



DPS TRAINING BULLETIN

LEGAL BULLETIN NO. 182
November 2, 1993

JUVENILE'S RIGHT TO WAIVE PRESENCE OF
PARENTS DURING CUSTODIAL INTERROGATION

Reference: State of Alaska
v.
J.R.N.

Alaska Supreme Court
Opinion No. 4018
P.2d
October 28, 1993

FACTS:

The facts in this case are described in Legal Bulletin No. 162-- J.R.N. v. State of Alaska. You should read the facts outlined in Legal Bulletin No. 162 and indicate on your copy, "Case was REVERSED--Refer to Legal Bulletin No. 182."

On April 12, 1991, the Alaska Court of Appeals ruled that the confession police obtained from J.R.N. concerning his involvement in a homicide must be suppressed because police failed, as directed by State statute, to notify J.R.N.'s parents prior to the interrogation.

The Court of Appeals ruled that police violated Alaska Delinquency Rule 7(b), which states in its relevant part:

"...The arresting office shall immediately notify the parents, guardian and Department (Department of Health and Social Services) of the arrest and detention or placement, and shall make and retain a written record of the notification..."

ISSUE:

Can a juvenile (J.R.N. in this case) waive his right to have his parents notified?

HELD: Yes.

REASONING:

1. The waiver must be a knowing and voluntary one.
2. Since juveniles under arrest can wave their constitutional right against self-incrimination and their constitutional right to

counsel during interrogation, it logically follows that they can also waive their statutory right to have their parents immediately notified. (emphasis added)

3. The constitutional rights concerning self-incrimination and the right to counsel are legally of a higher order than the statutory right of parental notification.

NOTES:

As pointed out in Quick v. State, 599 P.2d 712 (no Legal Bulletin), when the court reviews any waiver of constitutional rights by a juvenile, they will look at the "totality of the circumstances" surrounding the waiver. Among factors the court will consider are age, intelligence, length of questioning, education, prior experience with law-enforcement officers, mental state at time waiver was made, and whether there had been prior opportunity to consult with parents/guardian or attorney.

NOTE TO SUBSCRIBERS TO THE ALASKA LEGAL BRIEFS MANUAL:

Add this case to Section P, "Right to Counsel and Waivers During Custodial Interviews," of your Contents and Text. File Legal Bulletin No. 182 numerically under Section R of the manual.