

Chapter 8

Juveniles in the United States

At the conclusion of this chapter, students will be able to:

1. Detail the goals of juvenile justice; and
2. Explain how the legal system deals with juvenile offenders.

“Under our Constitution, the condition of being a boy does not justify a kangaroo court. The traditional ideas of Juvenile Court procedure, indeed, contemplated that time would be available and care would be used to establish precisely what the juvenile did and why he did it ...”

-In re Gault, 387 U.S. 1 (1967)

Young law violators generally enter the juvenile justice system through law enforcement...

Each State's processing of law violators is unique:

Even within states, case processing often varies from community to community depending on local practice and tradition. Consequently, any description of juvenile justice processing must be general, outlining a common series of decision points.

Law enforcement diverts many juvenile offenders out of the justice system: At arrest, a decision is made either to send the matter further into the justice system or to divert the case out of the system, often into alternative programs. Usually, law enforcement makes this decision, after talking to the victim, the juvenile, and the parents, and after reviewing the juvenile's prior contacts with the juvenile justice system. Twenty percent of all juveniles arrested in 2000 were handled within the police department and then released. Seventy percent of arrested juveniles were referred to juvenile court.

Federal regulations discourage holding juveniles in adult jails and lockups. If law enforcement must detain a juvenile in secure custody for a brief period in order to contact a parent or guardian or to arrange transportation to a juvenile detention facility, Federal regulations require that the juvenile be securely detained for no longer than 6 hours and in an area that is not within sight or sound of adult inmates.

Most juvenile court cases are referred by law enforcement:

Law enforcement referrals accounted for 84% of all delinquency cases referred to juvenile court in 2000. The remaining referrals were made by others such as parents, victims, schools, and probation officers.

The court intake function is generally the responsibility of the juvenile probation department and/or the prosecutor's office. At this point, intake must decide either to dismiss the case, handle the matter informally, or request formal intervention by the juvenile court.

To make this decision, an intake officer first reviews the facts of the case to determine if there is sufficient evidence to prove the allegation. If there is not, the case is dismissed. If there is sufficient evidence, intake will then determine if formal intervention is necessary. About half of all cases referred to juvenile court intake are handled informally. Most informally processed cases are dismissed. In the other informally processed cases, the juvenile voluntarily agrees to specific conditions for a specific time period. These conditions are often outlined in a written agreement, generally called a "consent decree." Conditions may include such items as victim restitution, school attendance, drug counseling, or a curfew.

In most jurisdictions, a juvenile may be offered an informal disposition only if he or she admits to committing the act. The juvenile's compliance with the informal agreement is often monitored by a probation officer. Consequently, this process is sometimes labeled "informal probation."

If the juvenile successfully complies with the informal disposition, the case is dismissed. If, however, the juvenile fails to meet the conditions, the intake decision may be to formally prosecute the case, and the case will proceed just as it would have if the initial decision had been to refer the case for an adjudicatory hearing.

During the processing of a case, a juvenile may be held in a secure detention facility:

Juvenile courts may hold delinquents in a secure detention facility if the court believes it is in the best interest of the community or the child. After arrest a youth is often brought to the local juvenile detention facility by law enforcement. Juvenile probation officers or detention workers review the case and decide if the juvenile should be held pending a hearing by a judge.

In all states, a detention hearing must be held within a time period defined by statute, generally within 24 hours. At the detention hearing a judge reviews the case and determines if continued detention is warranted. As a result of the detention hearing the youth may be released or detention continued. In 2000, juveniles were detained in 1 in 5 delinquency cases processed by the juvenile courts. Detention may extend beyond the adjudicatory and dispositional hearings. In some cases crowded juvenile facilities require that detention continue beyond adjudication until a bed becomes available in a juvenile correctional institution or treatment facility.

Prosecutors may file a case in either juvenile or criminal court:

In many states, prosecutors are required to file certain (generally serious) cases involving juveniles in the criminal court. These are cases in which the legislature has decided the juvenile should be handled as a criminal offender. In a growing number of states the legislature has given the prosecutor the discretion of filing a defined list of cases in either juvenile or adult court. In these states, both the juvenile and adult courts have original jurisdiction over these cases, and the prosecutor selects the court that will handle the matter.

If the case is handled in juvenile court, two types of petitions may be filed: delinquency or waiver. A delinquency petition states the allegations and requests the juvenile court to *adjudicate* (or judge) the youth a delinquent, making the juvenile a ward of the court. This language differs from that used in the criminal court system (where an offender is *convicted* and sentenced).

In response to the delinquency petition, an adjudicatory hearing is scheduled. At the adjudicatory hearing (trial), witnesses are called and the facts of the case are

presented. In nearly all adjudicatory hearings the determination that the juvenile was responsible for the offense(s) is made by a judge; although, in some states the juvenile is given the right to a jury trial. In 2000, juveniles were adjudicated delinquent in 66% of cases petitioned to juvenile court for criminal law violations.

Intake may ask the juvenile court to transfer the case to criminal court:

A waiver petition is filed when the prosecutor or intake officer believes that a case under jurisdiction of the juvenile court would be more appropriately handled in criminal court. The court decision in these matters follows a review of the facts of the case and a determination that there is probable cause to believe that the juvenile committed the act. With this established, the court then considers whether jurisdiction over the matter should be waived and the case is transferred to criminal court.

This decision generally centers around the issue of whether the juvenile is amenable to treatment in the juvenile justice system. The prosecution may argue that the juvenile has been adjudicated several times previously and that interventions ordered by the juvenile court have not kept the juvenile from committing subsequent criminal acts. The prosecutor may argue that the crime is so serious that the juvenile court is unlikely to be able to intervene for the time period necessary to rehabilitate the youth.

If the judge agrees that the case should be transferred to criminal court, juvenile court jurisdiction over the matter is waived and the case is filed in criminal court. If the judge does not approve the waiver request, an adjudicatory hearing is scheduled in juvenile court.

Between the adjudication decision and the disposition hearing, an investigation report is prepared by probation staff:

Once the juvenile is adjudicated delinquent, a disposition plan is developed. To prepare this plan, probation staff develop a detailed understanding of the youth and assess available support systems and programs. To assist in preparation of disposition recommendations, the court may order psychological evaluations, diagnostic tests, or a period of confinement in a diagnostic facility.

At the disposition hearing, dispositional recommendations are presented to the judge. The prosecutor and the youth may also present dispositional recommendations. After considering options presented, the judge orders a disposition in the case.

Most cases placed on probation also receive other dispositions:

Most juvenile dispositions are multi-faceted. A probation order may include additional requirements such as drug counseling, weekend confinement in the local detention center, and community or victim restitution. The term of probation may be for a specified period of time or open ended. Review hearings are held to monitor the juvenile's progress and to hear reports from probation staff. After

conditions of the probation have been successfully met, the judge terminates the case. In 2000, more than 6 in 10 adjudicated delinquents were placed on formal probation.

The judge may order the juvenile committed to a residential placement:

Residential commitment may be for a specific or indeterminate ordered time period. In 2000, nearly 1 in 4 adjudicated delinquents were placed in a residential facility. The facility may be publicly or privately operated and may have a secure prison-like environment or a more open, even home-like setting. In many states, when the judge commits a juvenile to the state department of juvenile corrections, the department determines where the juvenile will be placed and when the juvenile will be released. In other instances, the judge controls the type and length of stay. In these situations, review hearings are held to assess the progress of the juvenile.

Juvenile aftercare is similar to adult parole:

Following release from an institution, the juvenile is often ordered to a period of aftercare or parole. During this period the juvenile is under supervision of the court or the juvenile corrections department. If the juvenile does not follow the conditions of aftercare, he or she may be recommitted to the same facility or to another facility.

The processing of status offense cases differs from that of delinquency cases:

A delinquent offense is an act committed by a juvenile for which an adult could be prosecuted in criminal court. There are, however, behaviors that are law violations only for youth of juvenile status. These "status offenses" may include such behaviors as running away from home, truancy, ungovernability, curfew violations, and underage drinking. In many ways the processing of status offense cases parallels that of delinquency cases.

Not all cases, however, consider all of these behaviors to be law violations. Many States view these behaviors as indicators that the child is in need of supervision and respond to the behavior through the provision of social services. This different characterization of status offenses causes them to be handled more like dependency than delinquency cases.

While many status offenders enter the juvenile justice system through law enforcement, in many states the initial, official contact is a child welfare agency. In 2000, more than half of all status offense cases referred to juvenile court came from law enforcement.

The Juvenile Justice and Delinquency Prevention Act discourages the holding of status offenders in secure juvenile facilities, either for detention or placement. This policy has been labeled *deinstitutionalization of status offenders*. An exception to this policy occurs when the status offender violates a valid court order such as a

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probation order that requires the adjudicated status offender to attend school and observe a court-ordered curfew. In such situations, the status offender may be confined in a secure detention facility.



Juvenile Justice

There is a separate system of justice for children. Youth who get into trouble with the law are called **delinquents**. They are brought to a juvenile court and are initially placed under the direct supervision of a juvenile **probation officer**. This officer is responsible for a variety of duties. These include investigating the charges, assisting children in need, and helping the court make a "good" decision about what to do with a juvenile.

A delinquency **petition** is a request for the court to review the actions of a child to decide if he is a delinquent. The **hearing is** conducted to review the evidence. A judge's decision that a child is indeed a delinquent is called an **adjudication**. There are many options available to a judge. He may order the delinquent to be sent to a training school or **reformatory** for a period of time. Also, the youth may be placed on **probation**, given a **foster home**, put on **house arrest**, or sent to a special program. Children who drink alcohol or take drugs are often sent to clinics or halfway houses to receive intensive treatment for their problems.

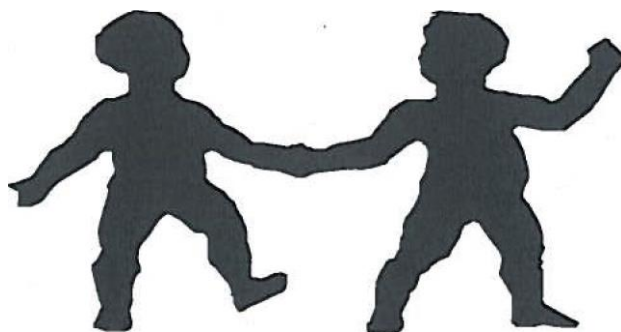
The goal of juvenile justice is to keep children out of trouble. A priority of the courts is to find ways to help rather than to punish delinquents. Much like a loving parent, the judge is concerned with the long-term welfare of children in his custody. Juveniles who commit serious crimes (felonies), however, may be transferred to the adult judicial system to stand trial. Each state has a minimum age at which juveniles become eligible for transfer. A juvenile who stands trial for a serious crime may receive adult penalties ranging from a brief period of imprisonment to a death sentence. Most juveniles, however, stay within the juvenile court. They are classified by information based on their past behavior; every child fits into one or more categories defined by law.

There are many categories of juvenile classification. **Dependent juveniles** have no one to care for them. The state must provide food, clothing, and other needs for these youth. **Neglected** or **abused** children are placed under state care because their parents hurt or ignored them.

Delinquents are the chief concern of the juvenile justice system. These are children who break the law, causing harm to people and property. Some do things that are considered "adult crimes" but are not sent to adult court. **Status offenders**, on the other hand, break rules and regulations such as not going to school. Such actions are illegal for minors but not for adults. A final type of delinquent is the **incorrigible child**. He or she has been labeled unmanageable or "out of control" by the court.

Delinquents come from all types of families and neighborhoods. Usually their involvement with crime is limited to property and drug-related offenses. Many of these delinquents will spend a portion of their adolescence on probation or in a juvenile facility.

It is the duty of the juvenile court to help these children.



Legal Rights of Juveniles

*Students and their property may be searched on school grounds by school officials if there is "reasonable suspicion" against them.

*A juvenile being formally processed by the juvenile court shall have access to an attorney who will assist him or her.

*A juvenile is considered innocent until proven guilty beyond a reasonable doubt.

*Juveniles have the right not to say something that would incriminate them in court.

*A court order must provide a timely, full notice to the juvenile of all the charges brought against him or her.

*Arrested juveniles have the right to face and cross-examine witnesses during a delinquency hearing.

*Juveniles do not automatically have a right to a trial by jury in juvenile court. That particular decision is up to the judge.

*All juveniles are entitled to an adequate standard of living and care.

*Juvenile delinquents have the right to "reasonable" treatment and rehabilitation.

*Ordinarily, a juvenile may request that the press and public be barred from attending his or her hearing.

*Juvenile delinquents have a right to be safe from cruel and unusual punishments by the state.

Juvenile Justice Word Scrambler

Unscramble these words that relate to juvenile justice. Use the word bank if you need help.

1. TTIPEON _____
2. NGETDELCE _____
3. NOSTUFAFTRESED _____
4. INQDELTNEU _____
5. SNARTREF _____
6. ERAGHIN _____
7. AFIORPTNFCBROEIO _____
8. DUICJADTNIOA _____
9. PEDEDENNT _____
10. BGLERRCNIIIO _____
11. RECREATSFO _____
12. LINEVUEJ _____
13. FARMROOTYER _____
14. HAHAFLOSUYUWE _____
15. SUBADE _____

Word Bank

Incorrigible	foster care	adjudication	status offender
abused	neglected	probation officer	dependent
halfway house	petition	hearing	juvenile
delinquent	transfer	reformatory	