

Juveniles and adults

Psychology



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Comparison of Juvenile and Adult Competencies in Court Trials In 2003, an assessment of the abilities of 927 adolescents' within the community and in detention facilities was compared to 466 adults within the same environments. A standardized measure of abilities germane to their competence to stand trial, (MacArthur Competence Assessment Tool – Criminal Adjudication) was applied in conjunction with a new procedure for assessing psychosocial influences concerning the legal decisions that are required of a defendant. (MacArthur Judgment Evaluation.)

Most individuals 15 years of age and younger's performance rated weaker than that of young adults. The impairment level was much higher and more in-line with a adult person evaluated as incompetent to the task of standing trial. The assessment showed that adolescent's had a tendency far greater than young adults to make decisions regarding plea agreement testimony that was based on complying with authority figures indicative to immature psychosocial influences.

The legal standard recognizes psychosocial immaturity as a precursor of incompetence to stand trial. This legal standard raises the question as to whether or not youths are psychosocially and mentally capable of effectively participating in trials. The constitutional requirement is to be able to sufficiently assist counsel and to have a basic cognition of the trial proceedings and, to be a partaker in making decisions about the rights afforded all defendants, (Dusky v. U. S., 1960; Godinez v. Moran, 1993). Furthermore, there seems to be very little acknowledgment that youths in criminal court may be incompetent because of developmental immaturity, (Bonnie & Grisso, 2000; Redding & Frost, 2002). It is clear that competence to stand trial when evaluating juveniles poses a plethora of challenges to the <https://assignbuster.com/juveniles-and-adults/>

court clinicians. A primary issue is that, children and adolescents present with clinical differences that are not seen with adults. The legal statutes including case law have been designed with the adult in mind. The examiner must then ask if they need to exercise the same threshold during the appliance of these legal standards when accessing juveniles.

Other important analysis for the examiner to make include the comparison of functional abilities of juveniles to those of competent adults and, “ do the threshold’s levels for adjudicative competence become more severe as a case grows. (Thomas Riffin, Psy. D.) Another outstanding difference between juvenile & adult is the fact the neurological higher cognitive functioning, “ executive functioning,” develops throughout adolescence and may not be fully developed until later adolescence. In contract to adults, juveniles have not yet fully developed dynamics such as emotional impulse control, alternative problem solving and organizational skills. Attorneys are looking for decision making abilities, clear expressions of the ability to communicate ideas coherently and logically, as well as ability to manage court room stress and fatigue, anxiety, frustration and coping skills. These abilities and skills are not yet fully developed in juveniles.

“ Almost without exception, case law supports the use of the (adult) standard in defining the parameters of trial competence in juvenile proceedings.” (Ref. 4. P 574.) (Competency to Stand Trial in Preadjudicated and Petitioned Juvenile Defendants.) ([www. jaapl. org](http://www.jaapl.org)). The adult standard is set forth regarding competency to stand trial by the United States Supreme Court in *Dusky v. U. S.* The real challenge applies to both juvenile and adult and is whether or not the individuals’ mental or psychosocial deficits, if any, negatively influence his or her ability to meet the “ Dusky” requirements of <https://assignbuster.com/juveniles-and-adults/>

rational understanding and the ability to consult with the attorney throughout the course of the court proceedings.

References

1. Law and Human Behavior, Vol 27, No. 4, August 2003. Juveniles' competence to stand trial: A Comparison of Adolescents' and Adults' Capacities as Trial Defendants.
2. Competence to Stand Trial Evaluations with Juveniles, Thomas Riffin, Psy. D.
3. Competency to Stand Trial in Preadjudicated and Petitioned Juvenile Defendants. ([www. jaapl. org](http://www.jaapl.org))