

**THE STATE OF NEW HAMPSHIRE**  
**JUDICIAL BRANCH**  
<http://www.courts.state.nh.us>

Court Name: \_\_\_\_\_

Case Name: \_\_\_\_\_

Case Number: \_\_\_\_\_  
(if known)

**DELINQUENCY WAIVER OF COUNSEL**

I, \_\_\_\_\_ of \_\_\_\_\_

have been charged with \_\_\_\_\_

before said Court. I have had explained to me at arraignment (my first court hearing) my right to be represented by an attorney. I understand that representation by an attorney would include counsel and investigative, expert, and other services, including process to compel the attendance of witnesses. I understand that if I am financially unable to pay for an attorney by myself, the Court will appoint one to represent me.

I have been advised by the court that I may ask to have an attorney appointed to consult with me about the decision to waive counsel and that appointment of counsel for this purpose is not subject to a repayment requirement and would cost me nothing.

I am here with my  Parent  Guardian  Custodian

The above person is "non-hostile" and is not the victim or complaining witness in this or any other case against me AND s/he agrees with me that I should give up my right to have an attorney.

I have had the charges against me fully explained.

I understand that the charge against me would be a **FELONY** if committed by an adult.

I understand that the charge against me would be a **CLASS A MISDEMEANOR** if committed by an adult.

I understand that the charge against me would be a **CLASS B MISDEMEANOR** if committed by an adult.

I understand that if I waive (give up) my right to have an attorney and if the Court finds I have committed the above offense(s), penalties may include: placement on conditional release; attendance at individual or family counseling; release in the care and supervision of a relative, group home, or crisis home; the payment of a fine up to \$250, restitution or both in cases of delinquency; and/or loss or denial of driver's license for a minimum of 90 days but not more than a year.

I understand what I am doing. I DO NOT want an attorney and hereby waive (give up) my right to have an attorney represent me.

\_\_\_\_\_  
Signature of Juvenile

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Parent/Guardian/Custodian

Case Name: \_\_\_\_\_

Case Number: \_\_\_\_\_

**DELINQUENCY WAIVER OF COUNSEL**

**ORDER**

The undersigned Judge, having asked the juvenile if s/he understands the charge(s) against him/her, the possible penalties which the Court may order and the possible consequences of the waiver of the right to counsel, is satisfied that s/he fully understands his/her right to have an attorney represent him/her and, if indigent, to have an attorney appointed by the Court. The Court also discussed, with the juvenile and parent(s) the right to consult with an attorney, at no charge, whether to request or waive counsel and is satisfied that the right was waived competently, voluntarily and with full understanding of the consequences.

The Court makes the following case specific findings:

- The juvenile is represented by a non-hostile parent, guardian, or custodian.
- The juvenile and his/her parent(s), guardian, or custodian agree to waive counsel.
- In the Court's opinion the waiver is made competently, voluntarily and with full understanding of the consequences.
- The petition against the minor does not allege a violation of First Degree Assault, RSA 631:1; Second Degree Assault, RSA 631:2; Burglary, RSA 635:1 or any violation of Homicide, RSA 630; Sexual Assault, RSA 632-A; Interference with Freedom, RSA 633; or Robbery, RSA 636.
- The prosecution has informed the court that it does not intend to seek certification of the juvenile pursuant to RSA 169-B:24, 25 or any other provision of law permitting adult prosecution of the juvenile.
- The Court has NOT received information indicating that the minor has an intellectual, cognitive, emotional, learning or sensory disability.

A verbatim record has been made of the waiver of counsel proceeding and all subsequent proceedings in this case shall also be recorded. :

Accordingly the Court:

- Accepts the juvenile's waiver of counsel

OR

- Declines to accept the juvenile's waiver of counsel

Judge's additional notes and observations supporting the above finding:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Judge

\_\_\_\_\_  
Printed Name of Judge