



Governor's Advisory Council for Exceptional Citizens (GACEC)
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MEMORANDUM

DATE: June 8, 2016

TO: The Honorable Members of the Delaware General Assembly

FROM: Robert D. Overmiller, Chairperson
GACEC

RE: **House Bill No. 382 (Representation of Minors in Delinquency Proceedings)**

The Governor's Advisory Council for Exceptional Citizens (GACEC) has reviewed **House Bill No. 382** which guarantees that all children facing criminal charges and allegations of delinquency have the right to an attorney. It will codify the Office of Defense Services practice of representing every juvenile that requests representation. Council **endorses** the proposed legislation.

Under existing practice, the Office of Defense Services offers free legal representation to minors charged with a crime or act of delinquency even though not required by State law. Representation is available regardless of family income. In 2014-15, the Public Defender represented youth in approximately 3,500 cases statewide. Juveniles are even less likely to be able to understand judicial proceedings than adults. Without counsel, they are more likely to end up in Division of Services for Children, Youth and their Families (DSCY&F) custody at State expense which exceeds the cost of representation.

House Bill No. 382 would codify current practice in the Delaware Code to ensure the continued availability of such representation by adding the following sentence to the Code: "Any person under the age of 18 facing criminal charges and allegations of delinquency shall be automatically eligible for representation by the Office of Defense Services." Historically, juveniles with disabilities have been disproportionately subjected to school discipline and criminal justice referrals. The percentage of students in Youth Rehabilitative Services (YRS) custody with special education classifications has always been high; therefore, the bill would have a major impact on juveniles with disabilities and merits our endorsement.

Thank you for your time and consideration. Please feel free to contact me or Wendy Strauss at the GACEC office if you have any questions.

CC: Brendan O'Neill, Chief Defender, Office of Defense Services