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Can a minor be subjected to a free hearing?

Verified 05 June 2023 - Directorate for Legal and Administrative Information (Prime Minister)

Yes, a minor suspected in a criminal investigation can be heard freely, i.e. with the **possibility of leaving the place where he is questioned at any time**. In addition to the minor, investigators must **immediately** inform parents, guardians, the person or service to which the child is entrusted, and inform them of their rights.

Attention: free hearing must not be confused with hearing under duress of a minor (against his will): detention (from 10 years) and police custody (from 13 years) (<https://www.service-public.gouv.fr/particuliers/vosdroits/F1469?lang=en>).

What is the purpose of free hearing?

The open hearing allows investigators to interview a minor suspected of committing or attempting to commit a crime infringement (a crime or a offense punishable by imprisonment) without placing her in police custody.

When a minor is heard freely, the officer or judicial police officer shall inform him or her accordingly, **by any means**, his legal representatives (parents, guardian), the person or service to which the minor is entrusted, if known.

What information must be given to the minor and the persons responsible for him/her before the free hearing?

Before proceeding to the open hearing of the minor, the officer or judicial police officer must inform him of the facts of which he is accused and of his rights.

The following information shall be communicated to the minor:

- Characteristic elements (date and place) of the offense for which the minor is suspected
- Right to make statements, answer questions or remain silent (right to silence)
- Right to leave the premises where the minor is heard at any time
- Right to be informed by an adult responsible for the minor and the right to be accompanied by the minor at the hearing, except in special circumstances
- Right to the appointment of a *appropriate adult*, in place of the person responsible for the minor, to assist him or her throughout the procedure
- Right to an interpreter
- Right to be assisted by a lawyer chosen by the minor or committed by the President of the Bar if the offense for which he is being heard is an offense or a crime liable to imprisonment
- Conditions for access to legal aid (<https://www.service-public.gouv.fr/particuliers/vosdroits/F18074?lang=en>)
- Designation modes for a court-appointed lawyer (<https://www.service-public.gouv.fr/particuliers/vosdroits/F2153?lang=en>)
- Places where you can get legal advice (<https://www.service-public.gouv.fr/particuliers/vosdroits/F20706?lang=en>), possibly free of charge, before this hearing

This information **must also be given to legal representatives** or the person or service to which the minor is entrusted. However, in order to protect the minor or for the proper conduct of the investigation, **the judicial police officer or officer may decide to not to pass on all of this information to them**. In such cases, the minor may appoint an adult to accompany him or her and receive this information. This is the *appropriate adult*. If the minor chooses none, the magistrate **duty** designate one.

All information provided to the minor and the persons responsible for him or her must be included in the report.

Who can ask for the assistance of a lawyer?

The Minor **is obligatory** assisted by a lawyer when he is suspected of having committed offense or a crime punished with a prison sentence.

He may himself apply for the appointment of a lawyer.

The request may also be made on his behalf by the adults responsible for him or by the *appropriate adult*.

If the minor did not seek legal assistance, the investigators **must** report it to the adults responsible for it. They must communicate this information to them at the same time as information concerning the free hearing and the rights and guarantees of the minor.

Where the minor and his or her legal representatives have not requested the assistance of a lawyer, the magistrate in charge of the case, the officer or the judicial police officer must inform the *bastler*. He then appoints a public defender.

Who shall I contact

Lawyer [↗ \(https://www.cnb.avocat.fr/annuaire-des-avocats-de-france\)](https://www.cnb.avocat.fr/annuaire-des-avocats-de-france)

Is the recording of a minor's free hearing mandatory?

Contrary to the interrogations of minors in detention in police custody or detention (<https://www.service-public.gouv.fr/particuliers/vosdroits/F1469?lang=en>) which are the subject of an audiovisual recording, the recording of the free hearing of a minor is not compulsory, in particular for the following reasons:

- The minor's lawyer is present at the hearing
- The minor shall not be deprived of his liberty

Who can help me?

Find who can answer your questions in your region

Statute and miscellaneous references

Code of Criminal Procedure: article 61-1 (https://www.legifrance.gouv.fr/codes/article_lc/LEGIARTI000042915707/?lang=en)

Free hearing

Juvenile Criminal Justice Code: articles L412-1 to L412-2

(<https://www.legifrance.gouv.fr/codes/id/LEGIARTI000039088185/2021-09-30?lang=en>)

Free hearing of a minor

Directive 2016/800/EU of 11 May 2016 on the establishment of procedural safeguards for children who are suspects or accused persons in criminal proceedings (<https://eur-lex.europa.eu/legal-content/FR/TXT/PDF/?uri=CELEX:32016L0800&from=CS?lang=en>)

Online services and forms

Claim for compensation from a lawyer for the assistance of a person in the course of a free hearing

(<https://www.service-public.gouv.fr/particuliers/vosdroits/R40452?lang=en>)

Form

FAQ

Criminal procedure: What is an appropriate adult? (<https://www.service-public.gouv.fr/particuliers/vosdroits/F35064?lang=en>)

Free hearing of a middle finger (<https://www.service-public.gouv.fr/particuliers/vosdroits/F32124?lang=en>)

Additional topics

Minor offender (<https://www.service-public.gouv.fr/particuliers/vosdroits/N23248?lang=en>)

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Detention or custody of a minor (<https://www.service-public.gouv.fr/particuliers/vosdroits/F1469?lang=en>)

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