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 put 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.

Juvenile offenders may be required to perform community service as part of their rehabilitation.
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 and personal information would remain private. In addition, the juvenile court used terms different from those used in the adult court. (See the FYI feature on page 201 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. Most of this chapter deals with how youth charged as delinquents are treated in the juvenile justice system.

**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, minors, or children in need of supervision (PINS, MINS, or CHINS).
Neglected and abused children need the court’s protection from a parent or guardian. A neglect case occurs when a parent or guardian is charged with failing to provide adequate food, clothing, shelter, education, 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 service 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.

In most states, juvenile court jurisdiction extends through age 17. Thirteen states end juvenile court jurisdiction at age 15 or 16. Once a juvenile reaches the age of majority, 18 in most states but 16 or 17 in some states, a young person can be prosecuted only in adult court. However, as discussed on pages 194–195, all states have processes in place that allow some juveniles to be tried in adult court under exceptional circumstances.

Since 1899, the juvenile justice system has continued to be defined in part by the tension between a “humanitarian” philosophy that emphasizes rehabilitating the offender and a “control” philosophy that emphasizes punishing the offender. This tension has played a major role in determining the current system’s practices. It is important to remember that this system continues to evolve as courts, legislatures, and voters try to resolve the tension between society’s sometimes conflicting needs for rehabilitation and punishment of juvenile offenders. While this chapter provides a general overview of juvenile justice, this system varies significantly from state to state.

**Problem 16.1**

a. Why did reformers want to change the way children were treated? What steps did reformers take to make changes? When did these changes begin to take place?

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

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

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

e. According to the juvenile justice system, what is considered to be a case of child neglect? What is considered to be child abuse? How are such cases handled?
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 Prevention 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 prevention and intervention programs as well as improvements to the juvenile justice system.

The OJJDP has determined that an effective juvenile justice system should work to do three main things. First, it must hold the juvenile offender accountable for his or her 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 at large.

**Status Offenses**

Status offenders are youth who commit acts that would not be crimes if committed by adults. Special problems arise when the juvenile justice system is confronted with a status offender. Juveniles who fall into this category face charges such as being “beyond control,” “habitually disobedient,” or truant from school.

Status offenders may be emotionally troubled youth who need medical help, emotional help, or both. Many status offenders are runaways or young people with alcohol or drug problems. Some are trying to escape abusive or other difficult home situations. It is estimated that about 47 percent of runaway and homeless youth leave home because of conflict with a parent or guardian. More than two million runaway and homeless youth live on U.S. streets each year. About 12 percent of runaway and homeless youth report spending at least one night outside—in a park, on the street, under a bridge or overhang, or on a rooftop. Although most runaways return home of their own accord, some are located by a parent, guardian, or friend and persuaded to return home, while others are picked up by the police and referred to the juvenile justice system. Studies by the National Center of Juvenile Justice show that the runaway arrest rate in 2005 was the lowest it had been since at least 1980.
A number of programs have been set up to help runaways. The primary resource for runaway and homeless youth is a national network of shelters. The nationwide toll-free phone number that runaways can call for assistance is 800-RUNAWAY. Those in need may also visit www.1800RUNAWAY.org. In addition to shelter, these programs provide other services related to the issues that often cause the youth to run away.

In 2004, more than 400,000 minors were taken into custody for status offenses. Status offenses make up about 20 percent of all juvenile arrests. Federal law requires that juvenile status offenders be represented in court hearings, but the nature and quality of this representation varies from state to state and presents a major challenge to the juvenile justice system. A number of reform movements are underway to improve legal representation of young people charged with status offenses and to make certain that they are allowed to attend and participate in hearings that affect them.

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. Some status offenders also commit delinquent acts, and juvenile courts have to struggle to determine how best to treat these youth whose behavior has crossed over into criminal activity.

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 16.2**

a. Do you think courts should intervene 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?
Hearing on a Curfew for Teens

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

Problem 16.3

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, violence, and other problems.

- **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, restaurants, 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 six is comprised of teenagers.** Your group will testify against the proposed law and argue that it is not fair to treat teens as either criminals or irresponsible members of the community.

Group one should meet to decide how to run the hearing and to discuss what questions it will ask the other groups. The other groups should meet to further develop their testimony. Additional groups can be invited to the hearing. After the hearing, the city council should deliberate and decide whether to pass, not to pass, or to amend this law.
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.

The *Gault* decision gave young people many of the same rights as adults, but it also left some unanswered questions. The Court decided in *In re Winship* (1970) that a juvenile charged with a criminal act must be found “delinquent by proof beyond a reasonable doubt,” the same standard required in adult criminal court. However, in *McKeiver v. Pennsylvania* (1971), the Court decided that jury trials were not required in juvenile cases. It expressed concern that jury trials could hurt juveniles by destroying the privacy of juvenile hearings.

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.

Because juries were 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.

In the *Gault* case, 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 were 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.

Problem 16.4

a. Make lists of the fair and unfair things that happened to Gerald Gault. Explain.

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 adult rights were not granted to juveniles in the *Gault* case? Should adults and minors have the same legal rights?

d. Do you agree with the *Gault* decision? Why or why not?
More recently, a series of court decisions and legislative actions have changed the informality of juvenile court proceedings. Some courts even grant spectators and newspaper reporters access to juvenile court proceedings. Although juveniles now possess many of the same rights as adults, the U.S. Supreme Court has made it clear that not all of the procedures used in an adult criminal 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 that the Department of Justice’s Office of Juvenile Justice and Delinquency Prevention (OJJDP) oversee changes ordered by Congress. OJJDP works as a partner with state and local units of government to improve the juvenile justice system. The federal act required the juvenile court system to change the way it treated both 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. OJJDP also asks states to address the problem of the disproportionate confinement of minority youth. Studies have shown that minority youth are more often placed in government-run institutions while white youth are placed in private facilities to meet their special needs.

In the 1980s and 1990s, communities became concerned with both the rise in crime and a juvenile court system that was seen by some as being too “soft” on crime. The public demanded law and order and harsher penalties for juveniles as well as for adults. Many states changed their laws so that at least some offenders could be prosecuted in adult criminal court and therefore receive more severe punishments. The issue of prosecuting juveniles as adults is the most controversial issue in juvenile justice today.

**Prosecuting Juveniles in Adult Court**

The trend toward prosecuting juveniles in adult court began in the late 1980s and early 1990s during a time of heightened concern about violent juvenile crime. Some people believed that the juvenile justice system was not equipped to deal with more serious juvenile offenders. By 2000 each state and the District of Columbia had at least one mechanism for trying juveniles in adult court.

The most common approach was called *juvenile waiver*, which allowed juvenile court judges to waive juveniles to adult court (after a hearing) for prosecution. The second most common approach was passing a state law that *required* certain offenses committed by juveniles to be prosecuted in adult court. This approach is called *statutory exclusion*, or automatic transfer. The third approach, called *direct file*, gave prosecutors discretion to file charges against juveniles in adult criminal court. Many states use two or even all three mechanisms. Studies
have shown that youth transferred to adult court re-offend at higher rates than those treated in juvenile court. Even with judicial and legislative changes that allow for the prosecution of juveniles in adult court, the majority of juveniles are still treated in the juvenile justice system.

Critics of prosecuting juveniles in adult criminal court cite higher repeat offending rates as well as new research on youth brain development that shows that the brains of young people continue to develop into their 20s. This development is in the portion of the brain that affects impulse control, the capacity for independent thought, and the ability to resist peer pressure. While young offenders are still responsible for their behavior, this research suggests that policy makers should focus on sentencing laws that address punishment and treatment within the juvenile justice system, rather than dealing with these juveniles in the adult system.

Problem 16.5

Assume you are a state legislator in a state that allows juvenile court judges to waive juveniles into adult court. Some of your constituents are concerned about serious and violent juvenile crime, especially about crime committed by gang members. They have asked you to introduce a bill that will require that certain juveniles be charged in adult criminal court. Draft the law. Remember to consider offense, age, background, and any other factors you think are relevant.

**You Be The Judge**

Decide whether the person in each scenario below should be tried as a juvenile or as an adult. Describe the factors you considered and the reasons for your decisions.

a. Marshall, 15, is accused of robbing a woman at gunpoint. He has a long juvenile record, including acts of burglary, and has bragged about the robbery to friends.

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. 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 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.
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 their 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 service agency. If the offense is more 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, his or her family situation, and other factors.

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, involvement in “Street Law” classes—and treatment services without going through juvenile court. In addition, in some states a prosecutor may decide to charge a juvenile as an adult and request a waiver hearing.
Note: The juvenile justice process varies considerably from state to state.

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 accountability, youth development, and community involvement, rather than punishment, have developed within the juvenile justice system. Some divert young people out of the juvenile justice system and into services that deal with problem behaviors or difficult challenges. Some programs provide counseling, while others focus on education or job training.

The fastest-growing alternative program is called youth court. As of 2007, there were nearly 1,200 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 most youth court programs, the 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 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 criminal acts are not just random acts against the state—they harm victims, offenders themselves, and whole communities. Sentences that reflect restorative justice principles include ways for offenders to repair the harm done to victims, to understand the impact of their actions, and to learn new skills while connecting to their communities in positive ways.

Problem 16.6

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

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

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

d. Do crimes such as vandalism and shoplifting (sometimes called “gateway crimes”) lead to more criminal activity if they go unpunished? If so, what sorts of consequences should vandals and shoplifters face? Explain your reasons.

e. If a judge, a prosecutor, or a police officer in your area does not want to refer an offender to juvenile court, what alternative programs are available for youth in your community?
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. Preventive detention 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.

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 should happen if a small town has only 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, or a fact-finding 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, a few 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 in an effort to 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 court proceedings.
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 offender should receive. The judge’s sentence is usually based primarily on the predisposition 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 making their dispositions, courts are supposed to provide for individualized treatment geared toward rehabilitating the offender. In practice, however, courts balance the needs of the offender against the obligation to protect the community. Sentencing options include probation, community service, fines, restitution, placement in a community treatment program, or commitment to a state institution.

Probation is the most common disposition. The judge can impose a number of conditions on a juvenile placed 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 youth can be committed to a juvenile institution. Most courts have the power to place a youth in such an institution for an indeterminate length of time. This means that no matter what the offense, the offender can be locked up for the maximum period allowed by state law. This varies from one to three years.
In certain cases, it lasts until the young person reaches the age of major-
ity, 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 determined by 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. Many
of the country’s juvenile facilities have more residents than they were
designed to hold. In addition, many facilities lack the necessary edu-
cation, mental health, and substance abuse services to provide the
treatment and rehabilitation that are essential to the concept of juve-
nile justice. Other concerns include the safety and security of the facili-
ties, due process, and health care. In recent years there have been
numerous claims of abuse of children in training schools and deten-
tion centers. In some of these cases, lawsuits on behalf of the children
have been filed against the agencies that operate the facilities.

While the majority of youth sent to state institutions are males,
there has been a dramatic increase in the number of females coming
into contact with the juvenile justice system. In 2003, 30 percent of
juveniles taken into custody (arrested) were females, and 15 percent
of juveniles in state institutions were females. Because traditional
juvenile justice facilities and treatments were developed with male
offenders in mind, efforts are now underway to develop gender-
specific programs for females in the system.

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.

For Your Information . . .

**Juvenile and Adult Law Terms**

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<thead>
<tr>
<th>Juvenile Law Term</th>
<th>Adult Law Term</th>
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<tr>
<td>Offense</td>
<td>Crime</td>
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<tr>
<td>Take into Custody</td>
<td>Arrest</td>
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<td>Petition</td>
<td>File Charges</td>
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<tr>
<td>Denial</td>
<td>Not Guilty Plea</td>
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<tr>
<td>Admission</td>
<td>Guilty Plea</td>
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<tr>
<td>Adjudicatory Hearing</td>
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<td>Found Delinquent</td>
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<td>Disposition</td>
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<td>Detention</td>
<td>Jail</td>
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<td>Aftercare</td>
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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 after he or she is released from the juvenile justice system.

**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.

When 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.

Reentry programs, discussed in Chapter 15 on page 185, are also needed for juveniles. The transition back to school is a particularly difficult juvenile reentry problem. Some juvenile offenders have had academic problems before being placed in a state institution and continue to fall behind academically while in the institution. Where effective juvenile reentry programs are not in place, the likelihood of re-offending is very high for youth who come through the juvenile justice system.

**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

Although the goal of juvenile correctional facilities is rehabilitation, many claim that this is seldom achieved. What problems limit achieving the goal of rehabilitation?
Some employers have access to juvenile records, which may cause problems for an adult seeking a job. What do most states require in order to expunge a person’s juvenile record?

any civil rights and can still register to vote upon reaching adulthood. However, juvenile records can cause problems later. In many states, some or all information on juvenile cases becomes public record. This means that individuals and agencies, including employers, may be able to access it. A juvenile record often is also 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, now an adult, 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.

**Problem 16.8**

Should employers who conduct background checks on job applicants be able to access juvenile court records? Give reasons for your opinion.