I.J.R. 9. Right to Counsel (J.C.A.)

Idahor Juvenile Rule 9. Right to Counsel (J.C.A.)

(a) The juvenile has the right to be represented by retained counsel in all proceedings before the court. The court shall appoint counsel for the juvenile if it finds that the juvenile is financially unable to pay for such legal services, unless representation is competently and intelligently waived. The court shall appoint separate counsel for the parent(s) or guardian if the court finds there is a conflict between the interests of the juvenile and the parent(s) or guardian and the court finds that the parent(s) or guardian are financially unable to pay unless representation is competently and intelligently waived.

(b) Pursuant to I.C. Section 20-514, the court shall appoint separate counsel for the juvenile, whether or not the parent(s) or guardian are able to afford counsel, unless there is an intelligent waiver of the right of counsel by the juvenile and the court further determines that the best interest of the juvenile does not require the appointment of counsel.

(c) In the event a juvenile appears before the court without parent(s) or guardian, the court shall appoint counsel to represent the juvenile; and

(d) Notice of the right to be represented by counsel, and right to counsel at public expense where financial inability exists on the part of the juvenile, parent(s), or guardian, shall be given at the earliest possible time. In the event a juvenile is detained, notice shall be given simultaneously with the notice of detention hearing and at the outset of a detention hearing. Notice of the right to counsel, and right to counsel at public expense if the parent(s) or guardian are financially unable to pay, shall be stated upon the notice or summons of an admit/deny arraignment hearing and upon the notice or summons of an evidentiary hearing.

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