

be usable as evidence. Teach your child to request an attorney or parent if questioned by the police.

- **Case disposition.** Your child may be ordered to attend hearings. If the court finds your child guilty, he or she will be sentenced. The judge usually gets recommendations from probation officers or defense attorneys before sentencing. In some cases, the accused can agree to plead guilty to a lesser offense. A plea agreement is not binding on the court but may influence the judge. Possible dispositions are community service, restitution, or mediation. These allow the youth to make up for the offense without facing detention.
- **Decisions to decline or retain.** In some cases, the prosecution may try to have your child tried as an adult. This is known as declining the case because the juvenile court declines to handle it. A decision to retain means the case stays in the juvenile system. An FASD diagnosis can be used to argue that your child should remain in juvenile court.⁷
- **Aftercare.** Parents may want to seek an appropriate aftercare program to provide supervision, monitoring, and services when the child returns from a residential or correctional facility.

WHAT ARE MY CHILD'S RIGHTS?

Your child has the right to:

- Have a lawyer, regardless of ability to pay
- Refuse to talk to police, sign any papers, or share information until he or she has spoken to a lawyer
- Understand the charges
- Plead not guilty and be given a hearing
- Appeal the court's decision on the case
- Offer ideas for consequences if found guilty

Youth with an FASD might not understand their rights or remember what they hear. It is important to talk to the police and to the attorney about what happened during arrest and questioning to make sure the child's rights have not been violated.

HOW CAN I HELP MY CHILD?

You can advocate for your child by being available at any police questioning and advising your child's attorney about FASD. If your child is sent to a juvenile facility, you can speak with the staff about FASD. You can work with your child's school and the facility to make sure that your child's educational needs are met. You may need to provide a copy of your child's Individual Education Plan.

You might want to have your child carry an information card to give to police. (You can find a sample card at www.depts.washington.edu/fadu/legalissues/policecard.html.) The card describes FASD and alerts the police that the child is not waiving any rights and is not capable of waiving any rights.

You can also ensure that your child receives an adaptive functioning evaluation. This can help lawyers and judges figure out the best way to handle your child's case.

The most important thing you can do is to be there for your child and help attorneys, judges, and others in the juvenile justice system understand FASD.

RESOURCES

SAMHSA FASD Center for Excellence. 2005. **What You Need To Know: Understanding Fetal Alcohol Spectrum Disorders: Getting a Diagnosis.** Rockville, MD: fasdcenter.samhsa.gov

Minnesota Organization on Fetal Alcohol Syndrome, 2004. **Tools for Success: Working With Youth with Fetal Alcohol Spectrum Disorders in the Juvenile Justice System. A Guide for Parents and Caregivers.**

REFERENCES

1. www.famousquotes.com (December 2006)
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3. LaDue, R., and Dunne, T. 1995. Legal issues and the fetal alcohol syndrome. *The FEN Pen* 3(4):6-7.
4. LaDue, R., and Dunne, T. 1996. Capacity concerns and fetal alcohol syndrome. *The FEN Pen* 4(1):2-3.
5. *State v. E.A.J.*, 67 P.3d 518 (Wa. Ct. App.2003).
6. In the Matter of the Welfare of G.A.R.B. 2004 WL 51814 (Minn. App.)
7. LaDue, R., and Dunne, T. 1996. Issues in the legal realm: Fetal alcohol syndrome and the decision to decline or retain. *The FEN Pen* 4(2):2-6.

Stop and think. If you're pregnant, don't drink.
For more information, visit fasdcenter.samhsa.gov or call 866-STOPFAS.
www.stopalcoholabuse.gov



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