangible and testimonial evidence;
- (l) prepare to address victim participation either through the victim impact statement or by direct testimony at the disposition hearing; and
- (m) ensure that an official court record is made and preserved of any disposition hearing.

Standard 15: The Disposition Report

Counsel should:

- (a) become familiar with the procedures concerning the preparation, submission, and verification of the disposition report;
- (b) prepare the client for the interview with the official preparing the disposition report;
- (c) determine whether a written disposition report will be prepared and submitted to the court prior to the disposition hearing; where preparation of the report is optional, counsel should consider the strategic implications of requesting report;
- (d) provide to the official preparing the report relevant information favorable to the client, including, where appropriate, the client's version of the offense;
- (e) attend any interview of the client by an agency disposition investigator where appropriate; review the completed report prior to sentencing;
- (f) take appropriate steps to ensure that erroneous or misleading information that may harm the client is deleted from the report; and
- (g) take reasonable steps to ensure that a corrected copy of the report is sent to corrections officials if there are any amendments made to the report by the court.

Standard 16: Post-Disposition Responsibilities/Advocacy

Following the disposition hearing, counsel should:

- (a) review the disposition order to ensure that the sentence is clearly and accurately recorded and take steps to correct any errors and ensure that it includes language regarding detention credits and plea agreements;
- (b) be aware of sex offender registration requirements and other requirements, both state and federal, imposed on sex offenders and communicate those requirements to the client;
- (c) be familiar with the procedure for sealing and expunging records, advise the client of those procedures, and utilize those procedures when available;
- (d) be familiar with the procedures to request a new contested hearing, including the time period for filing such a motion, the effect it has upon the time to file a notice of appeal, and the grounds that can be raised and advise the client of his or her rights with regard to those procedures;
- (e) inform the client of his or her rights to representation and to appeal an adjudication after a contested hearing, after a conditional plea or after an admission that was not entered in a knowing, intelligent, and voluntary manner and document the client's decision regarding appeal;
- (f) ensure that the notice of appeal and request for appointment of counsel is filed, or that the client has obtained or the court has appointed, appellate counsel in a timely manner even if counsel believes that an appeal will not be successful or is not cognizable;
- (g) timely respond to requests from appellate counsel for information about or documents from the case, when appellate counsel was not trial counsel;
- (h) inform the client of any right that may exist to be released pending disposition of the appeal;
- (i) consider requesting a stay of execution of the judgment to permit the client to report directly to the place of confinement, if a custodial sentence is imposed; and

- (j) include in the advice to the client, an explanation of the limited nature of the relief available on direct appeal and, where appropriate, an explanation of the remedies available to him or her in post-adjudication proceedings.

Standard 17: Transfer Proceedings to Adult Court

- (a) Transfer proceedings require special knowledge and skill due to the severity of the consequence of the proceedings. Counsel shall not undertake representation of children in these areas without sufficient experience, knowledge, and training in these unique areas. It is recommended that counsel representing children in transfer proceedings have litigated at least 2 criminal jury trials or be assisted by co-counsel with the requisite experience.
- (b) Counsel representing juveniles in transfer proceedings should:
 1. be fully knowledgeable of adult criminal procedures and sentencing;
 2. be fully knowledgeable of the legal issues regarding probable cause hearings and transfer proceedings;
 3. investigate the social, psychological, and educational history of the child;
 4. retain or employ experts including psychologists, social workers, and investigators in order to provide the court with a comprehensive analysis of the child's strengths and weaknesses in support of retention of juvenile jurisdiction;
 5. be knowledgeable of the statutory findings the court must make before transferring jurisdiction to the criminal court and any caselaw affecting the decision;
 6. be prepared to present evidence and testimony to prevent transfer, including testimony from teachers, counselors, psychologists, community members, probation officers, religious associates, employers, or other persons who can assist the court in determining that juvenile jurisdiction should be retained;
 7. ensure that all transfer hearing proceedings are recorded;
 8. preserve all issues for appeal; and

9. investigate possible placements for the client if the case remains in juvenile court.