

HB 1531-S - DIGEST

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Provides that, in any proceeding in which a child has a right to the assistance of counsel under constitutional, statutory, or common law, or by court rule, the child may not waive this right except as provided in this act.

Declares that a parent, guardian, or custodian of a child may not waive the child's right to the assistance of counsel.

Provides that, in any proceeding in which a child has a right to the assistance of counsel under constitutional, statutory, or common law, or by court rule, and the child indicates a desire to waive that right, the court may not accept the waiver unless the designated conditions are met.

Declares that, in making its judgment, the court should consider evidence of the child's school performance and any testing which the school may have conducted.

Provides that, unless the court dismisses the case, if a child appears without counsel for any hearing, including a waiver hearing, and the child has not previously waived the right to the assistance of counsel in accordance with this act, the court shall continue and the clerk shall reschedule the hearing, and the clerk shall issue a notice of the date, time, and location of the hearing at least ten days prior to the date of the hearing.

Declares that the continuance of a hearing may not be a basis for detaining the child.