Question:

Imagine that you are an attorney, specializing in juvenile justice cases. You receive a phone call from Mrs. I, whose 15-year old has been "arrested" for stealing a car, driving it without a license, and finally crashing it into a storefront. Mrs. I is distraught and concerned that her 15 year old child will be held in the county jail and abused.

How will you respond to Mrs. I? Prepare 3-4 pages of discussion notes for your meeting with Mrs. I. Outline the steps in the juvenile justice process and identify the differences between the juvenile and criminal justice systems.

Answer:

As an Attorney of Juvenile Justice System, I would like to bring to your notice that your child's case could be assisted through the Juvenile Justice System. Though the process of this system is almost similar to the adult criminal processing, there are certain crucial differences in addressing these cases. In that aspect, I would definitely consider doing my best with my experience in juvenile law. In America, the juvenile justice system has 4000 courts approximately. This system does not consider even the worst delinquents as criminals rather treat them as children who have erred or sick and as those who need help. Out of 2.8 million juveniles arrested by police, only about 1.8 million are treated as offenders by the court.

Many of the juveniles are treated in other ways such as putting them in separate group systems and shelter, temporary foster home placements, private foundation homes and state homes for girls and boys by the court or child protect agency (An overview of juvenile justice, 2005, para. 1-3). On the whole, the juvenile justice system is seen as a government funded agency that investigates, supervise, judge, and care for the juveniles who are brought under jurisdiction.

At this point, I would like to elaborate the process of the juvenile justice system. Juveniles are usually sent to the Department of Juvenile Justice (DJJ) by a circuit solicitor. Based on the nature of offense, the law enforcement would decide whether to hold the children at DJJ Detention center or keep them under the parent custody till the trial. Later after the county office or the detention center personnel interviews the juvenile, the Department of Juvenile Justice makes recommendations to the circuit solicitor. As a next step, the solicitor has a wide variety of options in deciding the process of the case. In some cases, the solicitor diverts the juvenile to a community program such as juvenile arbitration program instead of sending to the family court.

The other option is make restitution for their offense like repaying the victim for damage of goods, writing apology letters etc. However, at certain points, the solicitor would prefer to prosecute the offenders and therefore send them to family court. The family court investigates the cases and judges if the juvenile is guilty or not. If the juvenile is considered as a delinquent, then the court places them on probation or gives them determinate or indeterminate commitment. The time determinant is based on the kind of case and the previous offense record. Nevertheless, an indeterminate commitment would last for a period up to 21 years. In case of progress in behavior during the tenure, the court might consider leaving them on parole and during that time the DDJ county officers would keep a watch on them (Juvenile justice process, 2007, para 1-4).

There are certain differences between the juvenile justice system and the criminal justice system. The basic difference between the two systems is that rehabilitation is considered as the most important goal for youth. The treatments for juvenile delinquents have changed due to public sentiments. Basically, the focus of the juvenile justice system was mainly on the delinquent and not the offense i.e. more on rehabilitation than on punishment. Since the goal of this system is rehabilitation, the system becomes flexible and informal compared to the criminal court (Reforming the juvenile justice system, 2007, para. 5).

However, after 1960, the juvenile system also formalized the hearings like the criminal court. In the case of criminal justice system, the offenders undergo a trial before the jury and based on the level of offense, the offenders would be punished. The sentence for these people includes death penalty, incarceration in prison, probation on restrictions to certain cases and restitution requiring the offender to pay compensation. Another significant difference is when charging a juvenile, the system has the choice of charging the offender as a juvenile or an adult; however, in the criminal justice system, there is only one way to be charged. In addition, the juvenile justice system is highly confidential and also closed to the public; whereas, this is not observed in criminal justice system. As a result, there are differences and similarities between the systems.

With all this in consideration, I would say that the juvenile justice system is not very harsh in treatment towards young children. The system most often does not look at these children as criminal offenders unless there is a case history of repeated offense by the children. The main goal of the juvenile justice system is to correct these children from further wrong-doings in the future.

They would not prosecute them as adults immediately. So, you can remain convinced that your child would not be treated badly. However, there are three types of offenses involved in your son's case. The first is stealing a car, the second is driving it without a license and the third is crashing into the store front. Though the offense committed by your child is wrong according to law, it is not as serious a crime like murder. Due level of consideration would be given to that aspect and as a result the council solicitor could divert the case from being sent to the family court. As your son is 15 years old, the juvenile system would maintain the case highly confidential. This being said, I would do my best to your son's case and you may rest assured about his safety.