

Juvenile Justice Laws

LCCR Policy Team

LOUISIANA
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CHILDREN'S
RIGHTS

Kent v. U.S. (1966)



In the case of Kent v. U.S. → the Court held that children can not be transferred to adult court without having been given basic procedural protections.

Due Process: A child is entitled to the chance of a fair understanding of — why you are being arrested, fair procedures, and a chance to defend yourself - in the court of law.

1. Juveniles Have a Right to Counsel at Transfer Hearings
 - ✓ A child and their attorney are allowed to participate, be heard, and advocate before the judge decides to sent a child to adult court.
2. Courts Must Provide Access to Records
 - ✓ The child's defense attorney must have access to social records, reports, or probation files that the judge may need when making the decision.
3. Judges Must State Reasons
 - ✓ If a child is transferred to adult court, the judge must provide a written statement of reasons showing that the decision was thoughtfully made and not 'random' or arbitrary.

Application of Gault (1967)

Issue: What due process rights do juveniles have during delinquency adjudications?

1. Notice of the charges
 - Families receive written and detailed allegations — early enough to prepare a defense.
2. Right to Counsel
 - Youth must be knowledgeable of their right to an attorney and right to counsel.
3. Right to confront witnesses
 - Courts could no longer rely on hearsay or informal reports.
4. Right against self-incrimination
 - No coerced confessions as well as understanding of Miranda Rights.
5. Right to fair hearings



Overall the case functioned to give children meaningful constitutional protection for the first time.

In re Winship (1970)



Worked towards shifting toward a Rights-Based Model

1. Established “Proof Beyond a Reasonable Doubt”
 - Burden for the state to prove a child is guilty, otherwise they are to be assumed innocent.
2. Strengthened Due Process
 - Confirmed that the adjudication stage should be formal and fair.
3. Prevented Unfair Punishments from Weak Evidence
 - Focused on the importance of minimizing errors to avoid wrongful institutionalization.

McKeiver v. Pennsylvania (1971)

1. No constitutional Right to a Jury Trial
 - Children were granted certain aspects of adult Court however this was considered too similar.
 - Preserves the Informal and Rehabilitative Nature of Juvenile Court
 - Grants some due process, but not all rights.
2. Instilled that States have Flexibility
 - The states have the right to decide whether to use jury trials in juvenile cases, as long as the Constitution does not require it.
 - Today, many states have kept proceedings judge-only.

Breed v. Jones (1975)

1. Established that Juveniles Cannot Be Tried Twice for the Same Offense (No Double Jeopardy)
 - Further, the state can not transfer the youth to adult court and try them again for the same crime.
2. Adjudicatory Hearings Are Equivalent to Criminal Trials in Risk
 - While Juvenile proceedings are labeled “civil,” the adjudicatory stage carries consequences leading to harmful impacts.
3. Transfer to Adult Court Happens Before Adjudication
 - States must waiver hearings before adjudication to ensure a child is not subjected to two full trials.
4. Protects Fairness and Limits State Power
 - Children are protected from the emotional, legal and strategical burden of enduring two trials.

Roper v. Simmons (2005)

1. No Death Penalty Under 18

- ✓ Executing anyone under 18 at the time of the offense violates the 8th and 14th Amendment.

2. Recognized Juveniles as Less Culpable

- ✓ Immature Judgment, Impulsivity, and Still-developing character.

3. Shifted Juvenile Justice Toward Rehabilitation

- ✓ Reinforced that children should be treated more leniently than adults.

4. Used Evolving Standards and Science

- ✓ Used standards of decency and developmental science to support the decision.

Graham v. Florida (2010)



The case ensured that children cannot be condemned to die in prison for non-homicide offenses, and are to be given a real chance to rehabilitate.

1. Banned Life Without Parole for Juvenile Non-Homicide Offenders
 - ✓ Kept in line with “No Cruel or Unusual Punishment”.
2. Recognized Juveniles’ Diminished Culpability
 - ✓ Used Psychology and Neuroscience to affirm the importance of children’s brain not being fully developed (making them more impulsive and more likely to rehabilitate).
3. Required States to Provide a “Meaningful Opportunity for Release”
 - ✓ Offering realistic chances for parole

J.D.B. v. North Carolina (2011)

1. Child's Age must be Considered in Miranda Custody Analysis
 - The Court decided that when a child is in custody for Miranda purposes, age is relevant because a 13 year old questioned at school cannot be judged as an adult
2. Children are Susceptible to Pressure
 - The Court must recognize that children are more susceptible to intimidation.
3. Miranda Must Reflect Reality
 - Miranda protections must adjust to the developmental stage of a child, not to treat them as small adults
4. Strengthened that Children are to be Considered Differently

Miller v. Alabama (2012)

1. Mandatory Life Without Parole Is Unconstitutional

- Judges cannot sentence children to life without parole.

2. Children Are Constitutionally Different

- The harshest punishments are rarely appropriate for minors.

3. Sentencers Must Consider Youth and Individual Circumstances

- A child's:
 - ✓ Age
 - ✓ Background and Environment
 - ✓ Role in the offense
 - ✓ Family/Home Life
 - ✓ Potential Rehabilitation

Should be considered

Key Takeaways:

Children Are Constitutionally Different
Juveniles Must Receive Strong Due Process
Protections

Punishment for Youth Must Be Proportionate
The System Must Protect Children From
Excessive State Power

The System Should Aim to Rehabilitate

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