



JOINT STATEMENT ON THE IMPORTANCE OF SPECIALIZATION OF JUDGES, PROSECUTORS, AND DEFENDERS IN JUVENILE DELINQUENCY PROCEEDINGS

“Perceiving the juvenile courts ... as insignificant is not only completely inaccurate, but also provides a disservice to all involved in the system.”ⁱ

Young people who come into contact with the juvenile legal system are at a particularly vulnerable and pivotal moment in their lives. For many youth, the outcome of a court proceeding can profoundly impact their living situation, relationships, schooling, and future, all while their brains, decision-making skills, and judgment are still developing. It is vital that dedicated attorneys, with training and experience to understand how childhood and adolescent development impacts the behavior of young people, be responsible for handling their cases. The juvenile legal system can be extremely complex, and young people deserve specialized professionals who recognize their potential for growth and change.

Despite the seriousness of juvenile delinquency court proceedings and the long-lasting, far-reaching impacts of legal-system contact, juvenile courts in the United States are far too often used as training grounds for new judges, prosecutors, and defense attorneys. Every interaction a young person has with the juvenile court system alters the course of that child’s life; each interaction can either pull the youth deeper into the system or help set them up for success.

Failure to staff juvenile courts and prosecutor and defender juvenile units with properly trained and committed staff can leave a particularly vulnerable population without attorneys who understand the intricacies of the juvenile system, are committed to and capable of appreciating a youth’s perspective, and are well-suited to recognize the impacts of court involvement. Constantly rotating untrained professional staff can lead to the misuse of incarceration and saddle young people with dispositions that cause lasting harms and missed opportunities.ⁱⁱ

Juvenile court practice requires training and knowledge far beyond that necessary for practice in many adult criminal proceedings, and should be treated as the specialized legal practice it is. National standards for judges, prosecutors, and defenders recognize that juvenile court is a demanding practice that necessitates advanced, ongoing training and specialization.ⁱⁱⁱ Like all judges, prosecutors, and defenders, those who practice in juvenile court must master criminal laws and criminal court rules and procedures. But juvenile attorneys also require specialized legal knowledge. Many jurisdictions have separate juvenile court rules and procedures that govern juvenile delinquency hearings, while delinquency proceedings in other jurisdictions are governed by sometimes-complex combinations of criminal, civil, and child welfare court rules and procedures.

In addition to criminal laws, juvenile court judges, prosecutors, and defenders must also master their jurisdiction’s juvenile delinquency code and must be familiar with laws and policies governing other systems that

regularly interact with juvenile cases, including child welfare, education, special education, and school discipline. Juvenile court practitioners must also understand how children and teenagers are different from adults and why typical practices in adult court can be particularly harmful when applied to young people. Juvenile court judges, prosecutors, and defenders must be knowledgeable about and receive ongoing training in the science of adolescent development, techniques for communicating with young people, behavioral and learning disabilities, the impact of psychotropic medications on children and adolescents, how exposure to trauma can affect children and adolescents, how race impacts a youth's experiences with the legal system, family engagement, and specialized community-based programs specific to court-involved youth.

RECOMMENDATIONS

To fulfill the purpose of the juvenile court system and ensure the success of young people involved in juvenile delinquency proceedings, it is, therefore, imperative that judges, prosecutors, and defenders who practice in juvenile delinquency proceedings:

- Be allowed and encouraged to specialize in juvenile court practice within their jurisdiction and offices;
- Be dedicated to limiting youths' involvement in the juvenile court system and expanding young people's opportunities for success;
- Have relevant legal experience prior to being assigned to juvenile court and/or a demonstrated commitment to working with young people;
- Receive baseline training prior to juvenile court assignment in key topics including: the impact of trauma, adolescent development, communicating with young people, juvenile laws and procedures, the operation of other systems that have substantial overlap with the juvenile court system, and issues of race and culture;
- Be provided ongoing training regarding advancements in social and scientific research relevant to young people and in juvenile and criminal laws;^{iv}
- Be shown that leadership values and respects the judges, attorneys, and staff assigned to the juvenile division; and
- Have the same access to leadership and managerial opportunities, promotions, raises, and other professional advancement and support as colleagues who practice in adult criminal court.

ⁱ NAT'L JUV. JUSTICE PROSECUTION CTR., *Juvenile Prosecution Policy Positions and Guidelines*, 5 (2016) <http://ndaa.org/wp-content/uploads/Juvenile-Prosecution-Policy-Positions-and-Guidelines-11-12-2016.pdf>.

ⁱⁱ Anna Aizer & Joseph J. Doyle, *Juvenile Incarceration, Human Capital, and Future Crime: Evidence from Randomly Assigned Judges*, 130 THE QUARTERLY JOURNAL OF ECONOMICS, 759, 759-803 (2015) <https://academic.oup.com/qje/article/130/2/759/2330376>.

ⁱⁱⁱ See NAT'L COUNCIL OF JUV. & FAM. COURT JUDGES, *Enhanced Juvenile Justice Guidelines, Guiding Principles* (2019) https://www.ncjfcj.org/wp-content/uploads/2019/01/NCJFCJ_Enhanced_Juvenile_Justice_Guidelines_Final.pdf ("The juvenile justice court judge is responsible to ensure that the judiciary, court staff, and all system participants are both individually trained and trained across systems and roles."); IJA/ABA, *Juvenile Justice Standards Annotated, Standards Relating to Counsel for Private Parties* 51 (1996) ("As with criminal representation, a persuasive case can be made for certified specialization in this area."); IJA/ABA, *Juvenile Justice Standards, Standards Relating to Prosecution*, 31 (1996) ("Many reasons exist for encouraging specialization in the prosecution function."); NAT'L JUV. DEF. CTR., *National Juvenile Defense Standards*, 9 (2012) <https://njdc.info/wp-content/uploads/2013/09/NationalJuvenileDefenseStandards2013.pdf> ("These Standards acknowledge juvenile defense as a specialized practice requiring specialized skills."); NAT'L JUV. JUST. PROSECUTION CTR., *Juvenile Prosecution Policy Positions and Guidelines*, 6 (2016) <http://ndaa.org/wp-content/uploads/Juvenile-Prosecution-Policy-Positions-and-Guidelines-11-12-2016.pdf> ("[J]uvenile prosecution is now considered a specialized practice.").

^{iv} See FAIR AND JUST PROSECUTION, *Young Adults in the Justice System* (2019) https://fairandjustprosecution.org/wp-content/uploads/2019/01/FJP_Brief_YoungAdults.pdf.