

Section 1.11: Delinquency proceedings

- (1) to confront and cross-examine witnesses;³
 - (2) to remain silent, testify, or call witnesses;⁴
 - (3) to have the government prove guilt beyond a reasonable doubt.⁵
- (e) to have his or her name and picture withheld from the media.⁶
- 5. Election to proceed as an adult or a juvenile:
 - (a) Explain maximum penalties under applicable statute if juvenile elects to proceed as an adult.
 - (b) Explain the disposition under the Federal Juvenile Delinquency Act (FJDA), which gives the court the following options:
 - (1) to suspend the findings of delinquency;
 - (2) to require that the juvenile make restitution to the victim(s) of the delinquent conduct;
 - (3) to place the juvenile on probation; or
 - (4) to commit the juvenile to official detention.
- 18 U.S.C. § 5037(a)
- (c) Explain that if the juvenile elects to proceed as an adult:
 - (1) The request must be in writing and upon the advice of counsel.⁷
 - (2) The juvenile may plead not guilty and force the government to trial by jury under an indictment, if applicable.

F.2d 1072 (4th Cir. 1976).

3. *In re Gault*, 387 U.S. 1 (1967); *United States v. Costanzo*, 395 F.2d 441 (4th Cir.), *cert. denied*, 393 U.S. 883 (1968).

4. *In re Gault*, 387 U.S. 1 (1967); *United States v. Hill*, 538 F.2d 1072 (4th Cir. 1976); *West v. United States*, 399 F.2d 467 (5th Cir. 1968) (factors in deciding if juvenile has waived privilege against self-incrimination), *cert. denied*, 393 U.S. 1102 (1969).

5. *In re Gault*, 387 U.S. 1 (1967); *United States v. Hill*, 538 F.2d 1072 (4th Cir. 1976); *United States v. Costanzo*, 395 F.2d 441 (4th Cir.), *cert. denied*, 393 U.S. 883 (1968).

6. 18 U.S.C. § 5038(e).

7. 18 U.S.C. § 5032.