DEFEND CHILDREN

EXECUTIVE SUMMARY

A BLUEPRINT FOR EFFECTIVE JUVENILE DEFENDER SERVICES
CRISIS IN JUVENILE DEFENSE

America criminalizes childhood, particularly for children of color.¹

Most children are arrested and prosecuted for developmentally normative adolescent misconduct, such as non-violent destruction of property, drug use, and disorderly conduct.²

Fair and reasonable treatment of children in delinquency courts is virtually impossible without the availability of specialized and highly skilled counsel advocating for the expressed legal interests of the child client. Yet, few children in this country actually receive meaningful access to qualified defense counsel, as constitutionally required in delinquency proceedings.

Throughout the juvenile justice system, a disproportionate number of children of color are arrested, charged, and committed to residential placement.⁵

In most federal, state, local, and tribal jurisdictions, existing juvenile defense delivery systems are inadequate or wholly lacking. Insufficient access to counsel early enough in the process, and problems with the timing and appointment of counsel, in addition to burdensome and lengthy indigence determinations, contribute greatly to the high rates of waiver of counsel. Further, many children languish in costly out-of-home placements due to a lack of post-disposition access to counsel.

Many current juvenile court practices and policies criminalizing normative adolescent conduct are inconsistent with positive youth development. Research shows that without any intervention most delinquent behavior desists by early adulthood.⁶
**A CALL TO ACTION**

**THE BLUEPRINT FOR REFORM**

1. **Champion, Uphold, and Fund Children’s Right to Counsel**

2. **Ensure Meaningful Access to Counsel Throughout the Delinquency Process**

   Every child who faces arrest, prosecution, or sanctions imposed by the state should be represented by counsel until the child is no longer under the supervision of the justice system.


   All juvenile defense systems should be sufficiently funded, due process-based, technologically equipped, developmentally sound, and respectful of and responsive to cultural differences.

4. **Eliminate Racial and Ethnic Disparities**

   The over-inclusion and disproportionate treatment of children of color in our juvenile justice system is undeniable. It is critical to address this disproportionality and combat implicit and explicit bias throughout the justice system.

5. **Attract and Retain New and Diverse Talent to the Field of Juvenile Defense**

   Specific attention must be paid to developing a corps of excellence and attracting a diverse corps of talent, expertise, and leadership to the juvenile defense field.

6. **Protect the Rights of Youth Who Face Additional Discrimination and Violation of Their Constitutional Rights**

   Children who face additional risks and barriers to fair treatment require specialized attorneys who are trained to recognize, monitor, and uphold their rights. They require specialized attorneys who are trained to recognize, monitor, and uphold their rights.

7. **Fund and Implement Mechanisms to Collect Data, Conduct Assessments and Court Observations, and Initiate Evaluation and Research**

   Dedicated juvenile defense research, evaluation, and data collection must be established in order to create a baseline, measure progress, and sustain effective juvenile defense systems.
The National Juvenile Defender Center (NJDC) is a non-profit, non-partisan organization dedicated to promoting justice for all children by ensuring excellence in juvenile defense. NJDC provides support to public defenders, appointed counsel, private counsel, law school clinical programs, and non-profit law centers to ensure quality representation in urban, suburban, rural, and tribal areas. NJDC also offers a wide range of integrated services to juvenile defenders as well as other decision-makers and advocates, including training, technical assistance, advocacy, networking, collaboration, capacity building, and coordination. To learn more about NJDC, please visit www.njdc.info.

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2 Id. at 7.
6 Laurence Steinberg, Elizabeth Cauffman & Kathryn C. Monahan, Office of Juvenile Justice and Delinquency Prevention, U.S. Dept of Justice, Psychosocial Maturity and Desistance From Crime in a Sample of Serious Juvenile Offenders (2015).