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Study cites troubles with juvenile courts

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By Michael Conlon

CHICAGO (Reuters) - Children accused of crimes in the U.S. juvenile court system often find themselves represented by lawyers who know nothing about their cases and under pressure to plead guilty, experts said on Wednesday.

"People would be outraged by many of these practices if they occurred in an adult system," said Cathryn Crawford of the Children and Family Justice Center at Northwestern University Law School.

She was one of the authors of a report that looked at the juvenile court system in Illinois timed to mark the 40th anniversary of a U.S. Supreme Court decision that held that children accused of delinquency are entitled to a lawyer and due process in the courts.

The study found children often did not meet an assigned lawyer until they went before a judge. It said lawyers and prosecutors pushed for plea agreements instead of full procedures, raising the possibility of wrongful convictions.

Children sometimes are hauled into court in shackles or other restraints -- not because they posed a risk but because local law enforcement officials required it as a matter of routine.

Crawford said the problems cited in the report are common in many areas of the United States.

"Many systems do not have adequate resources for their lawyers. Timing is a problem everywhere ... children are being given a lawyer minutes before a hearing occurs" in cases where parents or guardians cannot afford one, she said in an interview.

"The lawyer doesn't have time to conduct a sufficient investigation ... and marshal enough evidence. Similarly a lot of jurisdictions have excessively high plea rates," she said.

While plea agreements are not necessarily inappropriate in all cases, the parties involved need to make sure the child defendant understands and participates in the process.

Heavy case loads contribute to the problem, Crawford said. According to the Pittsburgh-based National Center for Juvenile Justice, U.S. juvenile courts handled 1.6 million cases in 2004, the last year for which figures were available, with more than half involving property crimes or disorderly conduct.

While juveniles are generally defined as being 17 and under, the ages eligible for the juvenile court process vary by jurisdiction.

Another problem nationally, Crawford said, is that the language used in court can be meaningless to youngsters. She said the Illinois study did find a number of jurisdictions where the judges tried to explain things in "developmentally appropriate language" and asked the defendants questions to ensure they understood what was happening.

"You have to take into account that these are children who do not have fully

developed brains. Their ability to engage in risk assessments ... is not developed. So you have to be very careful to provide them with what's necessary to empower them," Crawford said.

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