

An Overview of the Juvenile Justice System

History: In 1899, Illinois passed the Juvenile Court Act of 1899, the United States' first juvenile court. The rationale for developing a separate system for youth was rooted in the idea that children are not fully matured and therefore, the State has the responsibility to provide protection and guidance for children whose parents are not caring for their children as they should. Delinquent children were seen as citizens in need of the State's protection and intervention. By 1925, all but two States established juvenile courts.¹

Juvenile Justice versus the Adult Criminal Justice System:

- Adults have a constitutional right to a jury trial, while not all states give this right to juveniles.
- Juvenile court proceedings may be confidential, while adult cases are open to the public.
- Dispositions for juveniles are based on individual and social factors, offense severity, and the youth's offense history, while sentencing in the adult criminal justice system is determined primarily by the current offense and the criminal history. In the juvenile justice system, dispositions cover a large range of community-based and residential services.
- Aftercare for juveniles usually incorporates surveillance and reintegration activities involved with family, school, and work, whereas parole for adults functions primarily as surveillance and reporting to monitor behavior.²

Age Criteria: The age range for children in the juvenile justice system is from 6 to 17 years old. However, in some cases, legislatures enable juvenile courts to oversee youth up to age 24.³

Juvenile Detention: There are an estimated 101,050 juveniles in detention, correctional facilities, camp, community based facilities, and residential treatment.⁴ There are over 1 million juveniles that are processed through the juvenile justice system every year. While their cases are being processed, some youth may be held in secure detention.⁵

¹ *Juvenile Justice: A Century of Change*, JUVENILE JUSTICE BULLETIN, Dec. 1999, at 2, available at <https://www.ncjrs.gov/pdffiles1/ojjdp/178995.pdf>.

² *Juvenile Justice: A Century of Change*, JUVENILE JUSTICE BULLETIN, Dec. 1999, at 10–12, available at <https://www.ncjrs.gov/pdffiles1/ojjdp/178995.pdf>.

³ *Juvenile Justice: A Century of Change*, JUVENILE JUSTICE BULLETIN, Dec. 1999, at 9, available at <https://www.ncjrs.gov/pdffiles1/ojjdp/178995.pdf>.

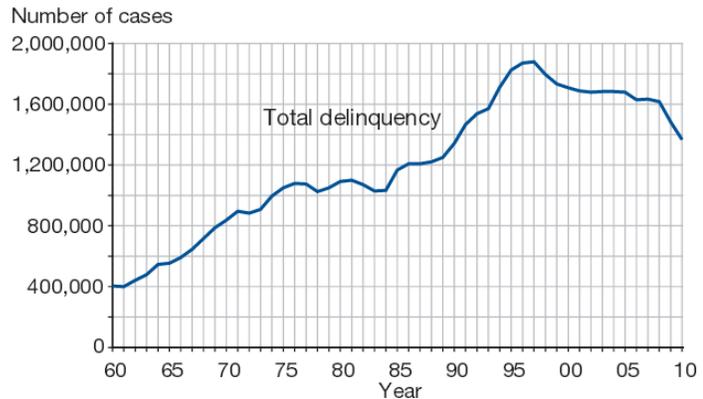
⁴ Andrea J. Sedlak & Karla S. McPherson, *Conditions of Confinement*, JUVENILE JUSTICE BULLETIN, May 2010, at page 2, available at <http://permanent.access.gpo.gov/lps126027/227729.pdf>.

⁵ Howard N. Snyder & Melissa Sickmund, *Juvenile Offenders and Victims: 2006 National Report*, NATIONAL CENTER FOR JUVENILE JUSTICE, March 2006, at 155, available at <http://www.ojjdp.gov/ojstatbb/nr2006/downloads/NR2006.pdf>.

Trends in Delinquency: From 1985 through 1997, the number of delinquency cases climbed steadily and then fell 27% from 1997 through 2010.⁶

Most Common Offenses among Juveniles: Robbery, aggravated assault (13%), Motor vehicle theft, burglary, larceny-theft, arson (20%), vandalism (29%), illegal drug use (10%), weapons (carrying, possessing, etc.) (18%).⁷

The decline in juvenile court caseloads since the mid-1990s is the most substantial decline since 1960



Common Juvenile Justice Terms:

- **Juvenile:** A youth who fits a specific age range determined by the state
- **Delinquency:** Actions committed by a juvenile that are wrongful and/or illegal committed which require a minor to appear in a juvenile court. Notice that if a youth is processed as a “juvenile” their delinquent act is not referred to as a “crime” as it is in adult criminal court.
- **Jurisdiction:** A geographic area subject to a specific law or court.
- **Status offenses:** Actions that are considered legal when committed by an adult, but not when committed by a child (e.g., school truancy).
- **Mens rea:** Criminal intent
- **Doli incapax:** Not criminally responsible because the accused is unable to formulate criminal intent (mens rea) due to lack of maturity, and not knowing right from wrong.
- **Lower age limits:** Based on the principles of doli incapax, states have a lower age limit for juvenile court jurisdiction, which varies between 6 years to 10 years old. Youth younger than the lower age limits are felt to be too young to have criminal intent, or mens rea.
- **Upper age limits:** After youth surpass the upper age limit (typically at their 18th birthday) they are automatically subject to be tried as adults.
- **Waiver, remand, transfer, or certification:** The process in which juveniles are processed as adults in adult court, usually because of the seriousness of their wrongful act. Depending on the state, the prosecutor or judge may have discretion to transfer the youth, or it may be mandatory based on the type of offense.
- **Truancy:** Extended willful absence from school without justification.
- **Aftercare:** A period of supervision that takes place after a juvenile has completed their out-of-home programming or treatment. The juvenile typically has to comply with a variety of things that could include school attendance, drug testing, securing employment, curfew, community service, etc.

⁶ Charles Puzzanchera & Crystal Robson, *Delinquency Cases in Juvenile Court, 2010*, JUVENILE OFFENDERS AND VICTIMS NATIONAL REPORT SERIES FACT SHEET, Feb. 2014, at 1, available at <http://www.ojjdp.gov/pubs/243041.pdf>.

⁷ Charles Puzzanchera, *Juvenile Arrests 2011*, JUVENILE OFFENDERS AND VICTIMS NATIONAL REPORT SERIES FACT SHEET, Dec. 2013, at 5, available at <http://www.ojjdp.gov/pubs/244476.pdf>.