

SCOTT M. KENNEY
Circuit Judge
435 North Second Street
Fort Pierce, Florida 34950
(772) 462-1465



February 22, 2006

All Justices of the Florida
Supreme Court
Supreme Court Building
Tallahassee, Florida 32304

In re: Amendment to Juvenile Court Rules, Case No. SC06-140
Re: Counsel for Juvenile Delinquency Cases

Dear Members of the Court:

I understand that an amendment to the Rules of Juvenile Procedure is being considered concerning a juvenile consulting an attorney before entering a plea in a juvenile delinquency case.

I have been a judge assigned to the juvenile division within the Nineteenth Circuit on and off during the past nineteen years. In fact, the majority of my time has been in juvenile.

It is my firm belief that **no** juvenile should be allowed to represent himself or herself in court, even if they initially consult with a Public Defender. Juveniles simply are incapable of representing themselves in court, despite the fact it may result in more expeditious resolution of cases.

Nor is it fair to Public Defenders to simply consult with a juvenile before entering a *pro se* plea. Obviously, the Public Defender does not have the opportunity to look at a case in more detail and conduct discovery. How can the Public Defender be expected to provide any knowledgeable advice?

All this amendment would do is to create further grounds for an appeal, which would be unnecessary if the juvenile was represented by counsel from the start.

My personal rule is simple. I do not allow children to represent themselves under any
All Supreme Court Justices

February 22, 2006
Page Two

circumstances even if the child and/or parent/custodian tells me the child wants to plea guilty at the time of arraignment.

If the child's parent can afford an attorney, I require them to retain one. If a parent/custodian cannot afford one, I appoint the Public Defender. If a parent can afford a private attorney and refuses to do so, I appoint the Public Defender and advise the parent that the fees will be higher and assessed directly against the parent.

I am known as a very conservative judge in juvenile. But this issue is a "no-brainer". Kids should not be allowed to proceed *pro se* in any case. The court system has enough problems dealing with adults who wish to proceed *pro se* in their cases. Even educated adults have problems representing themselves.

In my opinion, juveniles do not have any capacity to represent themselves, especially since we have had to go through such extreme procedures when adults wish to represent themselves.

Therefore, I believe the juvenile rules should be amended to require that every child in a delinquency proceeding must be formally represented by an attorney.

Thank you for your consideration of this letter. I would have sent copies of this letter to counsel who have formally made an appearance on this issue, but I have been unable to ascertain their names.

Respectfully,

Scott M. Kenney

SMK/pgp

cc: Thomas D. Hall, Clerk

(By e-filing <http://www.floridasupremecourt.org/decisions/proposed.shtml>)

(By paper copy original & 9 copies)