Juvenile Justice

In the United States, juveniles in trouble with the law are treated differently from adults. However, this has not always been the case. In earlier times, children were thrown into jails along with adults. Long prison terms and corporal punishment (involving striking the juvenile's body) were common. Some children were even sentenced to death for crimes that seem relatively minor by today's standards.

History and Overview of Juvenile Courts

In the mid-nineteenth century, reformers began to argue that the failure of the family was the cause of delinquent behavior. In other words, parents had failed to teach their children proper values and respect for authority. The solution that evolved was for a separate juvenile court to assume the responsibility that had been the parents' job. Instead of punishing young people through the adult system, a separate juvenile court would seek to rehabilitate them by taking a moralistic approach and trying to help them learn community values.
Truancy, or skipping school, is a status offense. What other acts are considered status offenses?

Under this philosophy, the first juvenile court was set up in Cook County, Illinois, in 1899. Juvenile courts were designed to be informal, allowing the court to act as a parent or guardian for the child. The right of the state to intervene in the life of a child is based on the concept of *parens patriae*, a Latin term meaning “parent of the country.” Using this concept, the court assumed the role of a parent and was permitted to do whatever it thought was necessary to help the child. Hearings were closed to the public so the youth’s identity would remain private. In addition, the juvenile court used terms different from those used in the adult court. (See the FYI feature on page 195 for a comparison of terms used in the juvenile and adult justice systems.)

Today, juvenile courts generally handle three groups of juveniles: delinquent offenders, status offenders, and neglected and abused children. Delinquent offenders are youths who have committed acts that would be crimes if committed by adults under federal, state, or local law. Status offenders are youths who have committed acts that would not be crimes if committed by adults. Status offenses include running away from home, skipping school, violating curfew, refusing to obey parents, or engaging in certain behaviors such as underage consumption of alcohol. Status offenders are considered to be unruly or beyond the control of their parents or legal guardians; they are persons or children in need of supervision (PINS or CHINS).

Neglected and abused children need the court's protection from a parent or guardian. A neglect case occurs when the parent or guardian is charged with failing to provide adequate food, clothing, shelter, or medical care for the child. An abuse case occurs when a child has been sexually, physically, or emotionally abused. In either
case, a judge must decide whether the child needs the protection of the court. The next step is to determine whether the child should remain with the family while under court protection. The judge has several options to choose from and works closely with social services agencies. Such agencies can provide a range of services, including counseling and treatment. The judge usually sets certain conditions for the child to remain with his or her family, such as participation by the parents in a counseling program or a later hearing to monitor the progress of the case. The judge may also decide to place a child with relatives or in foster care.

Some people believe parents should be held responsible for crimes committed by their children. Those in favor of these parental responsibility laws believe they are particularly appropriate in cases in which parents know or should know that their children are using or selling drugs or belong to juvenile gangs. In some states, parents may also be charged with contributing to the delinquency of a minor.

Since 1899, the juvenile justice system has continued to be defined in part by the tension between a "humanitarian" philosophy (rehabilitate the offender) and a "control" philosophy (punish the offender). This tension has played a major role in determining the current system's practices.

**Problem 16.1**

a. Why did reformers want to change the way children were treated?

b. What is *parens patriae*? Do you agree with this idea?

c. What is the difference between a status offender and a delinquent offender?

d. Do you favor or oppose parental responsibility laws? Explain. If you believe parents should be held criminally responsible, give three examples of situations in which this should apply.

e. Which philosophy—humanitarian or control—is more appropriate for juveniles who have been found delinquent? Should there be a balance between the two? Explain.

**Who Is a Juvenile?**

Before the establishment of juvenile courts, children under the age of 7 were never held responsible for criminal acts. The law considered them incapable of forming the necessary criminal intent. The law at that time also assumed that children between the ages of 7 and 14 were incapable of committing a criminal act. However, this belief could be disproved if it was shown that the child knew that the act was a crime or that it would cause harm to another and committed it anyway. Children over the age of 14 could be charged with a crime and handled in the same manner as an adult.
Determining Juvenile Status

In each of the following situations, decide whether the person should be tried as a juvenile or transferred to criminal court and tried as an adult. Describe the factors you considered and the reasons for your decisions.

a. Marshall, 15, is accused of robbing an 86-year-old woman at gunpoint. He has a long juvenile record, including acts of burglary, and has bragged about the robbery.

b. Leigh, 17, is accused of killing a pedestrian while driving a stolen car. She has never been in trouble before, is remorseful about the killing, and claims that she planned to return the car after a short joyride.

c. Carter, 14, is accused of selling drugs for his older brother. According to the police, one day a customer stole the money Carter had collected for his older brother. The police claim that Carter then stabbed the customer with a knife. He has been arrested twice before for selling drugs, but the charges were dropped.

d. Angela, 15, is taken into custody by police for carrying a handgun without a license. This is the second time she has been taken into custody for a weapons violation. Her brother was killed in a drug deal one year earlier. Angela says she carries a gun because she does not feel safe at school or in her neighborhood.

Today, almost all states set age limits to determine whether a person accused of a crime will be handled in adult or juvenile court. In most states, young people are considered juveniles until age 18. However, some states set the age limit at 16 or 17.

In most states, a juvenile charged with a serious felony such as robbery, assault, rape, or murder can be tried as an adult. Some states have laws that automatically transfer a youth to adult court under certain conditions. In other states, judges have the authority to waive certain cases to adult criminal court. Still other states allow the prosecutor to make the decision, while some states require a hearing before a youth may be transferred.

At the transfer hearing (or waiver hearing), a judge usually considers: (1) the juvenile’s age and past record, (2) the seriousness of the crime, and (3) the likelihood that the juvenile may be rehabilitated before the age of majority.

As a result of a “get-tough” attitude involving juvenile crime, many states have revised their juvenile codes to make it easier to transfer juveniles to adult court. Today, most states give juvenile courts discretionary power to designate appropriate cases for adult prosecution. Several states have provisions mandating the waiver of cases that
meet certain age and offense requirements, while others designate a category of cases in which the waiver to adult court is presumed to be appropriate, but may be challenged by the juvenile offender. Gang members who are involved in violent crime are often transferred to adult court under these provisions.

**Problem 16.2**

The Office of Juvenile Justice and Delinquency Prevention (OJJDP), a part of the U.S. Department of Justice, is a federal agency responsible for addressing the public safety issues of juvenile crime and youth victimization in the United States. It is guided by the *Juvenile Justice and Delinquency Act*, which was reauthorized in 2002 and designed to promote greater accountability in the juvenile justice system. Federal funds are available to state and local governments to combat juvenile crime through education and evaluation programs.

The OJJDP has determined that an effective juvenile justice system should do three main things. First, it must hold the juvenile offender accountable for delinquent acts. Second, it must enable the juvenile to become a capable, productive, and responsible citizen. Third, it must ensure the safety of the community.

a. Will carrying out these three elements make the juvenile justice system effective? Why or why not? Would you change this list in any way? If so, how?

b. Does your state’s juvenile justice system perform each of these elements? Could any of them be done better? Explain.

c. Do any of these three elements conflict with each other? Which ones? Is it possible to do all three at once? Why or why not?

d. Do you think it should be mandatory that all juveniles who commit a serious violent crime be tried in adult criminal court? Why or why not? Should it be automatic, or should the decision be left to a judge? A prosecutor? Someone else? Explain.

**Status Offenses**

When a juvenile court is confronted with a status offender, special problems arise. Juveniles who fall into this category are charged with being “beyond control,” “habitually disobedient,” truant from school, or other acts that would not be crimes if committed by an adult.
Status offenders may be emotionally troubled juveniles who need help. Many status offenders are runaways or young people with drinking and drug problems. Some are trying to escape from abusive or other difficult home situations. It is estimated that 13 million youths are on the street each day, and that 1 in 7 minors will run away each year. Nearly 70 percent of these youths are between the ages of 14 and 17, and more than 75 percent of runaways are girls. Although most runaways return home of their own accord, others are picked up by the police and referred to the juvenile court.

In recent years, a number of programs have been set up to help runaways. The primary service provider for runaway and homeless youths is a national network of runaway shelters. These include counseling centers, shelters, and a nationwide toll-free phone number that runaways can call for assistance. For example, the National Runaway Switchboard (1-800-621-4000 or www.nrsriseline.org) provides information you can pass on to a young person living on the street. Many of these young people need to earn money. Your local runaway shelter may be able to help you and your family structure a job to fit the needs of a young person on the street. You and your family can also help by making a donation to a shelter or volunteering your time.

As a general rule, a single act of unruly behavior is not enough to support a finding that a juvenile is in need of court supervision. Rather, most states require proof that the young person is habitually disobedient or has repeatedly run away, skipped school, or been out of control.

Because of problems at home, parents sometimes ask the court to file a PINS (person in need of supervision) petition against their child. Children charged with status offenses may defend their conduct by showing that it was justified or that the parents were unreasonable and at fault. In such cases, the PINS petition might be withdrawn by the court and replaced by a neglect petition against the parents.

**Problem 16.3**

a. Do you think courts should interfere in disputes between parents and children? If not, why not? If so, why and under what circumstances?

b. Should attendance at school be mandatory? Why or why not? What should be done about students who are chronically absent from school?

**Juvenile Justice Today**

In the 1960s, many people argued that the juvenile court system was providing harsher treatment than the adult system without the procedural safeguards and constitutional rights that defendants would have in adult courts. Beginning in 1966, this movement found support in the U.S. Supreme Court, and several decisions were later made that began to change the theory and operation of the juvenile justice system.
Hearing on a Curfew for Teens

As communities have become concerned about violence by and against young people, teen curfew laws have become popular. Some people welcome the idea of such curfews. Others feel they violate the rights of teens and are unfairly enforced.

**Problem 16.4**

Read the proposed curfew law:

*It will be an offense for persons under the age of 18 to be out of their homes from 11:00 P.M. to 6:00 A.M. Sunday through Thursday nights. On Friday and Saturday nights the curfew shall begin at midnight. Violators will be fined $100. Exceptions are young people chaperoned by adults, attending a planned community activity, or traveling to or from work.*

After reading the law, identify who in the community is likely to oppose the law. Who is likely to support the law? Then divide into five groups:

- **Group one is the city council.** You will conduct a hearing and decide whether to enact the law, change it, or not act on it, based on the testimony you hear from the community.

- **Group two is the police department.** Your group opposes the law and will testify against it. You believe the curfew will require too much time and energy to enforce and that existing laws are sufficient to combat drug abuse and violence.

- **Group three is “Families Against Violence.”** Your group supports the law and will testify in favor of it. Parents and students in your group believe the curfew will reduce drug sales and use, help parents with out-of-control children, and promote family communication about following rules.

- **Group four is the local merchants association.** Your group opposes the law and will testify against it. Teens are important customers—and employees—at local stores and movie theaters, and the merchants believe the curfew will harm business.

- **Group five is the school board.** Your group supports the law and will testify in favor of it. The board members believe that students should be home doing their homework and preparing for the next school day.

Group one should meet to decide how to run the hearing and to discuss questions it will ask the other groups. The other groups should meet to further develop their testimony. Additional groups can be added to the hearing.

After the hearing, the city council should deliberate and decide whether to pass, not to pass, or to amend this law.
Gerald Gault

Gerald Gault, 15, was taken into custody and accused of making an obscene phone call to a neighbor. At the time he was taken into custody, his parents were at work and the police did not notify them of what had happened to their son. Gault was placed in a detention center. When his parents finally learned that he was in custody, they were told that there would be a hearing the next day, but they were not told the nature of the complaint against him.

Mrs. Cook, the woman who had complained about the phone call, did not show up at the hearing. Instead, a police officer testified to what he had been told by Mrs. Cook. Gault blamed the call on a friend and denied making the obscene remarks. No lawyers were present, and no record was made of what was said at the hearing.

Since juries are not allowed in juvenile court, the hearing was held before a judge, who found by a preponderance of the evidence that Gault was delinquent and ordered him sent to a state reform school until age 21. An adult found guilty of the same crime could have been sent to a county jail for no longer than 60 days.

Problem 16.5

a. Make lists of the fair and unfair things that happened to Gerald Gault. Explain your reasoning for each item.

b. How would you change the unfair things on your list to make the proceedings fairer for Gerald Gault? Why is it important to change these things?

c. What rights that adults have were not granted to juveniles in the Gault case?

d. Do you agree with the Gault decision? Why or why not? Should adults and minors have the same legal rights? Why or why not?

e. Do you think Gerald Gault’s hearing would have turned out differently if he had initially been given the rights the U.S. Supreme Court later ruled that he was entitled to?

In the Gault case discussed above, the U.S. Supreme Court held that juveniles should receive many of the same due process rights as adults. Specifically, the Court ruled that juveniles charged with delinquent acts are entitled to four rights: (1) the right to notification of the charges against them, (2) the right to an attorney, (3) the right to confront and cross-examine witnesses, and (4) the right to remain silent.

The Gault decision gave young people accused of a crime many of the same rights as adults, but it also left some unanswered questions. In the case of In re Winship (1970), the U.S. Supreme Court decided that juveniles charged with a criminal act must be found “delinquent by proof beyond a reasonable doubt.” This is the same standard required in adult criminal court. However, in McKeiver v. Pennsylvania (1971), the Supreme Court decided that jury trials were not required in juvenile cases. In reaching this decision, the Court expressed concern that jury trials could hurt juveniles by destroying the privacy of juvenile hearings.
More recently, a series of court decisions and legislative actions have changed the informality of juvenile court proceedings somewhat. Some courts even grant spectators and newspaper reporters access to juvenile court proceedings. In general, however, although juveniles now possess many of the same rights as adults, the Supreme Court has made it clear that not all of the procedures used in an adult court apply in a juvenile court proceeding.

The federal government has also played a major role in guiding the juvenile courts. The Juvenile Justice and Delinquency Prevention Act of 1974 requires the Department of Justice to oversee changes ordered by Congress. The act required the juvenile court system to change the way in which it treated status offenders and delinquent offenders. For example, status offenders were removed from institutions, or “deinstitutionalized.” Juvenile offenders remaining in institutions were separated from incarcerated adults. In addition, each state took responsibility for developing community alternatives to incarceration and for improving the juvenile justice system.

In the 1980s and 1990s, communities became concerned with both the rise in crime and a juvenile court system that was seen as being too soft on crime. The public demanded law and order and harsher penalties for juveniles as well as adults. Many proposed sending youthful offenders to military-style “boot camps” in which offenders enter the program in groups referred to as platoons or squads. Those who support such boot camps claim that the structured atmosphere is conducive to growth and change. Some critics even called for abolishing the juvenile court system altogether.

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**For Your Information...**

**Juvenile Law Terms Compared with Adult Law Terms**

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<th>Juvenile Law Term</th>
<th>Corresponding Adult Law Term</th>
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<tr>
<td>Offense</td>
<td>Crime</td>
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<td>Take into Custody</td>
<td>Arrest</td>
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<td>Petition</td>
<td>File Charges</td>
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<td>Denial</td>
<td>Not Guilty Plea</td>
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<td>Admission</td>
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<td>Adjudicatory Hearing</td>
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Instead, many states changed their laws to make it easier to prosecute juveniles in adult criminal court. As these laws changed, there was an increasing trend in the early 1990s to waive juvenile cases to adult criminal courts, reflecting the preference toward harsher punishment for juveniles. As the twenty-first century approached, however, this trend began to decline. Perhaps the combination of these state laws and federal initiatives illustrates that a new balance is being struck between accountability, community safety, and programs to rehabilitate young people, with greater weight being given to accountability and community safety. It is interesting to note that much of this trend toward harsher treatment of juveniles occurred during the 1990s—when juvenile crime rates were decreasing.

**Procedures in Juvenile Court**

Suppose a young person is accused of a delinquent act. What happens to this person from the time he or she is taken into custody until release from the juvenile justice system? The exact procedures vary from state to state, but the general process is similar throughout the country.

**Taking into Custody** On the whole, young people may be taken into custody for the same reasons the police might arrest an adult. However, juveniles also can be taken into custody for status offenses. These offenses include running away from home, truancy, promiscuity, disobeying one’s parents, and other actions suggesting the need for court supervision.

After taking a juvenile into custody, the police have broad authority to release or detain the juvenile. If the offense is minor, the police may give the juvenile a warning, release the juvenile to his or her parents, or refer the case to a social services agency. If the offense is serious or if the young person has a prior record, the police may detain the youth and refer him or her to juvenile court.

Intake is the informal process by which court officials or social workers decide if a complaint against a juvenile should be referred to juvenile court. This decision is usually made after interviewing the youth and considering the seriousness of the offense, the youth’s past record, family situation, and other factors.
Figure 16.1 The Juvenile Justice Process

Note: The juvenile justice process varies—sometimes significantly—from state to state. Dispositions may include several of these options or others.

There are several different outcomes for an offender in the juvenile justice process.

ANALYZE THE DATA What may happen to a juvenile after he or she is taken into custody?
Alternative Programs—Youth Courts

Alternative programs that focus on prevention and treatment, rather than punishment, have developed within the juvenile justice system. Some of these programs divert young people out of the juvenile justice system and into services that deal with problem behaviors or difficult family or community challenges. Some diversion programs provide counseling, while others focus on education or job training. Still others provide more comprehensive services to help young people deal with their family, school, and community.

The fastest-growing alternative program is called youth court. As of 2003, there were more than 900 youth courts in the country. About half of the youth courts operate in the juvenile justice system, while others are situated in school or community-based settings. Although there are several different program models, the basic idea behind all youth courts is that young people sentence their peers.

In almost all youth court programs, the young person charged with an offense must admit to having committed the offense before being accepted into youth court. Typical offenses dealt with by youth courts include theft, assault, vandalism, disorderly conduct, and alcohol and marijuana use. The sentences imposed by the peer juries include community service, essays, written and oral apologies to victims, and educational workshops. Also, most youth courts require offenders to serve on juries to sentence other youth offenders.

Youth courts are based on a philosophy called restorative justice. The idea behind restorative justice is that problem behavior harms victims and communities and that steps should be taken to involve offenders in repairing harm and restoring broken relationships.

Problem 16.6

a. Evaluations of youth court programs show that the rate of re-offending is very low. Why do you think these programs are so successful?

b. What benefits do youth courts offer to juvenile offenders, their families, and the community? Are there disadvantages to youth courts?

c. What do you think of the idea of restorative justice? Is this the best approach in dealing with all juvenile offenders? Explain your answers.

d. In general, do you favor treatment or punishment for juvenile offenders? Does it depend on the seriousness of the crime? Give reasons for your answer.

e. Consider how federal sentencing guidelines (certain offenses require certain sentences) operate to limit the discretion of judges. Would you favor or oppose a state law like this for juveniles? Be sure to explain the reasons for your answer.
It is estimated that as many as one-third of all complaints in the juvenile system are disposed of during the intake process by dismissal, diversion, or transfer. Most of the cases disposed of are dismissed. Some youths are diverted, which means that they receive educational services—including, in some places, “Street Law” classes—and treatment services without going through juvenile court. In addition, a prosecutor may decide to charge a juvenile as an adult and request a waiver hearing. (Waiver hearings are discussed on page 190.)

**Initial or Detention Hearing**  Young people who are taken into custody and formally referred to juvenile court are entitled to an initial hearing on the validity of their arrest and detention. At this initial hearing, the state must generally prove two things: that an offense was committed and that there is reasonable cause to believe that the accused committed it. If the state wants to further detain the juvenile, it must prove that the juvenile is a danger to himself or herself or others, is likely to run away if released, or has a past record that warrants detention. If the juvenile does not have an attorney, the court will usually assign one at this time and set a date for a hearing on the facts.

The U.S. Supreme Court has held that juveniles do not have a constitutional right to bail. No money bond is set, and the juvenile court may decide either to release juveniles to their parents or other adults or to detain them until trial. The Supreme Court justified what is referred to as preventive detention of juveniles on the grounds that it serves the legitimate purpose of protecting the community and the juveniles themselves from the consequences of future crime. It is based on a judge’s decision that a juvenile is better off in detention than in his or her own home. Federal law requires juveniles who are detained to be held separately from adults who have been accused of crimes. However, this is still not enforced in a number of places around the country.

**Problem 16.7**

a. Should juveniles have the same right to bail as adults? Why or why not? When should they be detained?

b. Should juveniles be detained separately from adults in all cases? What if a small town only has one jail or the juvenile detention center is full?

**Adjudicatory Hearing**  A juvenile charged with a delinquent act is given a hearing. Generally known as an adjudicatory hearing, its purpose is the same as that of an adult trial—to determine the facts of the case. Unlike an adult trial, however, a juvenile hearing is generally closed to the public, and the names of the accused and the details of the offense are withheld from the press. Although juveniles do not have a constitutional right to a jury trial, some states do provide for juries in juvenile cases.
At the adjudicatory hearing, the juvenile, like the adult defendant, is entitled to be represented by an attorney. The attorney can examine and cross-examine witnesses, and force the prosecution to prove its case beyond a reasonable doubt. If the judge finds the juvenile nondelinquent (not guilty), he or she is free to go. If the judge decides that the facts, as set out in the petition, are true, the court will enter a finding of delinquent. This is similar to a conviction in adult proceedings.

**Dispositional Hearing** The dispositional hearing is perhaps the most important stage in the system for juveniles who are found delinquent. At this hearing, the judge decides what sentence, or disposition, the juvenile offender should receive. The judge’s sentence is usually based primarily on the presentence report prepared by the probation department. This report is the result of an investigation of the juvenile’s social, psychological, family, and school background.

In theory, in making their disposition, courts are supposed to provide for individualized treatment geared toward rehabilitating the juvenile offender. However, in practice, courts often balance the needs of the offender against the obligation to protect the community. Alternatives usually include probation, placement in a group home or community treatment program, or commitment to a state institution.

Probation is the most common disposition. The judge can impose a number of conditions on the juvenile on probation. For example, the juvenile might be ordered to attend school regularly, hold a steady job, attend counseling sessions at a treatment center, take weekly drug tests, be home by 8:00 P.M., or stay away from certain people. A juvenile on probation usually has to meet with a probation officer on a regular
basis. If the conditions of probation are not met, the youth can be sent back to court for another hearing. At that time, the judge can decide to send the juvenile to a group home or a state institution.

For serious offenses, the juvenile can be committed to a juvenile institution. Most courts have the power to place a juvenile in such an institution for an indeterminate length of time. This means that no matter what the offense, the juvenile offender can be locked up for the maximum period allowed by state law. This generally varies from one to three years. In certain cases, it lasts until the young person reaches the age of majority, and it can continue in some states until age 21. Most juveniles, however, do not serve the maximum sentence. The exact time of release is usually up to the agency that operates the institution.

Although the stated goal of any juvenile correctional institution is rehabilitation, many corrections officials say this is seldom achieved. One of the main problems is overcrowding in juvenile facilities. Up to one-half of the nation’s juvenile facilities have more residents than they were designed to hold. In addition, the overrepresentation of

The Case of . . .

The 15-Year-Old Murderer

William Wayne Thompson was found by an Oklahoma jury to have actively participated at the age of 15 in the brutal murder of his former brother-in-law, Charles Keane. There was evidence that Keane had in the past physically abused Thompson and his sister. Thompson and three others kidnapped Keane, beat him, kicked him, cut his throat and chest, shot him in the head, and dumped his body into the river. Photographs of the body were described by the court as “ghastly.”

It was determined at a hearing that Thompson, who had been arrested previously for a number of serious assaults, had “no reasonable prospects for rehabilitation within the juvenile justice system.” He was then tried as an adult and convicted. The law of Oklahoma did not specify that any minimum age was required before the death penalty could be ordered. The judge, following the jury’s recommendation, ordered the death penalty for Thompson. The sentence was appealed and upheld by the Oklahoma Supreme Court. Thompson’s appeal ended up before the U.S. Supreme Court.

Problem 16.8

a. Should William Wayne Thompson have been transferred and tried as an adult? Give your reasons.

b. Are you for or against capital punishment as a possible penalty for those under the age of 16 who commit murder? Write down the two strongest reasons in support of your position. What are the two strongest arguments in support of the other position?

c. If you were on the U.S. Supreme Court, would you find imposing the death penalty on William Wayne Thompson to be “cruel and unusual punishment”? Give reasons for your position.

d. If this crime had occurred in a state without the death penalty, what would be an appropriate punishment? Explain.
minorities has been increasing. Some critics claim that this is a result of discrimination. They say that more whites than minorities seem to be placed by juvenile courts in private programs to meet their special needs, while more minorities are placed in government-run juvenile facilities. Other concerns include the safety and security of the facilities, due process, and health care. The courts have also seen an increase in claims of abuse of children in training schools and detention centers.

Some juvenile justice reformers call for a new philosophy in which violent offenders would be housed in small facilities offering many services. Most other offenders, especially status offenders, would be placed in well-structured, community-based programs. Some states have already moved in this direction, and supporters say it works. Critics counter that the approach will not work, and call for tougher measures. Today, many practitioners seek a balanced approach to juvenile corrections. They consider the individual in light of community protection, offender accountability, and the development of life skills that will enable the offender to experience success once he or she is released from the juvenile justice system.

Dealing with status offenders presents special problems. Should they be taken out of the home? Should they be committed to institutions? Should they be mixed with delinquents or adult offenders? In response to these concerns, many states have removed status offenders from large institutions and placed them in foster homes, halfway houses, or other community facilities.

**Postdisposition** Most states give young people the right to appeal decisions of a juvenile court. However, because the U.S. Supreme Court has never ruled on this issue, the provisions for appeal vary greatly from state to state.

Once released from an institution, a juvenile may be placed in aftercare. This is the equivalent of parole in the adult system. Aftercare usually involves supervision by a parole officer who counsels the juvenile on education, jobs, vocational training, or other issues.

Although the goal of juvenile correctional facilities is rehabilitation, many claim that this is seldom achieved. What problems limit the goal of rehabilitation?
Having a Record  A juvenile who is found delinquent does not have a criminal record, as would someone who is tried as an adult. This means that, if asked, a juvenile may legally say that he or she has not been convicted of a crime—a legal term that refers only to the adult system. In general, juveniles who are adjudicated do not lose any civil rights and can still register to vote upon reaching adulthood. Unfortunately, juvenile records can cause problems later. Most states restrict access to juvenile court proceedings. In many states, however, some or all information on juvenile cases becomes public record. This means that individuals, agencies, and employers may be able to access it. A juvenile record also is often considered in sentencing adults, so that defendants with no criminal record may still receive a harsher sentence if they have a juvenile record.

In a few states, juvenile records are automatically sealed or expunged (destroyed) when the juvenile reaches the age of 18 or 21, giving the individual a “clean slate.” In most states, however, the record continues to exist unless the person officially requests that his or her record be expunged. To be eligible for such a request, most states require that several years have passed since the offense and that the person not have committed any further offenses during that time. If the person with the juvenile record meets these conditions, he or she can go before a judge to request that the record be expunged. If the judge approves the request, there will no longer be a public record of the person’s involvement in the juvenile justice system.