

### **Question: What if my child is accused of a sex crime?**

You have now learned the science and the law about being falsely accused of a sex crime, but what if the accused is a child. When a person charged is a child, the allegations go to juvenile court. Since the *In re Galt* case, the United States Supreme Court has extended important constitutional rights to children as well. This means for the most part important criminal procedure rules and evidentiary rules apply when defending children against these awful charges. In other words, the trials look very much like they would in an adult court. But there are some notable differences between juvenile and adult court. For children charged with serious sex crimes the juvenile court may consider sending them to adult court if the child is 14, if force or duress is part of the charge. The district attorney may consider sending the child directly to adult court if the child is 16, charged with a serious sex offense including force or duress. They don't have to ask the court's permission. The district attorney can do it directly. If there is no force or duress alleged, the juvenile court judge may consider sending the minor to adult court. This decision depends upon whether the juvenile court judge believes the minor can benefit from the services available within the juvenile court system. In the juvenile court system children found guilty of some crimes can be held by the youth authority for longer than an adult might be held if found guilty of the same offense. The youth authority is a prison for children. However, the child does not have a right to a jury trial. In Juvenile court is judges make the decision. In fact, the youth authority can hold onto a child convicted of a crime until that child is 25 years old, if the crime involved child molestation with force or duress or certain other acts of violence. It may be juvenile court, but minors can spend years behind bars if sentenced for committing certain crimes. You must take these charges seriously, even though they are being heard in the juvenile court.