



## POSITION PAPER JUVENILE COURT LAW

### Summary of the Issue

The purpose of the Juvenile Court Law is 'to provide for the protection and safety of the public and each minor under the jurisdiction of the Juvenile Court and to preserve and strengthen the minor's family ties whenever possible. . .' (Section 202(a) WIC). As social conditions have changed, there appear to be more juveniles who are involved in serious and violent crimes. It often appears either the welfare of the public or the welfare of the minor must receive priority and the focus is now on the protection of the public. Outcry from the public and from victims has led to pressure to change the Juvenile Court into one that is designed like the Adult Court model. There has been a general frustration with the extent of juvenile delinquency in our society and a belief that the traditional Juvenile Court philosophy has been unsuccessful in dealing with youthful offenders.

The Juvenile Court was founded on the philosophy that children have a unique place in society because of their dependent status. Children are a distinct class of citizens who are entitled to a juvenile court, tailored as much as possible to meet their unique needs. As society has changed so has its attitude toward children. The Juvenile Court Law has been modified to reflect this change in attitude toward youthful offenders, through the development of procedures for dealing with the serious delinquent who is not amenable to the type of treatment offered by the Juvenile Court. The court's jurisdiction has been lowered from the age of 21 to 18. A procedure was developed which allows a minor as young as 14 to be remanded to the jurisdiction of the Adult Court. Additionally a procedure was established through which a minor is presumed to be unfit for Juvenile Court if s/he has committed one of several enumerated offenses, and that list of offenses has been expanded many times.

These modifications of the Juvenile Court Law were intended to provide a means of dealing with the seriously delinquent youthful offender while maintaining the flexible, individual approach of the Court in dealing with minors who are amenable to change. Even minors who commit violent offenses may be capable of being redirected through the continuum of services available through the Juvenile Court. Care should be taken that further attempts to revise the Juvenile Court in the image of the Adult Court do not undermine the integrity of the Juvenile Court as a separate entity. While the Juvenile Court has not eliminated delinquency, it has adopted a sound approach to dealing with children; that approach should not be abandoned without careful consideration of the consequences.

Studies like those conducted in Orange and Los Angeles Counties resulting in what is known as "The Eight Percent Solution," indicate not only that the number of young people who offend or reoffend is relatively small, but also that these offenders have characteristics in common which make them readily identifiable and able to be targeted for intensive early intervention. Many juvenile offenders come from dysfunctional families, have parents or siblings in prison or jail, have dropped out of school and/or are victims of domestic violence/family abuse, thus they are subject to attention from – and also need interventions by – a number of agencies. Based on the notion that 'it takes a village to raise a child,' interagency collaboration among probation, school, social service, law enforcement, mental health, substance abuse, church and family

support agencies is emerging as the strategy of choice for dealing with multi-problem juvenile offenders, preferably early in their criminal careers so as to reduce the number of chronic recidivists and redirect these young people away from the justice system. With increased demand on limited resources, there is a greater need for parental involvement and accountability for their children, as well as for the individual and the community at large to take responsibility for assisting young people to attain responsible adulthood.

Abandoning the traditional Juvenile Court philosophy in favor of the criminal court philosophy is not an appropriate response to the problems which exist within the juvenile justice system. What is needed is a reasoned approach to the Juvenile Court which recognizes the effectiveness of appropriate consequences and/or sanctions while maintaining a philosophy that focuses on accountability and allows flexibility in responding to delinquent behavior. Simply escalating the severity of punishment is not enough; there must also be efforts to intervene in inappropriate behavior early on and, in the best of cases, to prevent penetration into the juvenile and adult criminal justice processes. It is important to utilize the schools, health and human services and other community resources to deal, not only with the specific delinquent behavior, but also the environment which fostered the behavior. Family based, wrap-around services must be added to traditional correctional interventions to break the generational cycle of crime and/or delinquency. It is also important to recognize that problems are best addressed before they are out of control. Early intervention and prevention provide the greatest cost benefit and are the most effective approaches for resolving delinquency issues, particularly in an era of diminishing resources.

### **Position**

CPPCA supports the existing philosophy of the Juvenile Court Law. CPPCA supports the involvement of parents of children who are in the Juvenile Court system and supports collaboration with other agencies and organizations which address the needs of youth and their family members.

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