Origins of the System

- Before there was a juvenile justice system in the United States there was no differentiation between adult and juvenile offenders.
- By the mid-1800s separate systems for confining juvenile offenders emerges
- 1899 – the first juvenile court is established
Changes in handling juveniles at this time was rooted in the following assumptions:

- Juveniles were less mature than adults
- They were incapable of forming the same level of intent
- They are more easily rehabilitated
- The juvenile justice system was founded on the belief of *parens patriae*
  - Latin for *father of the people*
  - The state is the parent
  - Rooted in English common law
    - The King is responsible for the people
Jurisdiction

- Jurisdiction is the authority to hear a case
  - Criminal
    - Limited
    - General
  - Civil
- Juvenile court is specified by state law
- The concept of jurisdiction involves the answers to two questions:
  - What acts committed by juveniles are covered
  - What is the age of offenders
Delinquency or Status Offense

- **Delinquency** is any behavior that is prohibited by juvenile law, which is established by the state.

- Generally consists of two categories:
  - **Criminal**
    - Acts if committed by an adult or a juvenile that are in violation of the penal code of the state.
  - **Status offenses**
    - Would not be a crime if committed by an adult.
Common Status Offenses

- Running away
- Truancy
- Curfew violations
- Incorrigibility/ungovernability
- Illegal purchase of alcohol/tobacco
Classifying Status Offenders

- **CHINS**
  - Children in need of supervision

- **PINS**
  - Persons in need of supervision

- **JINS**
  - Juveniles in need of supervision

- **MINS**
  - Minors in need of supervision
Two reasons for separating juvenile delinquents from status offenses

- Remove the stigma of classification as a delinquent
- Demonstrate that juveniles have special problems and needs, but are not criminal in nature

Truancy to murder

- A broad range of classification
Juvenile courts have jurisdiction over several matters:

- Child abuse
- Neglect
- Adoption
- Parental rights
- Child custody
- Child support
Who is a juvenile?

- The range of age is often the only differentiation between adult and youthful offenders.
- The state legislature determines the range of age.
  - Minimum
  - Maximum
- The most common maximum age of a juvenile offender is 17
- Every state has a minimum age of juvenile court jurisdiction
- Under common law doctrine, individuals under age 7
  - Children of this age were presumed to be unable to develop intent
- States that do set a minimum age often set the age between 6 and 10
One of the goals of the juvenile justice system is rehabilitation.

The stigma of labels attached to juvenile offenders is considered counterproductive.

The juvenile justice system incorporates a different set of terms.
System Overview

- Two main sources of referral to juvenile court:
  - Law enforcement agencies
    - Vast majority originate here
  - Others
    - Parents
    - Schools
    - Victims
    - Probation officers
Juvenile Court

- Approximately 20% of cases involving the police are handled locally through the police
- **Diversion** is used by police agencies in many cases
  - A procedure by which juveniles are removed from the juvenile justice process and provided with treatment
- **INTAKE** after a case is referred to juvenile court, it is sent to intake
- Intake requires important decisions be made. Usually involves 3 alternatives:
  - Dismissal
  - Informal handling
  - Refer for formal intervention by the court
- Cases that are dismissed at intake usually involve minor offenses and first-time offenders
Roughly 42% of the cases referred to juvenile court are handled at intake.

In many cases the juvenile will agree to:

- Victim restitution
- Drug counseling
- Attend and complete school
- Community service
- Informal probation
The juvenile is likely to be detained if:
- They are determined to be a threat to the community
- They would be in danger in the community
- They are considered to be a flight risk

In 2000, juveniles were detained in 1 in 5 cases
Prosecution

- The prosecutor decides whether to file a petition in juvenile court.
- The petition states the allegation and requests the court to adjudicate the juvenile as a delinquent.
- The prosecutor has the option to waive the juvenile to the criminal justice system.
  - Waiver to adult court
Adjudication

- If the prosecutor files a petition against the juvenile alleging delinquent conduct, the next step in the process is adjudication.
- This is a hearing to determine if the juvenile committed the offense.
- This is the trial stage in the juvenile justice system.
Disposition

- The third step in the process.
- After a juvenile has been deemed delinquent.
- Frequently involves probation or residential placement.
Probation

- A disposition imposed by the court allowing the adjudicated offender to remain in the community as long as the offender abides by certain conditions.
  - Counseling services
  - Community service
  - Restitution
Residential placement

- The juvenile is sent to
  - An institution
  - A camp
  - Group home

- Placement may be indeterminate
  - In 2000 24% of adjudicated juveniles were placed in some sort of facility.
Two circumstances in which the juvenile in a residential placement may be sent to the criminal justice system for confinement:

- The offender commits a crime while in the facility and is an adult at that time;
- Blended sentencing
  - Involves the imposition of juvenile and/or correctional sanctions for serious and violent juvenile offenders who have been processed in the juvenile or adult court.
    - An 16 year old is waived to adult court for murder. The juvenile is convicted at age 17 and sent to a juvenile placement for 1 year. At age 18 the juvenile is transferred to adult prison.