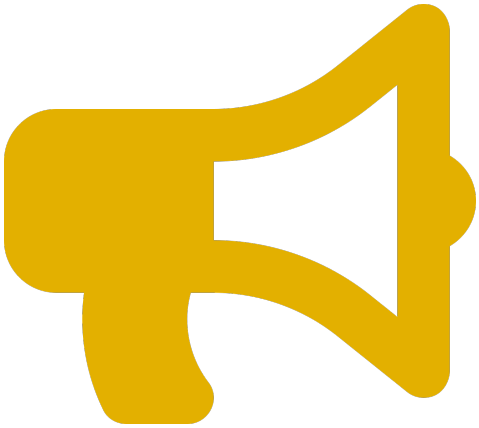

How-To-Guide on Legislative Advocacy: “Ensuring Access for Youth of Color: Raising Race in Policy Advocacy”

RACIAL JUSTICE TOOLKIT: POLICY ADVOCACY RESOURCE

Ensuring Access for Youth of Color: Raising Race in Policy Advocacy

Appendix to "Ensuring Access: A Policy Advocacy Toolkit" released May 2018 by the National Juvenile Defender Center

This appendix provides additional resources to aid defenders in raising racial justice arguments as they advocate for improved access to counsel for youth in their jurisdictions. Defenders should utilize this appendix along with the full text of "Ensuring Access," which is available here: https://njdc.info/wp-content/uploads/2018/05/Ensuring-Access.pdf "Ensuring Access" is the policy toolkit that accompanies "Access Denied: A National Snapshot of States' Failure to Protect Children's Right to Counsel." The full text is available here: https://njdc.info/wp-content/uploads/2017/05/Snapshot-Final_single-4.pdf

"Ensuring Access for Youth of Color: Raising Race in Policy Advocacy" provides additional material for each of the five issue-specific sections of "Ensuring Access." While the findings, recommendations, and example statutes or rules will remain the same, this Appendix adds messaging specific to raising race to each section. Race-focused additions to the sample documents for each section are highlighted in yellow. New to this appendix is a section on accessing and advocating for data related to race in appointment of counsel.

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I. Why Raise Race?

Youth of color continue to be denied their rights in the juvenile legal system, even though over 50 years have passed since the Supreme Court guaranteed youth the right to counsel and other due process protections in *In re Gault*, 387 U.S. 1 (1967). Today as in the past, youth of color are disproportionately impacted at every stage of the juvenile delinquency court process. They are more likely to be arrested for the same conduct as their white peers, are given fewer opportunities for diversion, and are detained and incarcerated at higher rates.

Early access to specialized juvenile defense counsel can help end racial disparities in the juvenile legal system. Access to counsel is a key that unlocks the rights of youth at every stage of the court process from interrogation through record sealing. Attorneys for youth of color will advocate for individualized treatment and inform the court of the impact of implicit racial bias. This advocacy can lead to fair treatment and better outcomes for all youth. If children don't have access to counsel, youth and the communities they return to lose out on these important benefits.

Regardless of which of the five issue-specific sections your coalition chooses to center its advocacy around, you can and should raise race. When we fail to acknowledge the disparate treatment of youth of color at every stage of the juvenile justice system, we risk developing new policies that continue to disadvantage minority youth. If we apply a racial equity lens to our policy advocacy, we can intentionally design policies that positively impact youth of color. Raising race requires an intentional centering of people of color, who have historically been excluded from the systems of power where policy decisions are made. Consider this as you build your coalition and make decisions together.

You may experience resistance as you bring race into policy conversations where it has often been overlooked. Be prepared to meet this resistance with data, research, strategic messaging, and other teaching and advocacy tools. You can find many of these in the Community Education section of Racial Justice for Youth: A Toolkit for Defenders.

II. Data

Data can be a useful tool to illuminate the racial disparities in access to counsel for youth and inequality throughout the juvenile legal system. As noted in "Access Denied," data related to appointment of counsel is generally not collected or reported.[1] While the Office of Juvenile Justice and Delinquency Prevention provides access to data on race in the juvenile legal system, it does not provide data on appointment of counsel. There is information throughout "Ensuring Access" that will assist you in advocating that policymakers require the collection of data related to appointment of counsel. When you advocate for data collection, **be sure to explicitly highlight race as a data-point that must be tracked in order to have an accurate picture of the appointment of counsel in juvenile court.**

Messaging for Advocating that Data on Race be Collected:

- Courts must collect data on when a juvenile defender is appointed **that includes information on the race of the child.** It is only through the collection and monitoring of objective data that we can know the true impact of actions taken by the courts. Data allows us to identify best practices and areas for improvement, and helps ensure limited public resources are being appropriately used to help youth succeed.

- **Courts should include information on the race of the child in the data they collect on when counsel is appointed, when counsel is present in court, when representation of a child ends, and when and the reason why a child waives their right to counsel.** Collecting data can provide accountability that motivates courts to ensure that youth of color have equal access to counsel throughout juvenile proceedings. Additionally, data can show improvement in the courts practice of appointing counsel over time and the positive impact that access to counsel will have on outcomes for youth of color.

Strategies for Accessing or Creating Data

While data on race in the appointment of counsel may not be readily available, it is still important to consider strategies for how you can obtain this data and then use it in your policy advocacy in combination with other data on racial disparities. This section contains ideas for how to access, collect, and utilize existing data.

[1] Three states do have publicly accessible data: California, Indiana, and Pennsylvania. See page 26 of "Access Denied" for more information.

Request data from state agencies or local jurisdiction pursuant to your state's "open government" law:

While data on race and the appointment of counsel for youth may not be publicly reported, it may still be collected by government entities. If so, you may be able to request it from a state agency or local court. While the Freedom of Information Act (FOIA) regulates federal government agencies, each state has its own laws governing its agencies' obligations to provide such information. While many of these statutes do exclude juvenile courts, it is important to familiarize yourself with the law in your state.

The Reporters Committee for Freedom of the Press updated its Open Government Guide in 2019, which provides the most recent information on the open government law and practice in each of the 50 states and the District of Columbia. It can be accessed here: https://www.rcfp.org/open-government-guide/

Collect your own data:

You may be able to use one of the strategies below to collect data for your own jurisdiction. While this data won't be as expansive as state-wide data, and therefore may not have the same gravitas in advocating for change in state legislatures, it can still provide useful information for local policymakers to consider. If your coalition-building efforts have been successful throughout your state, you may be able to encourage partners in other jurisdictions to collect their own local data. State policymakers may be compelled by snapshots of data from several jurisdictions in their state, especially if these represent constituents from urban, rural, and suburban areas.

Court Watching

If you are a defense attorney with access to juvenile court, you may be able to collect your own data through court watching. You could assign a public defender staff member or a student intern to sit in every court proceeding where counsel may be appointed and collect information on the race of the child and whether counsel was appointed. If juvenile courts in your jurisdiction are open by law (or if your local court grants permission), you may be able to partner with an existing court watch program (or find community partners to help you start one) to collect this data.

Court Watch NYC is a great example of local data collection efforts. It collects and publishes data about what is happening in New York City's criminal courts. More information can be found on their website: https://www.courtwatchnyc.org/

Just City Memphis has a Court Watch program that aims to provide accountability and community oversight in criminal court. More information can be found on their website: https://justcity.org/what-we-do/court-watch/

Defense Community

In smaller jurisdictions, public defenders and appointed counsel may be able to combine data they have already collected to create a snapshot of the appointment of counsel in their jurisdiction. If you are a public defender, access the data your office keeps on the number of juvenile cases assigned to your office and the race of those clients during a one year time period. Ask all of the attorneys who are appointed in conflict cases to share their de-identified appointment data over the same year. Combining these two data sets will give you a full picture of the youth who had attorneys appointed in juvenile court in your jurisdiction.

The next step will be to compare this data to the total number of petitions filed for the same time period. Comparing the number of youth who were appointed counsel (the combined caseload of the public defender and all conflict counsel) to the total number of youth who were referred to court will give you a snapshot of how many youth were not appointed counsel in your jurisdiction in a given time period. The following data sources will be helpful in making this comparison.

The Easy Access to State and County Juvenile Court Case Counts, developed and maintained by the National Center for Juvenile Justice, gives users quick access to state and county juvenile court case counts for delinquency, status offense, and dependency cases. Data are from 1997 to 2015. However, this tool does not provide numbers broken down by race or ethnicity. The data can be accessed here: https://www.ojjdp.gov/ojstatbb/ezaco/

The below screenshot shows how the data will be presented.

EZACO

Home | Access Case Counts | Data & Methods

New York Juvenile Court Case Counts, 2016

Upper age of jurisdiction: 15

Counties in state: 62

	2016 Population Estimates			Delinquency		Status		Dependency		All
Reporting Counties	Total	10 Through Upper Age	0 Through Upper Age	Petition	Non-petition	Petition	Non-petition	Petition	Non-petition	Reported Cases
Albany	309,100	19,400	50,500	169	170	131	--	--	--	--
Allegany	47,100	3,400	8,400	8	17	14	--	--	--	--
Bronx	1,469,000	117,700	327,900	703	267	229	--	--	--	--
Broome	194,800	12,800	33,300	170	48	20	--	--	--	--
Cattaraugus	77,800	6,000	15,400	53	29	31	--	--	--	--
Cayuga	77,800	5,400	13,600	71	14	16	--	--	--	--
Chautauqua	129,600	9,200	23,300	50	95	13	--	--	--	--
Chemung	86,000	6,400	16,400	47	69	5	--	--	--	--
Chenango	48,300	3,600	8,800	14	28	*	--	--	--	--
Clinton	81,000	4,900	12,900	*	22	6	--	--	--	--
Columbia	61,000	3,900	9,500	22	9	*	--	--	--	--
Cortland	47,900	3,300	8,100	12	23	17	--	--	--	--
Delaware	45,400	2,700	6,800	*	0	0	--	--	--	--
Dutchess	294,600	20,600	49,200	91	23	68	--	--	--	--
Erie	923,100	64,500	165,700	417	231	252	--	--	--	--
Essex	38,000	2,200	5,400	*	7	5	--	--	--	--
Franklin	51,100	3,400	8,800	17	17	*	--	--	--	--
Fulton	53,700	3,800	9,500	7	29	9	--	--	--	--
Genesee	58,200	4,100	10,500	18	*	20	--	--	--	--
Greene	47,500	2,700	6,900	16	10	17	--	--	--	--
Hamilton	4,600	200	600	0	0	*	--	--	--	--
Herkimer	62,500	4,600	11,500	5	36	16	--	--	--	--
Jefferson	114,100	8,100	24,700	31	46	*	--	--	--	--
Kings	2,650,900	185,000	548,300	651	410	168	--	--	--	--

The Easy Access to Juvenile Court Statistics database, available here: https://www.ojjdp.gov/ojstatbb/ezajcs/asp/selection.asp, provides national estimates of delinquency cases processed by the nation's juvenile courts. With this application, users can perform unique analyses on the age, sex, and race of youth involved in these cases as well as the referral offense, the use of detention, adjudication and case disposition. Users can also view pre-formatted tables describing the demographic characteristics of youth involved in the juvenile justice system and how juvenile courts process these cases.

The below screenshot shows an example of how the data may be presented:

Home | Analyze Delinquency Cases | Demographics | Case Processing | Detailed Offenses | Methods | Glossary | Help | About JCS

Back to selection page | Download CSV file | Printer-friendly

Display Options: Count | Row % | Column %

Selecting:

Year of Disposition: 2016

Age at Referral: <12, 12, 13, 14, 15, 16, 17

Race by Detention

Search:

Count	Detained	Not detained	Total
White	77,863	281,477	359,341
Black	89,777	204,679	294,456
American Indian	3,901	10,414	14,314
Asian/NHPI	2,321	6,283	8,604
Hispanic	48,019	99,290	147,309
Total	221,881	602,143	824,023

Note: The counts in the table above are estimates. While confidence intervals cannot be calculated, it is suggested that users round cell values to the nearest hundred as an acknowledgement of the limitations of these estimates. The unrounded values are provided only for the computation of percentages and rates. Detail may not add to total due to rounding.

Suggested citation: Sickmund, M., Sladky, A., and Kang, W. (2018). "Easy Access to Juvenile Court Statistics: 1985-2015." Online. Available: http://www.ojjdp.gov/ojstatbb/ezajcs/

Data source: National Center for Juvenile Justice. (2018). *National Juvenile Court Data Archive: Juvenile court case records 1985-2015* [machine-readable data files]. Pittsburgh, PA: NCJJ [producer].

The W. Haywood Burns Institute developed an interactive tool titled Unbalanced Youth Justice (available here: www.data.burnsinstitute.org) that demonstrates the racial and ethnic disparities experienced by youth of color in the juvenile legal system. This tool provides customizable searches based on a number of criteria, including youth's race and whether a petition was filed. Raw number data is available for each state, and data on racial disparities presented in "rate per 1000 youth" is available for many counties. Comparing this data to the data on appointment of counsel that you collected may provide a helpful elucidation of racial disparities in access to counsel in your jurisdiction.

Data on racial disparities at every juncture in the juvenile legal system can still be used as an important part of policy advocacy on the appointment of counsel. Access to counsel is the key that unlocks the benefits of zealous advocacy at all stages of the juvenile legal system. Using data that highlights the inequalities experienced by youth of color throughout the system can be an important tool for advocating for new policies that ensure access to counsel for youth of color.

More information on accessing the above referenced and other data can be found in the document titled "Helpful Statistics on Race and Ethnicity within Juvenile Justice Systems" in Racial Justice for Youth: A Toolkit for Defenders.

When should you *not* use data? If your audience is not receptive to it. Some policymakers may find personal stories of youth more compelling. It is possible to raise race in your policy advocacy without data. However, many policymakers are eager to consider data as they seek to make laws that advance the interests of their constituency. Data can provide evidence that gives extra weight to individual stories, proving that they are not merely anecdotal and are instead representative of the experience of many youth.

III. Messaging

1. Guarantee Automatic Eligibility [page 13-21 of "Ensuring Access"]

Narrative:

Automatically deeming children eligible for a publicly funded juvenile defender will ensure that youth of color are appointed counsel at the same rates as white youth. Investing in attorneys for youth of color will save money elsewhere and achieve better results. Attorneys play an important role in ending racial disparities throughout the juvenile system.

Talking Points and Support:

- **Investing in access to counsel for youth of color saves money.** Effective juvenile defenders save money by keeping youth in the community. Black youth are five times more likely to be placed out of home than white youth.[2] Guaranteeing automatic eligibility would mean that every youth of color has an attorney who can advocate for an individualized plan, resulting in more youth placed in community-based disposition programs.

- **The eligibility process can impair a defender's ability to represent their client, leave youth of color in detention without access to a lawyer, and stigmatize families.** Youth of color are more likely to be detained than white youth.[3] Determining whether a child's family is

[2] Sentencing Project, "Black Disparities in Youth Incarceration" (2017), https://www.sentencingproject.org/publications/black-disparities-youth-incarceration/

[3] The detention rate for black youth is six times that of white youth. The detention rate for Native American youth is three times that of white youth. The detention rate of Latino youth is double that of white youth. This data can be easily accessed, including state level data, at http://data.burnsinstitute.org/#comparison=2&placement=1&races=2,3,4,5,6&offenses=5,2,8,1,9,11,10&year=2015&view=map .

financially eligible can take several days, robbing attorneys of their already limited time to build relationships with their clients and start case preparation, and delaying hearings, which can have a particularly harmful effect on youth of color who are more likely to be detained.

- **The financial eligibility determination process can have an especially stigmatizing impact on families of color who are more likely to be impoverished.**[4] Youth of color who live in poverty experience the accompanying stigma in many areas of life. Automatically appointing juvenile defenders for all youth would help eliminate this stigma, promoting youth's positive development and respect for authority of the legal system and law enforcement.

2. Ensure Early Appointment [page 22-32 of "Ensuring Access"]

Narrative:

Appointing counsel to children of color before interrogation is the best and only way to ensure their constitutional rights are upheld, and to ensure the integrity of any investigation involving the interrogation of a child.

Talking Points and Support:

- **Children of color are at a higher risk of making false confessions in police coercion in interrogation because they are arrested at higher rates than white youth.** Youth in general are more susceptible to police coercion and subsequent falsely confessions. 94% of Innocence Project exonerees who were arrested as children are people of color, and 84% of those cases involved a false confession.[5]

- **Youth of color are at greater risk of waiving their Miranda rights in coercive police interrogations because they are arrested and detained at higher rates than white youth**.[6] Access to specialized juvenile defense counsel prior to interrogation is the best way to ensure that youth of color have a full understanding of their Miranda rights and do not waive them under coercive conditions.

[4] The Annie E. Casey Foundation Kids Count Data Center provides access to data on children living in poverty by race and state. Data can be accessed here: https://datacenter.kidscount.org/data/tables/44-children-in-poverty-by-race-and-

[5] Edwin Grimsely, "Lessons about Black Youth and Wrongful Convictions: Three Things You Should Know" (2015), https://www.innocenceproject.org/lessons-about-black-youth-and-wrongful-convictions-three-things-you-should-know-2/

[6] Barry Feld, "Real Interrogation: What Actually Happens When Cops Question Kids," 47 L. & Soc'y Rev. 1, 12 (2013) (finding in a study of 307 interrogations of 16- and 17-year-olds charged with felony offenses that 92.8 percent of these youth waived their Miranda rights); Thomas Grisso, "Juveniles' Capacities to Waive Miranda Rights: An Empirical Analysis," 68 Cal. L. Rev. 1134 (1980) (finding that only 20.9% of the 431 youth studied had an adequate understanding of all four Miranda warnings).]

- **Black youth may feel especially compelled to submit to the authority of police in interrogation when white youth or adults would feel free to exercise their Miranda rights.**[7] Black youth often do not feel free to leave during interactions with police because the prevalence of police violence against Black people in the United States causes them to fear for their safety. In response to historical and contemporary instances of police brutality, which is well-documented in the news, parents teach their children of color that they will have a higher chance of remaining safe if they submit to law enforcement. Access to counsel prior to interrogation will ensure that youth of color feel safe and free to exercise their right to refuse to submit to police interrogation.

- **Youth of color need the benefit of access to counsel early in their case so counsel can protect their rights at interrogation.** "Perhaps more than anything else, the timing and extent of counsel's early involvement in the case can affect the final outcome…Early involvement in the representation of [children] is particularly important because of the impact it can have on decisions made in cases involving [children], as well as the significance of decisions made early in the process."[8]

- **Youth of color need the benefit of access to counsel early, and counsel needs to have time to meet with their client and to be prepared for initial hearings.** Racial disparities persist throughout every stage of the juvenile legal system.[9] Attorneys who are well-prepared to represent youth in advance of their initial appearance can stem the tide of unequal treatment that pervades the system. If an attorney is not appointed with enough time to meet the child and prepare for court, that is a *de facto* denial of the right to counsel.

- **Counsel can help relieve unsafe, overcrowded detention facilities by ensuring that judges have the information necessary to make individualized release decisions for youth of color.** Black youth are detained at rates six times higher than white youth, and other youth of color also experience higher rates of detention.[10] When youth are appointed attorneys with enough time to prepare for detention hearings, judges are better equipped to make individualized decisions that can reduce racial disparities in detention rates.

[7] Kristin Henning, "The Reasonable Black Child: Race, Adolescence, and the Fourth Amendment," 67 Am. U.L. Rev. 1513 (2018)
[8] National Juvenile Defense Standards, Standard 3.1 (Nat'l Juvenile Defender Ctr. 2012)
[9] Youth of color are more likely to be arrested, petitioned, found guilty, and placed out of home than their white counterparts. Supporting data can be accessed here: https://www.ojjdp.gov/ojstatbb/ezajcs/asp/demo.asp
[10] The detention rate for black youth is six times that of white youth. The detention rate for Native American youth is three times that of white youth. The detention rate of Latino youth is double that of white youth. This data can be easily accessed, including state level data, at http://data.burnsinstitute.org/#comparison=2&placement=1&races=2,3,4,5,6&offenses=5,2,8,1,9,11,10&year=2015&view=map .

3. Eliminate Costs and Fees [page 33-40 of "Ensuring Access"]

Narrative:

Charging youth of color fees for the appointment of counsel contributes to racial disparities within the juvenile legal system by undermining rehabilitation, drawing youth of color deeper into the system, and pressuring youth of color to admit guilt without the benefit of consulting an attorney.

Talking Points and Support:

- **Charging fees for the appointment of counsel has a disparate impact on youth of color.** Youth of color have a higher rate of contact with the juvenile legal system because their typical adolescent behavior is more likely to be criminalized than white youth's similar behavior.[11] This results in youth of color needing attorneys at higher rates than white youth, and thus experiencing a disproportionate burden of paying any fees associated with the appointment of those attorneys.

- **Charging fees for the appointment of counsel impacts youth of color most heavily and undermines rehabilitation.** Not only does the financial burden of juvenile court involvement serve no rehabilitative purpose, it can increase the risk of recidivism as their inability to pay leads to more fees, extended probation, civil liens, license forfeiture, and even incarceration.[12] The vast majority of youth and families involved in the juvenile legal system are low-income, and court fines and fees exacerbate economic disparities, causing families to choose between paying outstanding fees or purchasing basic necessities.

- **Charging families for a defense attorney can pressure children of color to admit to the charges.** This can lead to a higher rate of false confessions for youth of color, who are more likely to be detained.

- **Fees for a public defender exacerbate the negative effects of poverty experienced by youth of color**. Families of color are more likely to be impoverished because of our nation's long history of exclusionary and discriminatory policies related to housing, education, employment,

[11] Although youth of all races engage in delinquent behavior at similar rates, youth of color are arrested at higher rates than their white counterparts. The Sentencing Project, "Racial Disparities in Youth Commitments and Arrests" (2016), https://www.sentencingproject.org/publications/racial-disparities-in-youth-commitments-and-arrests/ .

[12] Juvenile Law Center, "The Price of Justice: The High Cost of 'Free' Counsel for Youth in the Juvenile System" (2018), quoting Prof. Jeffrey Selbin: "together with other administrative charges, we also found that public defender fees undermined youth rehabilitation and public safety, and fell most heavily on families of color." The report can be accessed here: https://debtorsprison.jlc.org/documents/JLC-Debtors-Paying-for-Justice.pdf

incarceration, and other areas.[13] Charging fees for juvenile defenders can render families of color unable to pay for basic necessities, such as food and housing.

4. Address Waiver of Counsel [page 41-49 of "Ensuring Access"]

Narrative:

Children of color must be appointed counsel who they can consult before waiving any of their rights because the potential long-term impact of juvenile court involvement is even greater for youth of color than white youth.

Talking Points and Support:

- **Youth of color must receive information about long-term consequences of juvenile court involvement before they waive their right to counsel.** People of color have been historically excluded from employment, education, voting, and accessing public benefits. Collateral consequences from juvenile court involvement can result in an extension of exclusion in these same areas.[14]

- **Youth of color, like all youth, need attorneys to help them understand the court process and the rights they can exercise within it before they can validly waive their right to counsel.[15]** It is a dangerous misconception that youth of color are more knowledgeable about the juvenile legal system than their same-aged white peers. Youth of color have the same need for and the same right to the assistance of a specialized juvenile defense attorney in making an informed decision about whether they should waive any of their constitutional rights.

- **Youth of color need to consult with an attorney to fully understand the role of a defense lawyer.** Children need to know that a defense attorney will advocate for their stated interests and not act as an extension of the judge or an informant for the prosecution. Youth of color may be particularly susceptible to this common misunderstanding because they witness police and other governmental authorities harm people of color in the news and in their own families.

[13] The Annie E. Casey Foundation Kids Count Data Center provides access to data on children living in poverty by race and state. Data can be accessed here: https://datacenter.kidscount.org/data/tables/44-children-in-poverty-by-race-and-
[14] National Juvenile Defender Center, "A Juvenile Defender's Guide to Conquering Collateral Consequences" (2018), https://njdc.info/wp-content/uploads/2018/10/Collateral-Consequences-Checklist-for-Juvenile-Defenders.pdf
[15] National Juvenile Defense Standards, Standard 10.4 cmt. (Nat'l Juvenile Defender Ctr. 2012).

5. Ensure Post-Disposition Representation [page 50-62 of "Ensuring Access"]

Narrative:

Youth of color must have access to counsel at every stage of the court proceeding until the child is no longer under supervision of the court or other justice agency because youth of color experience disparate treatment at every stage of juvenile court involvement.

Talking Points and Support:

- **Post-dispositional representation of youth of color can reduce racial disparities in incarceration.** There is little structure in place to ensure that the court's dispositional order for rehabilitation is effectively carried out.[16] Defense attorneys can advocate that youth be treated fairly in accordance with the court's order, and that treatment providers and systems-actors involved in rehabilitative services are aware of implicit racial bias and take steps to counteract it for their clients who are children of color.

- **Post-dispositional representation can ensure that youth of color receive culturally competent post-dispositional services that meet their unique needs.** Cultural competence can maximize the rehabilitative impact of post-dispositional placements and services by ensuring that the individualized needs of youth of color and their families are met.

- **Post-dispositional representation of youth of color creates pathways to have juvenile records sealed or expunged, which can reduce racial disparities and promote rehabilitation.** The process required to get one's juvenile record cleared "often creates an onerous burden for the [youth] to petition to expunge or seal their records without affording them the right to counsel to do so."[17] Youth of color who have post-disposition representation will be better able to receive the benefits of juvenile record sealing.

- **Ensuring that youth of color have access to counsel post-disposition can ultimately save money and ensure proper use of limited government resources.** Adjudicated youth are often denied access to appropriate, meaningful services for rehabilitation. Youth of color are incarcerated at higher rates than white youth.[18] By advocating for individualized treatment for youth of color, defense attorneys can save money for the state by ensuring that youth who will most benefit from community-based services are not incarcerated.

[16] Sandra Simkins, "Out of Sight, Out of Mind: How the Lack of Postdispositional Advocacy in Juvenile Court Increases the Risk of Recidivism and Institutional Abuse," 60 Rutgers L. Rev. 207, 208 (2007).
[17] Joy Radice, "The Juvenile Record Myth," 106 Georgetown L. J. 365, 408, 417 (2018)
[18] Sentencing Project, "Black Disparities in Youth Incarceration," (2017) https://www.sentencingproject.org/publications/black-disparities-youth-incarceration/

V. Additions to Sample Documents, Legislative Testimony, & Social Media Posts

The highlighted text on the following pages adds racial justice arguments to the original sample documents from "Ensuring Access." All text that is not highlighted was taken verbatim from the corresponding sample document in "Ensuring Access."

1. Guarantee Automatic Eligibility [page 13-21 of "Ensuring Access"]

Sample Coalition Letter

Dear Colleagues:

When children face delinquency charges and the daunting prospect of appearing in juvenile court, our state does not automatically deem them financially eligible for a publicly funded defense lawyer. Instead, the child's parent or guardian must first complete a detailed financial disclosure form, which is evaluated by the court to determine whether the child qualifies for appointed counsel, based on the parent or guardian's financial situation.

This causes numerous problems, including:

- Children often sit in expensive, crowded detention facilities for a week or longer, while financial paperwork is completed and evaluated.
- A child's ability to be protected by their constitutional right to counsel depends on how much money their parent or guardian makes.
- Many children and families in the juvenile justice system are living in poverty, so processing financial paperwork is an unnecessary burden on court staff.
- When parents are forced to hire counsel for their children, a conflict of interest can arise between the parents and children, and the lawyer may view the parents as the client, rather than the child.
- Racial disparities persist throughout every stage of the juvenile legal system. Youth of color are particularly disadvantaged when they are denied their right to a specially-trained juvenile defender who will insist that their rights are fully protected and ensure that any system intervention is culturally competent and uniquely tailored to the needs and realities of youth of color.
- We would like our state to join the 11 other states across the nation that provide a defense attorney to every child, regardless of their family's financial status.

We invite you to join us and other concerned community members and organizations to discuss this important issue and ways to improve children's access to counsel in our state. Please join us at 2:00

P.M. on Tuesday, May 15, at the Local Bar Association Office for the first meeting of the Access to Counsel Coalition.

Please RSVP by May 11 to first.last@email.com.

We look forward to seeing you on May 15!

Sincerely,

Advocate

Sample Coalition Meeting Agenda

COALITION MEETING AGENDA
May 15, 2018

2:00 - 2:15: **Brief Overview of a Child's Right to Counsel**
Chief Counsel of the Public Defender Juvenile Division

- Counsel will provide background to coalition members about where a child's right to counsel comes from and what it entails
- Counsel will provide information on the disparate impact on youth of color in the denial of right to counsel.

2:15 - 2:30: **What Happens When a Child's Rights Depend on Family Finances**
Local Mom and Son

- Mom and Son will tell us about their experiences with the Court and Son's right to counsel

2:30 - 3:15: **How Can We Improve Access to Counsel in Our State?**
Local Bar Association Legislative Officer

- Legislative Officer will provide a brief overview of the various ways we can address this issue in our state, and lead a group discussion of the pros and cons of each option, as well as strategies for each
- Legislative Officer will highlight the importance of data in making such decisions and explain the need for more data related to race in the local juvenile legal system

3:15 - 3:55: **Choosing a Path for Policy Reform and Next Steps**
Coalition Members

- Coalition members will decide which avenue for policy reform we will pursue, in order to make automatic eligibility a reality in our state n Coalition members will discuss and assign next steps in our pursuit of policy reform

3:55 - 4:00: **Wrap-Up**
Coalition Members

- Coalition members will schedule a time and location for our next meeting or conference call

Sample Coalition Sign-On Letter

May 15, 2018

Dear Chief Justice:

We are a coalition of parents, children, lawyers, and other concerned community members and organizations who would like to see children's access to counsel strengthened in our state. We are asking that the Juvenile Court Rules be amended to provide that every child facing delinquency charges be provided with a publicly funded defense lawyer, regardless of the financial status of the child's family.

As you know, more than 50 years ago, the United States Supreme Court issued In re Gault, a landmark decision declaring that children require "the guiding hand of counsel at every step in the proceedings." This vital constitutional right to counsel belongs to the child. But in our state, a child's access to counsel depends upon the finances of their parents or guardian.

When children face a delinquency charge in our state, they will not receive a public defender until their parent or guardian submits a financial disclosure form and the court determines that they meet the state's financial qualifications for publicly funded counsel. Linking a child's right to counsel to their family's income imbues the justice system with inequitable access to justice and puts the child, parent, and attorney at risk for conflicts of interest.

Families who live in poverty may encourage their children to waive their right to counsel, rather than go through what they perceive as a stigmatizing financial review, while families who live just above the poverty threshold cannot truly afford to hire qualified counsel for their children. And when an attorney is hired by a parent or guardian, conflicts can arise when the child's stated interest is different from the parent or guardian's.

Racial disparities exist at every stage of the juvenile legal system. Automatically deeming children eligible for a publicly funded juvenile defender will ensure that youth of color are appointed counsel at the same rates as white youth. Investing in attorneys for youth of color will save money elsewhere and achieve better results. Attorneys play an important role in ending racial disparities throughout the juvenile system.

Our state must ensure that we are properly protecting children's constitutional right to counsel. We ask you to take an important step toward doing so, by amending the Juvenile Court Rules to

automatically deem every child eligible for a publicly funded defense lawyer, regardless of the child's financial status.

Sincerely,

[Individual signatures of coalition members]

Sample Legislative Testimony

Thank you for the opportunity to testify in favor of House Bill 387, which would automatically deem children eligible for a defense lawyer, regardless of their family's financial situation.

I am here today to offer testimony about the financial impact of HB 387, and about an objection we have heard raised about this bill: that under the bill, the children of middle-class and wealthy families would be considered eligible for public defenders. This is true, but HB 387 will still save money and make the juvenile justice system more efficient, in addition to increasing fairness and public safety.

Many children involved with the juvenile court system come from families that are financially unable to pay for a public defender. HB 387 will eliminate all financial eligibility paperwork the courts currently process for youth, thereby relieving courts of a time-intensive burden and increasing administrative efficiency.

And while middle class or wealthy children would be considered eligible for a public defender under this bill, that does not mean they will be represented by a public defender throughout the duration of their case. Most people who can afford to hire an attorney do so. The most likely outcome of HB 387 is that a small number of children from middle class or wealthy families will be represented by a public defender at the child's initial hearing, and the family will then hire a private lawyer to take over the case.

HB 387 will result in more children being represented by public defenders, but this will ultimately save the justice system money. The most immediate savings will be seen in county detention centers. Currently, children often sit in detention for a week or longer while financial eligibility paperwork is completed and processed. Black youth are detained at higher rates than white youth and experience these negative effects more frequently.

Take, for example, 14-year-old Dominique, who was picked up with a group of her friends, for drinking alcohol and vandalism. Because Dominique's father worked overtime to support the family, the judge ruled that his income was slightly above the financial threshold to qualify for a public defender. But Dominique's father was barely getting by financially and could not afford to hire a private attorney. Dominique stayed in detention for a full week, even though she faced only misdemeanors, and had to navigate the system without an attorney.

Even children whose families can afford to hire counsel sometimes wait in detention for a day or two while the family finds a lawyer. Under HB 387, public defenders will automatically be available to

represent all children at their first hearing, so the hearings can be held as soon as possible after the child is detained.

Under current law, children often waive counsel rather than wait in detention for an attorney to be appointed, or to save their families from the work and perceived stigma of a financial review process. With HB 387, those children will be represented by public defenders who, from early on, will advocate for appropriate remedies; help children stay in their home, schools, and communities; and allow them to stay connected to their families, all of which lead to greater success and lower rates of re-offending.

Increasing access to counsel for youth of color in particular will save money. Effective juvenile defenders are an investment that will ultimately save tax payers money by keeping youth in the community. Black youth are five times more likely to be placed out of home than white youth. Guaranteeing automatic eligibility would mean that every youth of color has an attorney who can advocate for an individualized plan, allowing more youth to be placed in community-based disposition programs.

HB 387 will improve the fairness of the justice system by giving all children automatic access to a public defender experienced in representing youth. Our public defender offices will need additional resources to meet this increase in demand, but by investing in public defenders, we will create a juvenile justice system that realizes more financial savings for the state, increases public safety, and promotes positive opportunities for youth success.

Again, I thank you for the opportunity to testify on behalf of this important legislation. I respectfully urge the Committee to pass HB 387.

Sample Letter to the Editor

May 15, 2018

To the Editor:

The House Criminal Justice Committee is considering House Bill 387, which would automatically deem children eligible for a public defender. This is important legislation that should become law in our state.

Children often must wait in detention until their parents complete financial paperwork and court personnel determine whether the child qualifies financially for a public defender. Children can sometimes wait a week or more while parents dig up financial records, or while courts process the paperwork.

Youth of color are more likely to be detained than white youth and are more likely to suffer the impact of this continued detention while eligibility paperwork is processed. Automatically appointing

juvenile defenders for all youth would help eliminate this racial disparity and ensure prompt access to an attorney for all youth.

The county detention center is overcrowded, and it is expensive and unsafe to hold children there. And the longer a child stays in detention, the more our county pays, the more school the child misses, and the more disconnected from their family and community the child becomes. Black youth are detained at higher rates than white youth and experience these negative effects more frequently.

Being held in detention is harmful to children and to our communities. Children held in detention are more likely to return to the system, more likely to drop out of school, and more likely to face depression and other mental illness. HB 387 will automatically give children access to public defenders, who will advocate for their safe release and access to community-based resources.

Our state should automatically deem children eligible for a public defender because it is the right thing to do for children and their families, for the integrity of the justice system, and ultimately, for the success of children and the safety of our communities. The state legislature should pass HB 387.

Sincerely,
Advocate
555-555-5555

Sample Social Media Posts

Ensuring access to counsel for youth of color saves money, improves public safety, and helps children stay in school. Support HB 387 and give all youth defense lawyers! #AccessToCounsel

Youth of color experience harsher treatment at every stage of the juvenile legal system. Children have a constitutional right to an attorney who can make sure their rights are protected and advocate that they receive individualized treatment. #DefendChildren

Youth of color, who are more likely to be arrested and detained for the same behavior as their white peers, should be eligible for a defender by the virtue of their status as children. #AccessToCounsel

2. Ensure Early Appointment [page 22-32 of "Ensuring Access"]

Sample Coalition Letter

May 15, 2018

Dear Colleagues:

We invite you to join us and other concerned community members and organizations at 2:00 P.M. on Tuesday, May 15, at the State ACLU Office, to discuss ways to better protect children who are interrogated by police in our state.

Currently, children who are questioned by police are treated no differently than adults. They are read their Miranda rights, asked whether they want to waive those rights, and when they do so, they are interrogated by police — with the same coercive techniques police use when questioning adults.

A study by M. Dyan McGuire et al. found that while 93 percent of children waive their Miranda rights, only about 20 percent of young people understand them. This means that the vast majority of children who are questioned by police give up their constitutional rights without truly knowing what those rights are.

Add to this the fact that children are naturally inclined to comply with authority figures and particularly susceptible to coercion, and it is understandable why children are so likely to be tricked into giving false information during interrogations.

Youth of color are at greater risk of waiving their Miranda rights in coercive police interrogations because they are arrested and detained at higher rates than white youth. Given the long-standing history of police brutality in the United States, Black youth may feel especially compelled to submit to the authority of police in interrogation when white youth or adults would feel free to exercise their Miranda rights. Additionally, children of color are at a higher risk of making false confessions in police coercion in interrogation because they are arrested at higher rates than white youth. 94% of Innocence Project exonerees who were arrested as children are people of color, and 84% of those cases involved a false confession.

We believe the best, and only, way to fully protect all children during interrogation is to appoint a qualified juvenile defender to every child before interrogation. We are convening this coalition to pool resources and discuss pursuing this important reform effort. We hope you can join us.

Sincerely,

Advocate

Sample Coalition Meeting Agenda

COALITION MEETING AGENDA
May 15, 2018

2:00 - 2:30: Adolescent Development and the Law
Local Law Professor

- Law Professor will review the latest research in adolescent development and explain how court decisions have been influenced by that research, and will discuss how adolescents' development impacts their ability to understand complex ideas like constitutional rights
- Law Professor will discuss emerging science at the intersection of implicit racial bias and adolescent development, highlighting how the prevalence of police violence against people of color contributes to youth of color needing greater protection against shows of authority from police during stop, frisk, interrogation, and search

2:30 - 3:00: Interrogations and False Confessions
Director of Local Innocence Project

- Director will talk about what police interrogations are like and why children are particularly susceptible to giving false information and false confessions
- Director will discuss why there are higher rates of false confessions among youth of color than among white youth and the need to ensure youth of color have attorneys present at interrogations to protect them from police coercion

3:00 - 3:30: Litigation and/or Legislation?
State ACLU Advocate

- Advocate will lead the group in a discussion about how to better protect children who are interrogated in our state, and whether we should pursue legislation, litigation, or both

3:30 - 3:55: Next Steps
Coalition Members

- Having decided the question of legislation and/or litigation, coalition members will discuss and assign next steps

3:55 - 4:00: Wrap-Up
Coalition Members

- Coalition members will schedule a time and location for our next meeting or conference call

Sample Coalition Sign-On Letter

May 15, 2018

Dear Chief Justice:

We are a coalition of parents, children, lawyers, local organizations, and other concerned community members who are working to improve children's access to counsel in our state. We would like to work with you to ensure that children are appointed attorneys well enough in advance of their first court appearance to allow the attorney to properly represent the child, and to require courts to collect data about when attorneys are appointed.

Too often in courts across our state, a defender does not meet their client until the client is brought to the courthouse for the first appearance. If they are lucky, the defender and child might have five to ten minutes to discuss the case and the upcoming hearing. If they are not so lucky, the defender might get only a few whispered comments to their new client while standing at counsel table just before the hearing begins. This falls far short of what the Constitution and our state laws require of the right to counsel.

Youth of color in particular need the benefit of counsel early because racial disparities persist throughout every stage of the juvenile legal system. Attorneys who are well-prepared to represent youth in advance of their initial appearance can stem the tide of unequal treatment that pervades the system.

As you may know, the National Council of Juvenile and Family Court Judges stated in its Juvenile Delinquency Guidelines that, "it is the responsibility of counsel for youth to begin active representation of the client before the detention or initial hearing." And the United States Department of Justice has asserted that unprepared counsel is de facto denial of counsel. In the Statement of Interest for N.P. et al. v. Georgia, the Department of Justice stated, "If [defense counsel] do not have the time or resources to engage in effective advocacy … then they will inevitably fail to meet the minimum requirements of their clients' right to counsel. These conditions lead to de facto nonrepresentation."

We would like to see our state's courts improve their practices when appointing counsel to represent children to ensure the child and attorney have time for a proper consultation before any court hearing. We also believe courts should collect data about when attorneys are appointed to represent children to monitor the impact the timing of appointment has on a case, and on the rest of the court process.

We would like to arrange a time to meet with you to further discuss this issue and how we can ensure children in our state are fully and fairly represented in court.

Sincerely,
[Individual signatures of coalition members]

Sample Legislative Testimony

Thank you for the opportunity to testify in favor of House Bill 387, which would appoint defense attorneys to represent children who are being interrogated by police. This extremely important legislation would put our state at the forefront of protecting children's constitutional rights and ensuring the integrity of law enforcement questioning.

Seventy years ago in Haley v. Ohio, the United States Supreme Court recognized that a child being interrogated by the police is subject to an overwhelming imbalance of power. The Court declared that a child needs to be represented by counsel during an interrogation "if he is not to become the victim first of fear, then of panic," and "to make sure that the police [go] so far and not farther, to see to it that they stop[] short of the point where [the child becomes] the victim of coercion."

Since that ruling, adolescent development research has bolstered what common sense told the Court in 1948. We know now that because adolescents' brains are still developing, they are especially vulnerable to pressure from authority figures and more likely to make choices that reflect compliance with authority. They are also more susceptible to coercive questioning techniques and less likely to understand abstract legal concepts.

We also know that children do not fully understand their Miranda rights. A study by M. Dyan McGuire et al. found that more than 90 percent of children waive their Miranda rights, but only about 20 percent of children fully understand everything Miranda rights entail. This means that the vast majority of children are waiving their constitutional rights without understanding them, and then being questioned by law enforcement. Not only is this damaging to the children, it also calls into question the integrity of the investigation.

Numerous studies have found that, because of their ongoing development and the vast imbalance of power in an interrogation, children are especially susceptible to falsely confessing during police questioning, which leads to wrongful convictions. The International Association of Chiefs of Police teaches its members that children are particularly likely to provide false information.

Youth of color are at greater risk of waiving their Miranda rights in coercive police interrogations because they are arrested and detained at higher rates than white youth. Due to the prevalence of police brutality in the United States, Black youth may feel especially compelled to submit to the authority of police in interrogation when white youth or adults would feel free to exercise their Miranda rights. Additionally, children of color are at a higher risk of making false confessions in police coercion in interrogation because they are arrested at higher rates than white youth. 94% of Innocence Project exonerees who were arrested as children are people of color, and 84% of those cases involved a false confession.

Last year, Anthony, a 17-year-old African American boy with an IQ of 60 and the cognitive abilities of a 10-year-old child, was arrested for armed robbery and interrogated for over two hours. The police knew about Anthony's cognitive challenges, but persuaded him to sign a form waiving his rights.

Throughout his interrogation, Anthony asserted his innocence 35 times. Forty-two times, police told Anthony they had evidence of his guilt. They had no such evidence. Scared, crying, asking for his mother, and desperate to go home, Anthony finally broke down and confessed. Anthony was charged as an adult and held in jail for nine months, until a judge reviewed the videotape of his interrogation and dropped the charges. Anthony's traumatic interrogation and nine months of incarceration could have been avoided, if only a lawyer had been appointed from the start.

Youth of color in particular need the benefit of counsel early because racial disparities persist throughout every stage of the juvenile legal system. Attorneys who are well-prepared to represent youth in advance of their initial appearance can stem the tide of unequal treatment that pervades the system.

The only way to fully and properly protect children and ensure their constitutional rights are upheld is to appoint qualified juvenile defenders to represent them when they are subject to police interrogation. In fact, in its Statement of Interest in N.P. et al. v. Georgia, the United States Department of Justice recognized that children face "processes overwhelming to most adults" and that "every child who faces the loss of liberty must be represented from the time of arrest."

And it must be legal counsel; providing children access to their parents during an interrogation not only is not sufficient to protect their legal rights, it may also further encourage children to waive their rights without fully understanding them. Putting parents in an advisory role when their child is being interrogated forces parents to choose between teaching their child a lesson—to respect authority—and encouraging their child to exercise their best legal option—to remain silent. Research has found that parents are not able to offer their children useful legal advice, have misperceptions about interrogation techniques and legal protections for children, and increase the pressure on children to waive their rights and make a statement.

Appointing defense counsel to represent children during interrogation is the right thing to do for children's rights and for the integrity of law enforcement investigations. I applaud the Legislature for considering HB 387, and I encourage this Committee to pass it.

Sample Letter to the Editor

May 15, 2018

To the Editor:

After hearing countless reports of children in our state's courts not meeting their defense attorney until they walked into the courthouse door, a group of concerned community members and activists formed a coalition to look into the issue. What we found is a disconcerting lack of objective information about what happens to youth in courts across the state.

When our coalition first met, we decided to track down any data that might support the anecdotal evidence we had been hearing about children and their appointed lawyers not having nearly enough time before court hearings. It proved to be a nearly impossible task.

There is no comprehensive, consistent data from our state's courts that shows when attorneys are appointed to represent children, and whether they are appointed early enough in the process to allow the child and their attorney enough time to talk about the case, the upcoming court hearing, and where the child might go instead of being held in detention.

Data is the building block for strong public policy. We first have to know what is happening in courts so that we can identify good practices and areas in need of improvement. Only by collecting, reporting, and monitoring data and outcomes can we know what is working to keep our state and children safe, and what we can do to improve.

National data tells us that youth of color experience disparate treatment at every stage of the juvenile legal system. We know that attorneys can help combat these racial disparities by ensuring that the rights of youth of color are protected and advocating that they receive the benefit of individualized decision-making in detention release and disposition hearings. Our local courts need to collect and report data on race and ethnicity in the appointment of counsel in juvenile court so we can have a better picture of the access to counsel for youth of color in our jurisdiction.

Our coalition is working with the Chief Justice to increase the amount and quality of data collected by courts. It is imperative that the justice system use objective data to monitor the results of its work and to ensure taxpayers that it is using resources wisely.

Sincerely,

Advocate
555-555-5555

Sample Social Media Posts

Youth of color sometimes waive their Miranda rights without fully understanding them, which can lead to coercive questioning. Let's #DefendChildren and provide lawyers at the stationhouse. Get involved today: [link to your website]

Police brutality makes Black youth fear for their safety in police interrogations. In situations where white youth and adults feel free to exercise their Miranda rights, Black youth feel compelled to submit to police questioning in order to protect themselves from violence. Access to counsel prior to interrogation will ensure that youth of color feel safe and free to exercise their rights. #AccessDenied

Too many youth of color in [state] meet their lawyer when they walk into the courtroom for their first hearing. Children and defenders need more time together before court hearings—otherwise,

representation is hollow. It's time for our state to fulfill the right to counsel and provide youth with #EarlyAccess to lawyers in juvenile court.

93% of children waive their Miranda rights, but only 20% fully understand what they mean. Youth of color are arrested at higher rates than white youth for the same behavior, making them particularly vulnerable to waiving their Miranda rights and subsequent police coercion. Join us and #DefendChildren at interrogations! "It's not only unfair but grossly naïve to expect children to navigate this system alone." Read more: njdc.info/snapshot #AccessDenied

3. Eliminate Costs and Fees [page 33-40 of "Ensuring Access"]

Sample Coalition Letter

May 15, 2018
Dear Colleagues:

Did you know that a child who qualifies for a public defender—an attorney who is supposed to be provided free of charge to people who cannot afford to hire one—can be charged hundreds of dollars for exercising their right to counsel? Our state charges a child $50 just to apply for a public defender, and the court can add more in additional fees and costs throughout the case for the public defender and related services.

Charging children from low-income families fees to access their constitutional rights is damaging to the child, to the child's family, and to the child's court case. Too often, children waive their right to counsel, rather than burden their families with the $50 application fee. And while $50 may not seem like much, it can force families with limited resources to choose between paying court fees and buying groceries.

Given evidence of the link between race and poverty, charging fees for the appointment of counsel impacts youth of color most heavily and undermines rehabilitation. Not only does the financial burden of juvenile court involvement serve no rehabilitative purpose, it can increase the risk of recidivism as their inability to pay leads to more fees, extended probation, civil liens, license forfeiture, and even incarceration.

We want to work together to develop legislation that would eliminate all court costs and fees associated with a child's right to counsel. A young person should never have to waive counsel or admit to charges merely to avoid placing a financial burden on their family.

We invite you to join us to discuss the impact public defense-related fees and costs have on children, families, and communities, and ways to move forward with promising legislation. Please join us at 2:00 P.M. on Tuesday, May 15, at the State Public Defense Office.

Please RSVP by May 11 to first.last@email.com.

We look forward to seeing you on May 15!

Sincerely,

Advocate

Sample Coalition Meeting Agenda

COALITION MEETING AGENDA
May 15, 2018

2:00 - 2:15: Brief Overview of the Costs and Fees Charged to Children
State Public Defender

- Public Defender will review the various costs and fees related to public defense that a child can be charged throughout the course of their case
- Public Defender will explain racial disparities in the juvenile legal system and how fees greatly impact children of color

2:15 - 2:30: Financial Impact of Costs and Fees to the System
Public Defense Fiscal Officer

- Fiscal Officer will explain how much is collected in public defense-related costs and fees, and what that money is used for

2:30 - 3:00: Financial Impact of Costs and Fees to Children and Families
Former Court-Involved Youth and Parents

- Youth and Parents will talk about the fees charged to them when Youth requested a public defender, and how those fees impacted their family's financial health, Youth's court case, and how they view the justice system

3:00 - 3:50: Legislative Strategies for Eliminating Costs and Fees Group Discussion
Facilitated by Public Defender Legislative Counsel

- Legislative Counsel will lead coalition members in a strategic discussion of legislative options for eliminating costs and fees related to public defense services, with the goal of identifying a strategy the coalition can agree upon and commit to supporting
- Coalition members will decide and assign next steps to further the selected legislative effort

3:50 - 4:00: Wrap-Up
Coalition Members

- Coalition members will schedule a time and location for our next meeting or conference call

Sample Coalition Sign-On Letter

May 15, 2018

Dear Chief Justice:

We hope that you and our state's judges can join us in support of legislation eliminating costs and fees associated with providing public defenders to children facing delinquency charges.

These fees can accumulate to hundreds of dollars per case, a significant amount of money for a family whose financial status qualifies them for state-provided defense services. The hardship this creates for families undermines the very purpose of the juvenile court system: to promote youth success.

Having a child facing delinquency charges can be extraordinarily stressful for a family, and imposing fees for a publicly funded attorney only adds to that stress and hampers efforts to foster family stability and support for the child.

Charging fees for the appointment of counsel has a disparate impact on youth of color. Youth of color have a higher rate of contact with the juvenile legal system because their typical adolescent behavior is more likely to be criminalized than white youth's similar behavior.[19] This results in youth of color needing attorneys at higher rates than white youth, and thus experiencing a disproportionate burden of paying any fees associated with the appointment of those attorneys.

Alameda County, California conducted a thorough study of the fees charged to children and families involved in its juvenile court system, and found that its fee scheme "imposes economic hardship, creates family strain and erects significant reentry barriers for youth." They found that this burden fell most heavily on families of color. The county chose to eliminate its fees.

We are pursuing legislation to eliminate all costs and fees associated with providing public defenders to children facing delinquency charges in our state's courts, and we hope you and judges from across the state will support our efforts. We believe that eliminating fees will help children and families have a voice in the court process, increase the success of children returning to their homes and communities, reduce racial disparities, and further the goals of our juvenile justice system.

Sincerely,

[Individual signatures of coalition members]

[19] Although youth of all races engage in delinquent behavior at similar rates, youth of color are arrested at higher rates than their white counterparts. The Sentencing Project, "Racial Disparities in Youth Commitments and Arrests" (2016), https://www.sentencingproject.org/publications/racial-disparities-in-youth-commitments-and-arrests/ .

Sample Legislative Testimony

Thank you for the opportunity to testify in favor of House Bill 387, which would eliminate all statutory costs and fees related to the services of public defenders in juvenile court.

Contrary to the very spirit of constitutional rights, current law allows children to be charged for applying for and being represented by a public defender. These fees range from $50 to several hundreds of dollars, for legal services our state is constitutionally mandated to provide to youth who cannot afford to hire counsel. The harm these fees do to children, families, and the integrity of our justice system far outweigh any minimal financial benefit they bring.

Far too often, children waive counsel rather than subjecting their families to the $50 fee our state charges just to apply for a public defender. And when courts choose to charge families escalating fees for public defense services based on the length of the case, children may feel pressured to plead guilty and end the case, rather than allowing their attorney enough time to fully explore all their defense options. This pressure is especially felt by African American children, who are more likely to be detained, contributing to the racial disparities that pervade the juvenile legal system.

Perhaps most distressingly, these fees can actually lengthen and deepen a child's involvement with the court system. It is not uncommon for a child who has completed all conditions of probation, except for the payment of fees, to have their probation extended, which can lead to the assessment of more fees and to revocation of probation, sometimes leading to incarceration.

Charging fees to children living in poverty in order to access their constitutional right to counsel encourages those children to waive their right to counsel and to quickly plead guilty to charges without knowing their options. And fees cause financial stress for the child's family, which can harm the family's relationship with the child at a time when family support is especially important.

Fees lengthen a young person's involvement in the juvenile justice system, undermine the purposes of the juvenile court system, and harm families.

Charging fees for the appointment of counsel has a disparate impact on youth of color. Youth of color have a higher rate of contact with the juvenile legal system because their typical adolescent behavior is more likely to be criminalized than white youth's similar behavior. Not only does the financial burden of juvenile court involvement serve no rehabilitative purpose, it can increase the risk of recidivism as their inability to pay leads to more fees, extended probation, civil liens, license forfeiture, and even incarceration.

HB 387 seeks to address these harms by eliminating all costs and fees associated with children accessing their right to counsel. It is important legislation and the time has come to ensure young people are guaranteed such protections. I ask the Committee to approve HB 387 and stand up for the futures of our children.

Sample Letter to the Editor

May 15, 2018

To the Editor:

When I was 13 years old, I was arrested and charged with truancy. My father refused to pay the required fee for a public defender, and I was forced to face the charge without a lawyer. When my case was heard, I felt I had no choice but to waive my right to counsel and plead guilty.

The court put me on probation and sent me home. What the court did not know was that my father was hardly ever there because he was working two jobs to support us. I was usually left to get to school on my own, as well as feed and otherwise take care of myself. The court thought I was being unruly, but really I was an overwhelmed child.

Because of the uncertainty at home, I repeatedly violated the terms of my probation. Eventually, the judge got frustrated and wanted to lock me up. Because the court wanted to detain me, it was required to appoint a lawyer to represent me, even though my father would not pay the fee.

My public defender told the court about my home life and the struggles I faced to manage everything. Knowing this, the judge dismissed my case and got me the help and support I needed.

I am glad the state legislature is considering House Bill 387, which would eliminate the fees and costs associated with appointing counsel to children in juvenile court. This law is especially important for youth of color, including Latino youth like myself, who experience harsher treatment in the juvenile legal system than white youth. If this law had been in effect when I was arrested, I could have gotten the support I needed much sooner.

Sincerely,

Advocate
555-555-5555

Sample Social Media Posts

Too many youth of color are pressured to waive their right to counsel rather than burden their family with the cost of a public defender. We can't afford to let costs and fees interfere with children's constitutional rights. #NoMoreFees

Charging fees for public defenders interferes with a child's right to counsel and undermines the rehabilitative purposes of the juvenile court system. Children of color bear this burden at disproportionate rates, and fees can bring them deeper into the system. It's time for our state to eliminate all costs and fees, and provide #AccessToCounsel for children.

4. Address Waiver of Counsel [page 41-49 of "Ensuring Access"]

Sample Coalition Letter

May 15, 2018

Dear Colleagues:

You may have seen our recent report about how many children in our state waive their right to counsel. Unfortunately, courts do not keep data about youth waiver rates, but through court visits and extrapolating other available data, we found that approximately one-third of children facing delinquency charges waive their right to counsel.

This means that at least one out of every three children who face charges, incarceration, and the lifelong consequences of court involvement, navigates the complex maze of juvenile court without the assistance of counsel. This impact is especially felt by youth of color who are arrested at higher rates than white youth and are treated more harshly at every stage of the juvenile legal system. This is unacceptable.

We want to see our state join seven others, which do not allow children to waive their right to counsel without first consulting with a qualified juvenile defender. We want to ensure that children have a chance to fully understand their right to counsel, before they ever consider waiving it.

We are bringing together individuals and organizations like yours, that support strengthening children's constitutional rights, to work on this important issue. Please join us at 2:00 P.M. on Tuesday, May 15, at the NJDC Regional Office for our first meeting.

Please RSVP by May 11 to first.last@email.com.

We look forward to seeing you on May 15!

Sincerely,

Advocate

Sample Coalition Meeting Agenda

COALITION MEETING AGENDA

May 15, 2018
2:00 - 2:25: Explanation of Data Analysis and Report Findings
NJDC Regional Director

- Director will explain the process behind the group's recent report, which found that approximately one-third of children waive their right to counsel
- Director will explain the need for more data, particularly data tracking the race of youth who waive the right to counsel

2:25 - 2:40: Overview of National Recommendations and Best Practices
NJDC Regional Office Counsel

- Counsel will review national groups' recommendations for handling youth waiver of counsel, and how other states have addressed high waiver rates
- Counsel will summarize impact of waiving counsel, highlighting the disproportionate impact on youth of color

2:40 - 3:40: Decreasing Waiver of Counsel in Our State
Juvenile Defender

- Public Defender will facilitate a group discussion about how best to implement best practices and decrease the waiver rate in our state

3:40 - 3:55: Next Steps
Coalition Members

- Coalition members will decide and assign next steps for our chosen path toward policy reform

3:55 - 4:00: Wrap-Up
Coalition Members

- Coalition members will schedule a time and location for our next meeting or conference call

Sample Coalition Sign-On Letter

May 15, 2018

Dear Chief Justice:

We are a coalition of parents, children, lawyers, local organizations, and other concerned members of the community who are troubled by the number of children who waive their right to counsel in courts across our state. We are submitting a proposal to amend the Juvenile Court Rules to prohibit waiver of counsel unless and until a child has an opportunity to consult with a qualified juvenile defender about their rights, and to require that courts collect and maintain data about youth waiver of counsel that includes information on race.

As you know, more than 50 years ago, the United States Supreme Court issued In re Gault, a landmark decision finding that children require "the guiding hand of counsel at every step in the

proceedings." But in our state, an estimated one-third of children navigate the juvenile court system without counsel.

Numerous studies have found that most children, even older teenagers and those with prior court experience, do not fully understand their right to counsel, the role a defense attorney plays, or the long-term consequences of waiving their rights. Before a court can accept a child's waiver of their right to counsel as knowing, intelligent, and voluntary, the court must ensure the child fully understands that right and the consequences of waiving it. Youth of color especially need access to counsel to make an informed decision about waiving their rights, as they experience higher rates of arrest and incarceration.

To address this concern, the United States Department of Justice echoed the recommendation of the National Juvenile Defender Center by asserting in their Statement of Interest in N.P. v. Georgia that no child be allowed to waive counsel without first consulting with a qualified juvenile defender about the child's rights. The juvenile defender can ensure the child understands their rights, knows what a defense attorney can do for their case, and what the consequences might be if they decide to waive their right. We would like to see our state join seven others and adopt this reasonable national standard.

For the past year, members of our coalition have been working to identify how many children in our state waive their right to counsel. Unfortunately, our courts do not collect this data. By conducting courtroom visits and extrapolating from other available data, we are able to estimate that approximately one-third of children facing delinquency charges in our state waive their right to counsel. But this is far too important an issue to leave to anecdote and generalizations.

We have included in our proposal a requirement that courts collect and maintain data about youth waiver of counsel. Collecting this data from the courts is the only way we will know exactly how many children are navigating the court process without the assistance of counsel. Tracking waiver rates and the outcomes of cases in which children waive their right will allow our state to ensure children's rights are being protected, and to better focus resources and future policy efforts to improve practices and outcomes for children.

Far too many young people in our state are waiving their right to counsel without ever fully understanding the role of the juvenile defender or the consequences of juvenile court. By amending the Juvenile Court Rules to require consultation with a juvenile defender prior to allowing waiver, and to require the collection of data about waiver, our state will take very important steps forward in protecting children and their constitutional rights.

We look forward to working with you on this very important issue.

Sincerely,

[Individual signatures of coalition members]

Sample Legislative Testimony

Thank you for the opportunity to testify in favor of House Bill 387, which would not allow a child to waive their right to counsel in court unless and until the child has consulted with a qualified juvenile defender about their right to counsel and the implications of waiving that right. The bill also requires courts to collect data about youth waiver of counsel.

Last year, my organization endeavored to find out how many children in our state waive their right to counsel when they are in court. To our chagrin, we discovered that the state does not track this important information. Through court observations and other data sources, we estimated that approximately one-third of children facing delinquency charges waive their right to counsel. By comparison, a federal study found that less than one percent of adult defendants facing felony charges were not represented by counsel during their court cases.

The high rate at which children waive their right to counsel is not surprising when you consider the many pressures they face to waive counsel and the absence of information they receive about the right to and role of counsel. Many court personnel, and at times even families, want to catapult youth through the court system to "be done," and fail to consider the long-term consequences of court involvement on the lives of youth.

HB 387 addresses these concerns by adopting a nationally recommended standard: requiring a child to first consult with a qualified juvenile defender about the right to counsel and the implications of waiving that right, before the child will be allowed to waive their right to counsel in court. This national standard, proffered by the National Juvenile Defender Center, is supported by the United States Department of Justice in their Statement of Interest in N.P. v. Georgia: "A juvenile's waiver of counsel cannot be knowing, intelligent, and voluntary without first consulting counsel."

Youth of color, who are overrepresented throughout the juvenile legal system, need attorneys to help them understand the court process, the rights they can exercise within it, and the potential long-term consequences of system involvement. This is especially important for youth of color because collateral consequences from juvenile court involvement contribute to racial inequality by perpetuating the same exclusion in employment, education, voting, and accessing public benefits that people of color have experienced throughout U.S. history. HB 387 can reduce these racial disparities by ensuring that all youth of color have meaningful access to an attorney.

Importantly, HB 387 also requires courts to collect data about youth waiver of counsel. As I mentioned at the beginning of my testimony, courts do not currently collect this data, so we can only estimate how many children waive counsel. The number of children who navigate the court system without the benefit of counsel is far too important an issue to leave to conjecture. Data will allow us to objectively identify areas that are in need of additional resources or reforms, and to measure the outcomes of policy changes, such as HB 387.

The right to counsel is a cornerstone of our justice system, and it is gravely concerning that one-third of the children in our courts are waiving that right. HB 387 offers an effective remedy by requiring a meaningful opportunity to consult with a qualified juvenile defense attorney prior to waiving counsel.

Again, I thank you for the opportunity to testify on behalf of this important legislation. I respectfully urge the Committee to pass HB 387.

Sample Letter to the Editor

May 15, 2018

To the Editor:

Approximately one-third of children in this state give up their right to counsel when they appear in court. Compare that to less than one percent of adults who waive their right to counsel when they face felony criminal charges. It is clear that adults understand the importance of counsel in ways children do not.

The high rate of youth waiver of counsel is especially distressing when you consider that many children in the justice system face numerous pressures to waive counsel and are not fully informed of the right to and role of counsel before being asked to waive. And few youth or families are informed that the consequences of juvenile court cases can follow youth long into adulthood. More youth of color are impacted by this waiver than white youth because they are arrested at higher rates for the same behavior as their white peers.

A proposed court rule will ensure that youth are appropriately informed of their right to counsel by mandating that they consult with a qualified juvenile defense lawyer, before they are allowed to consider waiving their right to counsel. This consultation will allow the child an opportunity to talk with a qualified juvenile defender about the role of the defense lawyer, their right to counsel, and what it means to waive that right. This can lead to a reduction in racial disparities in the juvenile legal system by ensuring that youth of color have access to attorneys who can advocate for their individualized treatment, including advocating that post-dispositional services are culturally competent and tailored to meet the unique needs of youth of color.

I commend the Supreme Court for considering this rule amendment, and I urge them to adopt it. Our state's youth deserve access to a fair and effective system of justice, and public confidence in the juvenile court system will increase, as the system commits itself to recognizing that children need and deserve improved access to their constitutional rights.

Sincerely,

Advocate
555-555-5555

Sample Social Media Posts

One-third of children give up their right to counsel without first having the chance to talk to an attorney about how having a lawyer can help. Youth of color especially need access to lawyers to advocate against racial discrimination throughout the juvenile legal system. Support HB 387 to empower young people with tools to make informed decisions about their futures.

#DefendChildren and support HB 387 to ensure youth of color understand their constitutional rights and have the tools to navigate the complex juvenile court system. Contact your state legislator and tell them you support HB 387!

5. Ensure Post-Disposition Representation [page 50-62 of "Ensuring Access"]

Sample Coalition Letter

May 15, 2018

Dear Colleagues:

We invite you to join us and other concerned community members and organizations for a discussion about how our state can ensure children have access to defense counsel throughout the entirety of their cases.

As you may know, children's court cases often extend until they are 18 or 21 years of age, with some aspects of the case continuing to linger well into adulthood. But our state laws and court rules do not guarantee that a child will have access to a juvenile defender after the initial court proceeding in the case. This can mean children do not have legal representation for any appeals they may wish to pursue, to challenge court fines and fees, to ensure their safety and access to proper educational and medical services while they are in confinement, or for any of the many other legal issues that can arise out of court involvement.

Racial disparities exist at every stage of the juvenile legal system, and youth of color must have access to attorneys who will protect their rights post-disposition. Youth of color are incarcerated at higher rates than white youth for the same types of behavior. Defense attorneys can advocate that youth of color have access to community-based services and appropriate rehabilitative services to reduce recidivism.

We believe it is time for our state to guarantee qualified defense counsel to every child charged with a delinquency offense, for as long as that child is under the court's jurisdiction. Doing so will offer the legal protection that children deserve and the Constitution demands. Continued representation by defense counsel can help ensure the court's disposition orders are being properly carried out and that young people are connected to meaningful opportunities.

Please join us at 2:00 P.M. on Tuesday, May 15, at the Local Bar Association Office for a discussion and strategy session about how we can improve children's access to counsel after their initial juvenile court involvement.

Please RSVP by May 11 to first.last@email.com.

We look forward to seeing you on May 15!

Sincerely,

Advocate

Sample Coalition Meeting Agenda

COALITION MEETING AGENDA

May 15, 2018

2:00 - 2:20: Overview of Post-Disposition Legal Needs
Juvenile Defense Attorney

- Attorney will briefly review the multitude of areas in which a child might need legal counsel after a court disposition

2:20 - 2:45: What Happens When Children Do Not Have Lawyers Post-Disposition
NJDC Regional Director

- Director will discuss post-dispositional legal issues that have come to their office's attention, including allegations of abuse in treatment facilities, inadequate access to educational services and medical treatment, and children's records misreported in background checks
- Director will discuss the racial disparities in youth incarceration and treatment post-disposition and explain the defender's role in reducing disparities and advocating for culturally competent post-disposition services and placements that are individually tailored to the unique needs of youth of color

2:45 - 3:55: Guaranteeing Access to Counsel Post-Disposition
Local Bar Association Committee Chair

- Chair will facilitate a group discussion about strategies for improving children's access to counsel post-disposition, including litigation, legislation, and court rule amendment, with the goal of coming to a consensus about the best way for the coalition to move forward

3:55 - 4:00: Wrap-Up

Coalition Members

- Coalition members will schedule a time and location for our next meeting or conference call

Sample Coalition Sign-On Letter

May 15, 2018

Dear Chief Justice:

We are a coalition of parents, children, lawyers, local organizations, and other concerned community members who would like to see children's access to counsel strengthened in our state. We are asking that the Juvenile Court Rules be amended to establish an explicit right to counsel for children in all post-disposition matters, to ensure all children are represented by counsel throughout the duration of their case and until they are no longer under court or state supervision, and to require courts to collect data about post-disposition access to counsel that includes information on race.

As you know, more than 50 years ago, the United States Supreme Court issued In re Gault, a landmark decision finding that children require "the guiding hand of counsel at every step in the proceedings." But in our state, a child's access to counsel withers away once the court issues its disposition order. This is especially unfortunate, given the court's focus on ensuring positive youth development. Unlike the adult criminal justice system, where sentences focus on punishment, a juvenile court's disposition is intended to guide the child toward meaningful supports and opportunities. The court should ensure youth have access to an attorney who will represent their interests as they work toward success. Post disposition access to counsel will reduce recidivism, decrease juvenile justice costs, and inhibit institutional abuse.

Post disposition access to counsel will also reduce racial disparities in the juvenile legal system. Defense attorneys can advocate that treatment providers and systems-actors involved in rehabilitative services provide culturally competent services tailored to meet the unique needs of youth of color and that they are aware of implicit racial bias and take steps to counteract it for their clients who are children of color. Youth of color are incarcerated at higher rates than white youth, and defense attorneys can save money for the state by advocating that youth of color who will benefit from community-based services are not incarcerated. Additionally, attorneys can reduce recidivism for youth of color by assisting with sealing their juvenile records.

The United States Department of Justice and leading national organizations, including the National Council of Juvenile and Family Court Judges and the National Juvenile Defender Center, assert that children's right to counsel includes access to counsel at post-disposition review hearings, reentry hearings, and on appeal. Similarly, national standards for defense counsel issued by the American Bar Association, the National Association of Counsel for Children, and the National Legal Aid and Defender Association require continuous legal representation for children throughout all post-disposition stages of their cases.

Two United States District Courts of Appeals have held that the Constitution demands that adjudicated children have meaningful access to the courts post-disposition. In fact, the Sixth District found in John L. v. Adams that children need more assistance than adults, for whom access to a law library is sufficient: "In order to make this right meaningful, the State must provide the juveniles with access to an attorney."

In order to properly protect children's constitutional right to counsel, uphold the principles of our court system, and ensure the success of court-involved children, our state must guarantee counsel to every child throughout the post-dispositional phase of the child's court case. We look forward to working with you to amend the Juvenile Court Rules to achieve these important goals.

Sincerely,

[Individual signatures of coalition members]

Sample Legislative Testimony

Thank you for the opportunity to testify in favor of House Bill 387, which would establish an explicit right to counsel for children for as long as they are under the jurisdiction of the juvenile court and require courts to collect data about post-disposition access to counsel.

Just over 50 years ago, the United States Supreme Court made clear in In re Gault that the Constitution provides the right to counsel to youth in delinquency cases. But while children in our state have legal representation when they are in the courtroom, they are too often on their own once the court has issued its disposition, or sentence, in a case. By failing to provide counsel to children as they complete their court-ordered disposition and transition back to their communities, we are failing to uphold the purpose of the juvenile court system, failing to prevent abuse, and failing to create opportunities to lower recidivism and keep our children and communities safe.

By failing to provide counsel to children as they complete their court-ordered disposition, we are missing an incredible opportunity to ensure the success of children during this critical time. Counsel could advocate for a child who does not receive the educational programming or counseling a court has ordered, or report back to the court about mistreatment of youth being held in facilities, allowing the court to monitor both the progress of the child and the effectiveness of a given disposition.

Post disposition access to counsel will also reduce racial disparities in the juvenile legal system. Defense attorneys can advocate that treatment providers and systems-actors involved in rehabilitative services provide culturally competent services tailored to meet the unique needs of youth of color and that they are aware of implicit racial bias and take steps to counteract it for their clients who are children of color. Youth of color are incarcerated at higher rates than white youth, and defense attorneys can save money for the state by advocating for the decarceration of youth of color who will benefit from community-based services.

An unfortunate reality of the justice system is that children in court-ordered placements are vulnerable to abuse. Take, for example, Juan, a young Cuban-American who was held in one of our state's juvenile prisons for six months. When Juan arrived at the facility, staff were notified that he spoke only Spanish. The staff made no accommodations for him, which meant he was unable to complete his court-ordered programming, and they separated him from his Spanish-speaking peers, leaving him socially isolated. It was only after a nonprofit organization visited the facility and notified a defense lawyer about Juan that he received the attention and advocacy necessary for his success. The defense lawyer asked the court to review Juan's placement. The court released Juan to the community, where he was able receive competent community-based services to support his goals.

If children have lawyers who visit them at their placements and monitor their progress and the services they receive, mistreatment will be caught and corrected. This saves the child from any mistreatment and abuse and the state from allowing harm to children in their care.

Counsel can also help children transition back to their homes and communities after court involvement, which can increase the children's chances of success and decrease recidivism. Lawyers can help children understand conditions of probation and parole, decreasing violations and recommitments. They can also help children with any legal barriers that stand in the way of the child fully reintegrating with their family, school, and community, and help connect children to community-based services that will aid in their reentry.

By explicitly granting a right to counsel for children in post-dispositional matters, our state will be offering children the important constitutional protections they need and deserve, living up to the promise of the juvenile justice system, and investing in the success of children and the safety of our communities.

I ask the Committee to pass HB 387.

Sample Letter to the Editor

May 15, 2018

To the Editor:

Tens of thousands of children pass through the court system each year. But once the children leave the courthouse, no advocate follows them to protect their rights and interests while they are under the jurisdiction of the court, to ensure they are not being harmed, to challenge legal barriers to education or employment, or to advocate for the supports and resources they need to successfully reenter their communities.

Fortunately, pending legislation addresses this shortcoming. House Bill 387 would create an explicit right to counsel for children throughout the entire time a child is under the juvenile court's jurisdiction or under state supervision.

The time after a child receives a disposition, or sentence, is arguably the most important part of their court involvement. It is then that they will receive the counseling, treatment, and programming to get on the right path. It is also the time they are most vulnerable to mistreatment and abuse.

Children need legal counsel to advocate for them during this critical time. Lawyers can help ensure children receive appropriate care and treatment, communicate with the court about the effectiveness of its orders, and assist the child with the countless legal issues that arise from a court case. Once a child is ready to rejoin their community, their lawyer can help them navigate reentry issues like school, housing, and employment and connect with community-based services that will increase the child's chance of success.

Ensuring that all youth have access to counsel post-disposition can help reduce racial disparities in incarceration. Youth of color need attorneys who can advocate that steps are taken to counteract implicit racial bias in post-disposition placements and that all youth who will benefit from community-based services have the opportunity to access them.

HB 387 is an investment in children that will strengthen our juvenile justice system and keep our communities safer.

Sincerely,

Advocate

555-555-5555

Sample Social Media Posts

Youth of color are incarcerated at higher rates than white youth. They need access to attorneys who can advocate that they receive individualized disposition plans that are free of implicit racial bias. Children in our state do not have lawyers while they navigate placement, treatment, probation, and reentry. We must #DefendChildren throughout the entire time they are under juvenile court supervision.

Courts must offer the legal protection that children of color deserve and the Constitution demands. Support HB 387 to fulfill the right to counsel for young people—a right that must extend until their case is closed. #DefendChildren

"If public defenders were allowed to do regular post-dispo advocacy, injustices would come to light." Youth of color are incarcerated at higher rates than white youth and are being denied the right to attorneys post-disposition in our state. Support HB 387 and learn more about why it's important at njdc.info/snapshot #AccessDenied