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Juvenile injustice

A new study offers clear direction for repairing the many flaws in the state's juvenile court system

A study on access to legal counsel and the quality of representation for juveniles in Ohio, "Justice Cut Short," makes for very uncomplimentary, even disturbing, reading about juvenile court proceedings in the state.

The report argues that poor youngsters receive very little professional assistance, even in serious situations where their freedom is at stake. It adds that defense services for indigent youth are "indicative of a system plagued with poor policies and practices, lack of funding and... lack of any real leadership to effect positive reforms on behalf of poor children and youth in our courts."

The yearlong study, conducted by the Central Juvenile Defender Center, the American Bar Association's National Juvenile Defender Center and the Juvenile Justice Coalition, was released Thursday. It notes that large numbers of juveniles waive their right to an attorney in many counties without thorough, "kid-friendly" explanations from a judge or magistrate.

Where juveniles do get some assistance, it is, in many instances, counsel from attorneys who are "ill-prepared, insufficiently trained and/or overwhelmed by high caseloads, insufficient resources and low pay." The result is a system riddled with inequities, offering little advocacy for youth in many jurisdictions.

The study tempers the criticisms a bit. It acknowledges the excellence in some jurisdictions, where attorneys and courts devote resources to train and mentor public defenders in juvenile law, consistently appoint defense counsel and make sure youngsters have access to attorneys at all stages of proceedings.

One can argue quite reasonably that the study's findings paint in broad strokes. Juvenile justice in Ohio essentially is local, part of the county court system. It follows that policies and procedures in the courts would be uneven. They would vary considerably, depending on the resources available to juvenile courts in different counties, for example, their ability or readiness to pay for alternative programs and social workers, keep caseloads to reasonable limits and train and mentor attorneys and advocates.

Still, it is hard to dismiss the broader problems evident in the findings: The way juvenile proceedings are conducted in many counties, justice for poor youth is more likely than not to be compromised.

Underlying the conclusion are issues that need attention as a matter of priority at both the local and state level. To take one significant example:

The study noted Ohio's heavy reliance on detention and probation services, the fifth highest state in incarcerating juveniles. It said also that nearly all the judges, attorneys, probation and correctional officers interviewed estimated that 40 percent to 70 percent of the youth they deal with suffered from some mental illness.

In short, the juvenile justice system processes mainly troubled youngsters with serious emotional and behavior problems, expelled from schools, lacking alternative placements and with families that can't afford treatment. The clear need is to improve access to mental health care. Yet improvement is unlikely, as hospitals are financially stretched and closing inpatient psychiatric units, and state and private insurance plans are scaling back coverage for care and treatment.

If "Justice Cut Short" does nothing else, it lays out clearly where the deep problems lie.