

# Qué Hacer si su Hijo Tiene Problemas con la Ley

Recibir una llamada telefónica de la policía de que su hijo ha sido arrestado puede hacer que cualquier padre se asuste tanto que se queda sin habla. A veces, hasta los hijos buenos hacen cosas peligrosas o tontas. Su hijo puede estar en el lugar equivocado, en el momento equivocado, con los amigos equivocados. La policía puede arrestar a su hijo como lo hace con los adultos.

**1. La policía a menudo no está de su lado y es posible que no esté capacitada para trabajar con niños y jóvenes.** Responden a las quejas que reciben y lo que ven. A menudo intentan resolver los casos rápidamente, lo que puede incluir hacer un arresto.

**2. La cooperación y el respeto son importantes.**

- Si habla con la policía, sea respetuoso, cortés y atento. No los insulte con apodos.
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- Si se le pide a su hijo su nombre o identificación, debe proporcionarlo. (Su hijo no tiene derecho a ser anónimo y usted querrá que la policía sepa cómo ubicarlo). Por cierto, no debería tener que dejar una identificación o licencia con el oficial, aunque el oficial puede hacer una copia o tomar notas.
- Dígale a su hijo que mantenga las manos a la vista y el lenguaje corporal sea cortés.

**3. Sus derechos como padres pueden ser limitados.** Muchos departamentos permitirán que los padres esten presentes, pero depende del oficial de policía investigador o de los superiores de ese oficial. No tiene ningún derecho federal a estar presente cuando se interroga a su hijo.

**4. If your child is in custody, ask for a lawyer.** If your child is in custody and says, "I want a lawyer," the police must stop asking questions and your child can stop talking. Call an attorney skilled in juvenile defense because so many criminal defense attorneys simply do not have the knowledge to represent children. Asking for a parent is not the same thing, and the police can continue to question. So children should know that if they are taken into the custody, they should say they want to get a lawyer.

If an officer says that it is an "offline conversation," or that there will be no recording, you and your child need to understand that you have waived your rights.



**5. Parents shouldn't play lawyer.** Listen to your child's story. If the child was questioned, you need to know if he or she is under investigation for a crime. In some jurisdictions, the police will tell a parent, but in most they will not. Still, it can be worthwhile to have an attorney contact the investigating officer and ask.

Resist the temptation to do this yourself. Parents often hurt their child's case--for example, by inadvertently waiving their rights. Everything your child says can be used against them in Court.

As a parent, you are likely to persuade a child to say something incriminating. You will likely tell the child to tell the truth. The child is likely to say nearly anything to please you or because they are afraid, to please the police, or just to end the whole awful process. None of this helps your child.

**6. Communication is key.** Keep an open mind about the situation and gather as much information from everyone involved as possible. Take good notes of everything—you may need them later.

The lawyer will talk with the police and, if needed, the prosecutor or child welfare lawyer. He or she may not keep you informed of these discussions. **Parents should model for their child how to communicate with the lawyer and help their child request that their parent be informed and consulted.**

If your child is in custody, the lawyer may seek your child's release. Sometimes it's possible to have the child released into your custody rather than having to post bail.

If your child has an IEP, or special education needs, let your child's lawyer know. This can affect your child's case. Sometimes children with special needs have reasons why they commit certain offenses—and that information can help with a positive resolution to the case. Be cautious about sharing this information with the police, probation and the court.

**7. Know what's in the record.** Remember, your child's future may depend on the record that remains from all this. The mere fact of the arrest may stay in a state record system for a long time, affecting forever what jobs and careers the child can pursue. You can, however, ask for the records to be sealed.

Sources: SLM Law: When Your Child Is Arrested, Know Their Rights  
Forbes: 8 Hand Holding Tips If Your Child Gets in Trouble with the Law