

## CHAPTER 7

### 7.1 Self Check page 217

What role have the courts played in the administration of juvenile justice in the United States?

Before the 1960s, juvenile courts followed the “medical model” and saw delinquents as needing treatment rather than punishment; however, since this treatment was also punitive, juveniles were deprived of due process rights. The U.S. Supreme Court maintained a **hands-off approach** toward juvenile matters until the **due process revolution** of the 1960s, at which time they instituted a variety of procedural rights and substantive rights.

### 7.2 Self Check page 218

How were juveniles treated by the legal system prior to the due process revolution?

A child did not have the right to liberty, but to custody. Adults viewed children not as people, but essentially as the property of the people who were in charge of them. Court intervention in the lives of children was considered “child saving,” not punishment.

### 7.3 Self Check page 226

1. What specific rights were granted by the Supreme Court to juveniles in the cases of *Kent*, *Gault*, and *Winship*?

*Kent v. United States*: Juveniles facing the possibility of waiver to adult court are entitled to some basic due process rights.

*In re Gault*: Juveniles in delinquency proceedings are entitled to essential due process rights, including the right to notice of the charges, right to counsel, right to confront and cross-examine witnesses, and the right against self-incrimination (including the right to remain silent).

*In re Winship*: The standard of proof in juvenile delinquency proceedings is “beyond a reasonable doubt,” as it is with criminal proceedings.

2. What right did the U.S. Supreme Court refuse to grant to juveniles in the *McKeiver* decision?

The U.S. Supreme Court refused to guarantee the right to a trial for juveniles. This does not mean that juveniles *cannot* have a jury trial, but that the courts are not required to guarantee one.

3. What were the Supreme Court decisions discussed in this section originally opposed by many in the juvenile justice system?

Many people in the juvenile justice system opposed the major Supreme Court decisions involving juveniles because they felt the changes would abolish the juvenile justice system. As juveniles were given many of the same rights as adults, these people thought that the differences between the juvenile and criminal justice systems were becoming more and more blurred. With these

distinctions disappearing, the juvenile justice system would move from its paternalistic role to a more punitive one.

#### 7.4 Self Check page 256

1. Do public school students have the same rights at school as when they are at home?

No, many fundamental rights are not granted to students, including freedom of expression and the Miranda warning.

2. List three trends involving juvenile records.

These three trends are:

- More juveniles are subject to transfer to adult court.
- Juvenile justice record information is increasingly available outside the juvenile system.
- Integration of juvenile and adult records is increasing.

3. Explain the nature of curfew laws and ordinances and which situations they typically encompass.

Curfew laws must meet two requirements to be constitutional: (a) there must be a compelling state interest, and (b) the curfew must be designed to serve that state interest. Many cities that have curfews follow the Dallas, Texas, model. This model was designed to help reduce juvenile crime and victimization. It applies to youths under age 17, but it allows for exceptions such as being accompanied by an adult, traveling to and from work, or responding to an emergency.

#### 7.5 Self Check page 257

1. List some of the rights granted to juveniles by the U.S. Supreme Court.

Answers can include the rights to any of the following, which can be found in Figure 7-9 on page 255:

- Due process (limited)
- Counsel
- Indigent appointment of counsel
- Notice of charges
- Confront and cross-examine witnesses
- Protection from self-incrimination
- Remain silent
- Standard of proof that is “beyond a reasonable doubt”
- Protection from double jeopardy

2. Review each of these and explain what difference they make in the juvenile justice process.

- Due process: The right to due process in cases that involve waiver to adult court provides youths with the same rights that adults would have when being tried under similar circumstances.

**Juvenile Justice: Policies, Programs, and Practices**  
**SELF CHECK ANSWER KEY**

- Counsel: Attorneys help keep juveniles aware of their rights. However, some believe that the right to counsel has turned the juvenile justice system more adversarial than it used to be.
- Indigent appointment of counsel: As with adult offenders, this right ensures that the poor have the right to the same privileges that the wealthy do.
- Notice of charges: The right to notice of charges prevents juveniles from being punished without knowing why. Previously, juveniles could be sentenced without having committed a crime, perhaps in order to remove them from bad environments.
- Confront and cross-examine witnesses: This right allows juveniles to defend themselves by confronting those who claim they have committed a crime. This is important because, as evidenced in *In re Gault*, cross-examining witnesses could help prove a juvenile's innocence.
- Protection from self-incrimination: Juveniles do not have to take the stand against themselves.
- Remain silent: As with the right to protection from self-incrimination, juveniles do not have to contribute to the case against them.
- Standard of proof that is "beyond a reasonable doubt": Juveniles are held to the same standard of proof as adults, making their prosecution more rigorous and less subject to mistakes. The standard of proof had previously been a preponderance of evidence, the same standard used in civil cases.
- Protection from double jeopardy: This right protects juveniles from being tried twice for the same charge. It also protects them from being tried in both the juvenile justice system and the criminal justice system for the same charge.

**3. Are juvenile justice laws uniform across the country?**

No, juvenile justice laws vary from state to state and from city to city. There are some rules, however, that are uniform throughout the country, particularly those that are based on Supreme Court decisions.