

Rights in Court

You have rights throughout your whole court case. Tell your lawyer immediately if you think anything has been missed or you need help with anything on this list below.

- You have the right to be present at every hearing.¹
- You have the right to a lawyer. However, you may waive (give up) this right.²
- A judge must make sure you have been informed of your rights and walk you through your case.³
- You have the right to call upon witnesses (through subpoenas) to explain to the judge what they saw, heard, or said during the incident that got you in trouble. This could be an authority figure like the school or police, or someone who is a stranger and just saw what happened.⁴
- You have the right to cross-examination, rights against self-incrimination, and rights to confrontation.⁵
 - **Cross-examination** means you can ask the witness any question.
 - **Self-incrimination** means you do not have to testify at your trial if you do not want to.
 - **Confrontation** means your attorney can question the prosecution witnesses to show that the judge should not believe them.
- You have a right to any rights incorporated via the Americans with Disabilities Act and the Individuals with Disabilities Education Act.⁶
- No one can handcuff you in court unless there is good cause to believe you might try to hit someone or try to run away.⁷
- If the judge finds the charges in the petition are true, you have the right to appeal the decision.⁸
- If English isn't your first language and you can't understand what the people are saying in court, you have the right to an interpreter. Someone will come and tell you what everyone is saying in the language you understand.

Last updated on November 22, 2022

¹ Cal. Welf. & Inst. Code § 679.

² *Id.*; *In re Gault*, 387 U.S. 1, 41 (1967).

³ Cal. Welf. & Inst. Code § 700.

⁴ Cal. Welf. & Inst. Code § 664.

⁵ *Gault*, 387 U.S. at 47-49; U.S. Const. amends. X, XI; Cal. Welf. & Inst. Code § 630(b).

⁶ Cal. R. Ct. 5.651.

⁷ *Tiffany A. v. Superior Ct.*, 150 Cal. App. 4th 1344, 1363 (2007).

⁸ Cal. Welf. & Inst. Code § 800.