

**appellatecourtclerk - R. 13 Comment**


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It is imperative we amend Rule 13 to cover experts and investigators in Juvenile Court delinquent proceedings, termination of parental right cases and particularly transfer hearings. In Re Gault requires the juveniles have the same constitutional protections that adults enjoy. Children charged with murder are facing up to fifty-one (51) years if transferred to adult court. Appointed council in these cases must be able to have competent psychiatric evaluations to determine if the accused child is committable to an institution for the insane or mentally retarded. It is often necessary for an expert to render an opinion on the availability of the treatment and care, remaining for the accused in the juvenile system. Finally, appointed counsel must be able to use an investigator for the probable cause phase of the hearing. They are unable to investigate themselves since they could, "likely become a witness."

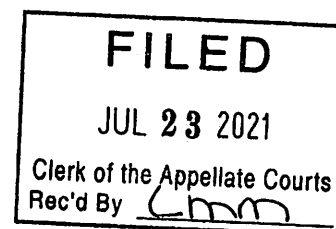
Ceasing to pay for these services has created a delay resulting in a large number of children (often detained) awaiting a transfer hearing in my county (Knox). I am strongly in support of the proposed changes to Rule 13 submitted by The Tennessee Association of Defense Lawyers.

Sincerely,

Judge Timothy E. Irwin

**Timothy E. Irwin, Judge**

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