

Juvenile court process

Sociology



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April 25, In Re Gault: For Rehabilitation, but with Some Flaws In Re Gault showed the unfairness of the juvenile justice system, when a six-year sentence for an act that could be punished with a two-month imprisonment or a \$50 fine, if done by an adult, was imposed on a fifteen-year-old Gerald Gault in 1967. Almost 50 years after this case, the court introduced judicial and legislative reforms to advance the rights of children to fair justice system processes. Gault is a step forward, in terms of the ultimate function of juvenile courts in rehabilitating, versus punishing, juvenile delinquents because of its promotion of due process rights for accused juveniles; however, it is taking a step backwards through harsh punishment for some juvenile delinquents and lack of further execution on systemic reforms. Gault promoted due process rights for accused juveniles that reinforced the role of the state and the courts as *parens patriae*. The Supreme Court stressed the importance of the “constitutional domestication of the juvenile court” by requiring all states to provide particular procedural rights to juveniles and their families, which is aligned with their constitutional rights (Ross 426). Gault resulted to these guarantees to children: “right to counsel, the right to be given notice of charges, the right to remain silent, and the right to confront witnesses” (Ross 426). Gault formalized due process rights for juveniles, in order for them to not be treated as or more harshly than adults during the hearing process. In addition, Gault also steps forward towards rehabilitation because it essentially reinforces the mindset that the court must balance between its two roles: preserving justice when unlawful acts are done and serving as the traditional guardian to the wayward youth (Mikhail 101). Gault models the role of the state and the courts as *parens patriae* to their youth (Siegel).

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Despite promoting the interests of children towards rehabilitation through due process rights, Gault takes a step backwards due to the existence of harsh punishment for some juvenile delinquents. David Mikhail describes the Texas juvenile justice system and noted that it is not rehabilitating but severely punishing juvenile delinquents, by employing transfers to adult criminal courts. Texas also practices determinate sentencing, wherein “ youth capital offenders can be prosecuted in juvenile court with a maximum sentence of 40 years in prison” (Mikhail 101). Youth capital offenders, even those as young as 16 years old, can serve most or all of their sentences in adult prison facilities, where they would suffer from violent or predatory acts and could have spent much of their lifetime being punished, instead of being rehabilitated and given the chance to be law-abiding citizens (Mikhail 101). Since Texas can do this to juvenile delinquents, it signifies that Gault has not resulted to systemic changes.

Gault lacks further execution on systemic reforms. Katherine R. Kruse underlines that Gault is not “ self-executing,” thus, stakeholders may remain largely the same in their punitive approach towards juvenile delinquents (288). She explains that importance of changing mindsets to true rehabilitation efforts. These systemic reforms should include safeguards from harsh sentences for non-capital offenses and provision of diverse and customized programs for juvenile delinquents (Kruse). Yekaterina Berkovich adds that federal courts can make decisions regarding standards of admissibility of juveniles’ statements that prosecutors may obtain without parental notification (573), which may result to undue processes and harsh sentences. These realities and concerns show that Gault can be more rehabilitative than punitive through the implementation of systemic reforms <https://assignbuster.com/juvenile-court-process/>

across the juvenile justice system, wherein reforms respond to the specific rehabilitative needs of juvenile delinquents.

Works Cited

Berkovich, Yekaterina. "Ensuring Protection of Juveniles Rights: A Better Way of Obtaining a Voluntary Miranda waiver." *St. Johns Law Review* 88. 2 (2014): 561-595. Print.

Kruse, Katherine R. "In Re Gault and the Promise of Systemic Reform." *Tennessee Law Review* 75. 2 (2008): 287-304. Print.

Mikhail, David. "Refining and Resolving the Blur of Gault for Juvenile Capital Offenders in Texas: A World without the Juvenile Death Penalty." *Victims & Offenders* 1. 1 (2006): 99-121. Print.

Ross, Daniel A. "Rethinking the Road to Gault: Limiting Social Control in the Juvenile Court, 1957-1972." *Virginia Law Review* 98. 2 (2012): 425-477. Print.

Siegel, Larry J. *Juvenile Delinquency: The Core*. 5th ed. California: Wadsworth, 2014. Print.