

Juvenile and adult courts – a comparative analysis essay sample

[Law](#), [Criminology](#)



Crime has been around since the beginning of time. It started with Adam and Eve who ate the apple after God told them they were to stay away from the tree. Nothing has changed since then except that crimes have become more severe and sadly, children have started doing some of that crime. Like adults, when juveniles commit a crime and are caught, there must be punishment for it. Depending on the severity of the crime that juvenile may be brought to a juvenile court and if the crime is more severe, an adult court may be more appropriate. The author will discuss the differences between adult and juvenile courts. Finally, it will discuss what can happen if juvenile courts are abolished and implications for young offenders.

Compare and ContrastThe juvenile court system has been in existence since 1899 (Kerbs, n. d.). Although this does not show how long juvenile crimes have been taking place, it does give one a glimpse into how long juvenile crime has been taken to courts. Politically, both sides of the spectrum; liberals as well as conservatives “ are calling for the abolition of the juvenile court’s jurisdiction over delinquency adjudications” (Kerbs, n. d.). Sadly, crimes that juveniles are committing have become more violent including rape and murder and although they are still, in fact children, they must still be punished for their crime. In most cases, a child who is over the age of 13 and commits a crime of that magnitude will be tried in an adult court.

The one thing that needs to be remembered is that children are children, not adults. A possibility remains that children can be rehabilitated into becoming more productive members of society once they have gone through some sort of rehabilitation process. Of course, there is always the exception to that rule

when children just do not care and want to continue living a bad life and committing crimes. Adults have already gotten set in their ways and the chances of rehabilitating them are not as great as that of a child.

Some differences between the two types of courts are the terminology used in each. For juveniles, they commit an act of delinquency whereas adults commit a crime (Misha, 2006). Differences in background are another way that the two courts can be distinguished. When considering the juvenile case, the courts look at both the student's academic and family background. In adult courts, these issues are not considered when the adult is on trial (Misha, 2006). Juvenile courts look at rehabilitation efforts for the child who committed the delinquency.

Adult courts focus more on the fact that the adult committed a crime and the community in which he or she lives or committed that crime does not approve of that crime and think the individual needs to be punished accordingly (Misha, 2006). Juveniles are not arrested but taken into custody. Adults are simply arrested. Adults are indicted and juveniles have petitions filed against them. Juvenile courts must either agree to a finding or deny the petition. Adults have to enter a plea of guilty, not guilty, or no contest. Juvenile courts have an adjustment made. In adult courts, this is also called plea bargaining (Misha, 2006). Juvenile courts will decide if the child should go to a detention facility or childcare center; adults who are facing due process are either sent to jail or sent back to jail (Misha, 2006).

Similarities are present between the two as well. Both juveniles and adults have a right to get counsel to represent them in court. Both have a right to cross-examine and also to confront witnesses (Legal Match, 1999-2010). They have the right to be protected against self-incrimination and a right to be advised of the charges pending against them. Last, the prosecution in both types of courts must show proof that the defendant is guilty beyond a reasonable doubt before the defendant can be convicted (Legal Match, 1999-2010).

Implications of Juveniles in Adult Courts There are times when judges will remand a juvenile to an adult court, depending on the severity of the crime that has been committed, including rape and murder. This is called waiving jurisdiction, and it also depends on some other factors such as the age of the juvenile, and whether or not the court feels that the juvenile can be rehabilitated (Steinberg, 2000). “ In some states, a juvenile court judge must waive jurisdiction for certain offenses if probable cause exists that the juvenile committed the offense” (Steinberg, 2000). Other states have a presumption waiver in which the juvenile will be transferred to criminal court, when it is presumed appropriate. If the juvenile can prove that he or she should be in a juvenile rehabilitation program, then they will not get a presumption waiver (Steinberg, 2000). The judge will make that final decision, but the juvenile must be the one to prove it.

Direct File, which is also known as Prosecutorial Discretion, exists in some jurisdictions and the prosecutor who uses his or her own discretion can file charges either in a juvenile or criminal court (Steinberg, 2000). Statutory

Exclusion, which is also known as Legislative Exclusion, Mandatory Transfer, or Automatic Transfer, there are certain categories under which the juvenile can be excluded automatically from juvenile court. This exclusion is determined by a combination of age and offense (Steinberg, 2000). In some states there is a reverse waiver “ where a criminal court judge can waive a case to juvenile court based on various characteristics of the offender and the offense” (Steinberg, 2000). In some states like New York, juveniles who are age 16 or 17 will automatically be tried in a criminal court because the juvenile court jurisdiction ends at age 15, and this is not considered a transfer. More cases are being transferred to adult courts because the list of cases being tried are growing, approximately one-third of those cases are for non-violent offenses like robbery or drugs, and there are a larger number of black and Hispanic offenders transferred than white offenders, even when they have committed the same type of crime (Steinberg, 2000).

The problem that exists in this area is that there are many cases being tried in adult courts for children who are too young to really and fully understand the consequences behind their actions. The punishments they are being given are the same as adults and this does not sound like a fair deal.

Punishments that are handed down to these juveniles in the adult courts should be done so with the understanding of the juvenile that they know what they have done is wrong and they can accept the consequences of their actions (Steinberg, 2000). The age of the offender needs to be taken into account and the judicial system certainly needs to realize that some

juveniles, even at the age of 17, may not be emotionally mature enough to have this understanding.

Societal Implications of Abolishing Juvenile Courts If juvenile courts are taken away, there will be more juveniles sent to adult prisons and given much harsher sentences and punishments than they should really get. It is crucial for the U. S. to keep these courts alive and active. Sending juveniles to adult prisons can make their lives much worse, and the chances of them being rehabilitated and becoming better citizens will be reduced greatly because of the things that can happen to them in prison and the things they will learn in prison. Children should not be housed with adults who are career criminals and have spent the better part of their lives doing bad things, hurting people and stealing. No one wants their children to end up like that. It is likely that society will not allow this to happen, but if citizens and law makers alike do not fight it, abolishing juvenile courts can become a reality.

Conclusion Clearly, there is a big debate on whether or not juveniles should be tried in adult and criminal courts and their age and mentality needs to be taken into consideration. Sending these juveniles to an adult court when they cannot understand fully what they have done is wrong is a harsh decision and one that needs to be re-thought. Additionally the courts must be consistent with their choices in whom they send to criminal court and not single out certain types or races of juveniles. Judges and prosecutors must be absolutely positive that the juvenile they are sending to criminal courts are emotionally ready to be there. Consistency is the key in a successful

juvenile trial outcome. If courts across the country can synchronize their rules and laws, the debates may eventually fade away.

References

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