

Chapter Goals



- Understand the roles and responsibilities of main players in the juvenile court
- Discuss key issues of the pre adjudicatory stage of juvenile justice
- Argue the pros and cons of transferring youths to adult court
- Understand key issues of trial stage of juvenile justice
- Be familiar with major U.S. Supreme Court decisions influencing pre adjudicatory and trial stages
- Know common dispositions for juvenile offenders
- Argue pros and cons of confidentiality in juvenile proceedings and privacy of records

Case Profile: Cliff's Story



Cliff is being raised by his
grandparents

- Lives in a rural community
- Removed from parents at age 7 due to domestic violence and drug abuse
- Threatened physical assault of grandfather and suicide
- Diagnosed with bipolar disorder
- Placed on probation and referred to Functional Family Therapy

Court Case Flow



- Juvenile court is specialized
 - Promotes rehabilitation
 - Ensures procedural due process
- 1.7 million delinquency cases in 2005
- Decrease in cases since peak in 1997
- Gender and race differences exist
 - 73% involve males
 - 33% African American youth

Juvenile Courtroom Actors



- Defense Attorney
 - Juveniles have right to counsel at state trials
 - Indigent youth provided counsel
 - Role is to help clarify jurisdictional problems, decide if sufficient evidence to file formal petition, outline position, explore informal adjustment opportunities, play critical role in disposition and pursue appeals if needed
- Guardian *ad Litem* (GAL)
 - Seen in abuse, neglect, and dependency cases
 - Appointed in delinquency cases if a need for treatment
- Court Appointed Special Advocates (CASA)
 - Volunteers who advise court about child placement

Juvenile Courtroom Actors



- **Public Defenders**

- Three ways to ensure public defense for juveniles:
 - All public defender program
 - Appointed private counsel system
 - Combination of two
- Provides counsel to children at public expense

- **Prosecutor**

- Responsible for bringing state's cases against juvenile
- Has power to initiate or discontinue delinquency and status offenses cases

Juvenile Courtroom Actors



- **Juvenile Court Judge**
 - Central character in the juvenile court
 - Exercise considerable leadership in developing juvenile justice system solutions
 - Must ensure that necessary community resources are available
 - Duties include:
 - Ruling on pretrial motions
 - Decide about continued detention of juvenile
 - Decide about plea-bargaining agreements
 - Handle trials, rule on evidence/procedures, guide questioning of witnesses
 - Assume responsibility for holding disposition hearing
 - Handle waiver proceedings
 - Handle appeals when needed

Detention



- After custody and formal petition, decision must be made to release or detain
- Detention involves placing juvenile in temporary care of state in physically restrictive setting
- Should be limited to juveniles who require secure custody for protection of self or others
- Dependent, neglected, abused, status offenders, and delinquents often housed together in detention
- Current efforts seek to remove status offenders from secure detention

Detention



- 1 in 5 juvenile arrests result in detention
- Typical detainee
 - Male
 - Over 16
 - Charged with violent crime
- Detention increases risk of being adjudicated
- Racial disparities exist at this stage

Detention



- Move to improve conditions of detention
- JJDPDA prohibits detention of juveniles in adult jails and lockups
- JJDPDA prohibits the detention of status offenders in secure confinement
- Juveniles in most states do not have constitutional right to bail
- Preventative detention is allowed per *Schall vs. Martin*

Intake



- Screening of cases by juvenile court system
- Determine whether juvenile court services are needed
- Allows for use of *consent decrees* without formal adjudication
- Lacks consistency in formal criteria for process
- Results in inconsistent decision making

Diversion



- Process of placing youth into treatment programs prior to formal processing
- Goal is to avoid stigma and labeling
- Factors considered in this decision:
 - Past record
 - Type of offense
 - Other relevant circumstances
- Critics argue that it widens the net

Petition



Formal complaint that initiates judicial action against a juvenile for delinquency or status offense

- Plea bargaining involves exchange of concessions for guilty pleas usually resulting in a reduced charge
- Plays significant role in guilty pleas in adult system
- Role of plea bargaining in juvenile system is unknown

Transfer to Adult Court



- Involves transferring juvenile from juvenile court to adult criminal court
- Three type of transfer mechanisms
 - Concurrent jurisdiction
 - Statutory exclusion
 - Judicial waiver
- All states allow for some type of transfer

Due Process in Transfer



- Standards set by state statute
- *Kent vs. US* and *Breed vs. Jones* require due process
- Basic due process requires:
 - Legitimate hearing
 - Sufficient notice
 - Right to counsel
 - Statement of reason for transfer

Focus of transfer on type and seriousness of offense rather than rehabilitation has results in criminalization of juvenile court

Juvenile Court Trial



- Called adjudication
- Standard of proof is *beyond a reasonable doubt*
- Due process requires but varies by state statute
- Three possible resolutions of hearing:
 - Finding that juvenile is not delinquent/need of supervision
 - Finding that is delinquent/need of supervision
 - Dismissal of case due to insufficient evidence

Constitutional Rights at Trial



- *In re Gault* made due process applicable to juvenile proceedings
- Rights bestowed on juveniles:
 - Notice of charges
 - Right to counsel
 - Right to confront/cross examine witnesses
 - Privilege against self incrimination
 - Right to transcript
 - Right to appellate review

Disposition



- Sentencing phase of juvenile court
- Decisions based on *best interest of the child*
- Predisposition report is critical at this stage
- Courts have wide discretion at this stage
- Exhibit 13.6 highlights common dispositions

Sentencing in Juvenile Court



- Indeterminate sentencing prevalent:
 - Least detrimental alternative
 - Individualized treatment model
- Some states enacting determinate sentencing structure
 - Mandatory sentencing policies for juveniles
 - WA Juvenile Justice Reform Act of 1977

Death Penalty for Juveniles



- *Roper v Simmons* found it unconstitutional for juveniles under 18 to be sentenced to death
- Found to be a violation of 8th amendment
- Past cases addressing this issue:
 - *Thompson v Oklahoma*
 - *Wilkins v Missouri*
 - *Stanford v Kentucky*

Life Without Parole for Juveniles



- Debate surrounds this issue
- Critics argue *Roper v Simmons* sets forth rationale for eliminating LWOP for juvenile
- Advocates argue that death is different than LWOP
- LWOP involves numerous moral, social, and legal issues

Right to Appeal



- Restricted to cases involving final order
- Appellate process allows juveniles opportunity to have court review case
- *In re Gault* bestowed this right upon juveniles
- Two methods of appeal:
 - Direct appeal
 - Collateral review

Confidentiality in Juvenile Proceedings



- Juvenile proceedings generally closed to public
- More states opening proceedings to public
- Juvenile records historically confidential
- Many states allow records to be opened by court

Future of Juvenile Court



- Critics
 - Criminalization of juvenile court
 - Loss of focus on rehabilitation
 - Juvenile court becoming more like adult court
- Advocates
 - Treatment programs effective
 - Rehabilitative efforts successful

Conclusion



- Know roles and responsibility of actors in juvenile court
- Discuss key issues of pre adjudicatory stages
- Argue pros/cons of transfer of juveniles to adult court
- Understand key issues of trial stage
- Be familiar with significant US Supreme Court cases
- Know common dispositions in juvenile court
- Argue pros/cons of confidentiality and privacy

Key Terms



- Defense Attorney
- Guardian Ad Litem
- Public Defender
- Prosecutor
- Juvenile Court Judge
- Shelter Care
- Bail
- Preventative Detention
- Intake
- Diversion
- Widening the Net
- Complaint
- Plea Bargaining
- Transfer
- Due Process
- Least Detrimental Alternative
- Indeterminate Sentencing

Key Terms, Continued



- Determinate sentencing
- Mandatory sentences
- Final order
- Appellate process
- Writ of *habeas corpus*
- Confidentiality



The End

Chapter 13

Juvenile Court Process:
Pretrial, Trial, and Sentencing