

1        **Rule 27A. Admissibility of statements given by minors.**

2        (a) If a minor is in custody for the alleged commission of an offense that would be a  
3 crime if committed by an adult, any statement given by a minor in response to questions  
4 asked by a police officer is inadmissible unless the police officer informed the minor of  
5 the minor's rights before questioning begins.

6        (a)(1) If the child\_minor is under 14 years of age, the child\_minor is presumed not  
7 adequately mature and experienced to knowingly and voluntarily waive or understand a  
8 child's\_minor's rights unless a parent, guardian, or legal custodian is present during  
9 waiver.

10       (a)(2) If the minor is 14 years of age or older, the minor is presumed capable of  
11 knowingly and voluntarily waiving the minor's rights without the benefit of having a  
12 parent, guardian, or legal custodian present during questioning.

13       (b) The presumptions outlined in paragraphs (a)(1) and (a)(2) may be overcome by a  
14 preponderance of the evidence showing the ability or inability of a minor to comprehend  
15 and waive the minor's rights.

16