

# The use of judicial waivers and remand to adult court:

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The use of judicial waivers and remand to adult court: Several types of transfer for youths from juvenile court to adult court, judicial waiver, statutory exclusion, and direct file exist and are utilized. According to the Office of Juvenile Justice and Delinquency Prevention (2010) judicial waiver is the most popular. " 47 States and the District of Columbia provide judicial discretion to waive certain juveniles to criminal court. Thirty-seven States and the District of Columbia have one or more statutory exclusion provisions, and 10 States and the District of Columbia have direct file provisions." (p. 1) Unfortunately, since 1992 the focus has been to try more juveniles in adult court versus rehabilitating the juveniles in question through juvenile courts. Young and Gainsborough (2000) wrote a paper, in which they said, "... almost every state has made it easier to try juveniles as adults. Congress provided additional encouragement to this trend in 1998 by making some federal grants contingent on states having policies allowing for the prosecution of those over the age of 14 as adults." (p. 4) Using a judicial waiver allows the juvenile court judge to pass the case over to the subsequent federal or state adult court. This is normally done after the judge conducts a hearing that establishes if the juvenile can be treated or if the juvenile is a " threat to society." The use of judicial waivers are often governed by the state or federal legislative body, unfortunately, this means that at times the law is based on a presumption that may not have a factual basis. In many cases regardless of current condition a juvenile may be rehabilitated much easier than the initial hearing will determine. Unfortunately, the law may not allow additional chances at showing if the

case, which in turn means the juvenile, may end in adult court when the juveniles could have been treated through juvenile court decisions.