

A position paper on parental liability in the juvenile justice system



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As the number of heinous crimes such as homicide, murder and rape are currently being committed by offenders below the age of 18 are slowly increasing in all parts of the United States, key players in the juvenile justice system have begun to take sides as to the extent of parental liability in this growing trend.

One group of various key players in the juvenile justice system in the United States has stated that the increase of heinous crimes being committed by juveniles below the age of 18 are primarily due to the lack of parental supervision brought about by more and more parents are spending longer hours in the office as opposed to rearing and guiding their children during their formative years.

As such, advocates of this group finds it just fitting that apart from prosecuting and bringing the juvenile on trial for their crime, the parents of the child should also receive some sort of punishment if substantial evidence can be presented that the lack of parental supervision has contributed to the juvenile becoming an offender. This paper aims to support this premise by first providing information on the current situation faced by the juvenile justice system.

The paper would then provide evidences presented by studies supporting the premise that lack of parental supervision has become a key factor in the increase of the number of heinous crimes committed by juveniles below the age of 18. Based on the information presented, the paper would conclude with the position on the role of parental liability in the juvenile justice system. Overview of the Juvenile Justice System in the United States

The beginnings of the juvenile justice system in the United States can be traced back to the 1820s when after the release of the Report on the Penitentiary System in the United States provided substantial evidence on the effects of incarcerating juveniles with adult offenders. According to the report, instead of reforming juveniles to make them able to return and be productive members of society, they are instead corrupted by the ways and influences of adult offenders causing them to commit more serious crimes the moment that they are returned to society.

New York was the first to draft and eventually pass a legislature to create a separate facility to incarcerate juvenile offenders away from adult offenders in the effort to provide them with the proper programs and rehabilitation that they would need in order to make them become more productive members of society (Fox 1970). Definition of Juveniles In the United States, a juvenile is considered to be anyone who is 18 years of age or younger.

This particular age range has made the term “ juveniles” synonymous to “ adolescents” as the latter are classified to be individuals within the same age range as that of juveniles (Corriero 2006). Under the constitution, adolescents, particularly those who are below the age of 18 are considered to be underdeveloped not just physically but emotionally, intellectually and mentally.

As such, they remain to be under the care of parents such that it is considered to be illegal and unconstitutional to interrogate an adolescent below the age of 18 years old without the presence of either one or both parents (Corriero 2006). Parental Liability Laws Despite the presence of the

various juvenile facilities all over the United States, there is still a number of juvenile offenders who are tried as adults and, when found guilty, are given the same sentences given to adult offenders and incarcerated in adult facilities.

Some members of society have considered this as a necessity based on the crime committed, the motive and the manner as to how the crime has been executed while others have considered this to be cruel and unusual punishment and as such considered as unconstitutional (Corriero 2006).

Numerous juvenile offenders who are currently serving time in both adult and juvenile facilities have now begun to blame the lack of parental supervision and support as the primary reason for them to be involved in various illegal activities which eventually led them to committing the crimes that they are currently being charged with.

While many may consider this as a futile effort on the part of the juvenile to justify their actions, there are now a number of states in America who believe that the lack of parental advice and support provided, which they have classified as “unreasonable neglect” brought about by the demands of society, has played a key role in the increase of juvenile delinquency cases in the United States over the past decade (Laskin 2000).

In order to address the increase of the number of serious and heinous crimes committed by juveniles, a number of juvenile justice systems in the United States have begun to advocate the implementation of parental liability laws which would allow prosecutors to hold the parents of delinquent juveniles liable for the actions committed by their children. Included in the parental

liability laws that are currently advocated by numerous states such as Michigan, parents would be tried separately once there is sufficient evidence that the delinquent actions committed by juveniles is a direct result on neglect on the part of the parents.

If convicted, the penalty faced by the parents of the juvenile may be mandated to pay restitution fines, face imprisonment or both. Advocates firmly believe that by imposing these parental liability laws, parents would be forced to ensure that they would allot sufficient time for their children to provide the necessary guidance and support that they would need to develop into productive members of society (Laskin 2007).

Critics to the Parental Liability Laws While the potential of the parental liability law may be considered as promising in terms of preventing the rise of juveniles committing serious and heinous crimes, if not reduce it, there are a number of other members of the juvenile justice system that have considered the imposing of parental liability laws would actually cause feelings of prejudice to arise.

This is especially true among single family units. Critics have stated that the guidelines presented in the proposed parental liability laws would be extremely difficult to be met by single parents who are unable to spend as much time as they hoped to do to support and guidance to their children since they would also need to provide for the household as well (Laskin 2007). Conclusion Raising a child is by no means a challenging task.

Despite the growing financial problems faced by families in the United States, parents must make it a point to ensure that they would be visible <https://assignbuster.com/a-position-paper-on-parental-liability-in-the-juvenile-justice-system/>

enough to provide their children with the proper guidance and support that they need in order for them to develop into productive members of society. While many consider parental liability laws to be discriminatory towards single parents, these laws would be able to force parents to become more responsible and accountable for the actions of their children.

As such, they are not only able to provide for their children materially, but ensure that their children would be properly guided. By imposing parental liability laws, parents would be forced to become more responsible, hands-on parents as opposed to passing on the responsibility to other individuals and institutions.

In closing, parental liability laws may be considered as a desperate measure to be undertaken to reduce the number of serious or heinous crimes committed by juveniles. Although it is true that there are other factors that contribute to juveniles to become offenders of the law, these factors could easily be eliminated and would not be able to influence the juvenile for as long as they are able to receive the proper guidance and support from their parents when they need it the most.