

11.1 Motions Practice in Juvenile Court

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A. Goals

Advocacy through motions practice is essential to protection of a juvenile's constitutional and statutory rights. Filing motions can achieve several goals in a juvenile case. A pending motion may strengthen the juvenile's bargaining position with the State, while a successful motion may resolve the case, or some portions of it, in the juvenile's favor. Advocacy through motions practice will demonstrate to the court, the prosecutor, and the juvenile that counsel is dedicated to providing an effective and zealous defense. The court and the prosecutor may then be more likely to listen carefully and be persuaded by arguments of counsel.

Drafting a motion requires that counsel research the statutory, constitutional, or case law bases for the motion. A written motion and argument on the record and a memorandum of law submitted to the court, along with appropriate objections, protect the juvenile's rights and preserve issues in the event of an appeal.

B. Types of Motions

A variety of motions may be filed, including a motion requesting that a hearing be closed (*see supra* § 2.7, Right to an Open Hearing), that witnesses be sequestered (*see infra* § 12.5A, Sequestering Witnesses), for discovery (*see supra* § 10.3, Procedures for Obtaining Discovery), requesting an evaluation of capacity (*see supra* § 7.8, Obtaining an Expert Evaluation), requesting that an expert be appointed (*see supra* § 7.8A, Procedures to Obtain Expert Evaluation), and for dismissal of the petition (*see supra* § 6.3H, Defects in Petition: Timing of Motion).

Motions to suppress are particularly important in juvenile court because the State's case often rests on a statement or admission of a juvenile or on evidence obtained from a search of a juvenile. A successful suppression motion may result in the dismissal of the petition by the State or on motion of the juvenile. This chapter focuses on filing and arguing motions to suppress.