



# OFFICE OF THE STATE PUBLIC DEFENDER

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## INITIAL CLIENT INTERVIEW FORM (Juvenile)

### PART I: Preparation for Interview of Youth

<p>Have you?</p> <p><input type="checkbox"/> Set aside enough time to conduct a thorough interview</p> <p>Obtained and carefully reviewed:</p> <p><input type="checkbox"/> Petition and other court documents?</p> <p><input type="checkbox"/> Police reports or other probable cause documents?</p> <p><input type="checkbox"/> Familiarized yourself with the basic facts and persons involved?</p> <p><input type="checkbox"/> The statutory elements of the offense charged?</p>
<p>When you conduct the interview do you have with you?</p> <p><input type="checkbox"/> All relevant discovery</p> <p><input type="checkbox"/> Form OPD-MH1 (ROI)</p> <p><input type="checkbox"/> Titles 41, M.C.A. (Montana Youth Court Act), Title 45 (Montana Criminal Code), and Title 46, M.C.A. (Criminal Procedure)</p> <p><input type="checkbox"/> Give the client your business card with telephone number</p>

## PART II: Conducting an initial meeting with the youth and the parent

**NOTE:** The potential for a conflict of interest between the accused juvenile client and his or her parents should be clearly recognized and acknowledged. You must inform the parent that you are their child's lawyer and that in the event of a disagreement between a parent or guardian and the youth, you are required to serve exclusively the stated interest of the youth.

Introduce yourself to the youth and to the parent by name and affiliation

Explain your role as the youth's attorney

Find out:

Youth's age

Youth's residential address

Youth's phone number(s)

Name of parent or guardian

School attended and grade

Names of siblings and other family members

Inform the parent that your primary role as the youth's lawyer is to represent their child's perspective alone and not the child's best interests or their interests.

Ensure that the youth does not waive appointment of counsel.

Explain the charges and possible dispositions;

Explain the youth court process, timelines, and the role of all the parties involved, such as judge, prosecutor, probation staff, guardian ad litem, counsel, youth and parent

Explain the nature of attorney-client confidentiality

Inform the youth and parent not to make statements to anyone concerning the offense;

Obtain signed releases by the youth and parent for medical and mental health records, school records, employment records, and other necessary records.

Advise the youth of the potential use of this information and the privileges that attach to this information

### **PART III: Conducting the initial meeting with the youth**

- Identify yourself as the youth's lawyer and make sure the youth understands what your job is
- If the initial meeting takes place at a detention facility or at youth probation, explain that you are not a member of the facility staff
- Explain that your conversation is confidential and that the youth should not reveal the matters you will discuss with him/her to facility staff or others, including the youth's parent or guardian, the youth probation officer, and other youths
- Inform the youth that (s)he has a right to remain silent

Ask the youth:

- How did you get arrested?
- What are the charges against you?
- Did you make any statements to:
  - Police
  - Witnesses
  - Parents
  - Friends
  - Teachers or counselors
  - Others?
- Identify all potential witnesses (with contact information)
- Identify all co-defendants (charged or uncharged)

Did you?

- Advise the youth of all available options, as well as the practical and legal consequences of those options?

#### **PART IV: Additional concerns and questions re: BAIL**

- Youth's residence and length of time at the residence;
- Youth's legal custodian and physical custodian with names, addresses, and phone numbers;
  
- Mental and physical health and employment background, if any;
  
- School placement, status, attendance, and whether the youth qualifies for special education;
  
- Whether the youth or the youth's family had previous contact with the youth court system and the outcome of that contact;
- Identify any adults who might be willing to assume responsibility for the youth
  
- Obtain useful social information, including the youth's home behavior, school performance, involvement with special education services, past or present, employment, and other information concerning the youth's ability to stay out of trouble if released, and the parent's ability to control and discipline the youth.

#### **PART V: Post Interview Considerations**

- Solicit the support of social workers and other experts
  
- Know and understand the range of services available to the youth
- Maintain the attorney-client privilege with the understanding that you represent the youth alone and not the youth's parents or guardians.
- If you have had difficulty communicating with the youth because of language or other disability, secure the assistance of such experts as are necessary to communicate with the youth.
  
- Actively prepare the youth for any interview with the youth probation officer and accompany the youth to any such interview