

**Table 10.2** Supreme Court Decisions Affecting Juvenile Court

<i>Case</i>	<i>Year</i>	<i>Holding</i>
<i>Kent v. United States</i>	1966	Established that juvenile transfers to adult court must consider due process and fair play, the child must be represented by an attorney and the attorney must have access to the juvenile records of child
<i>In re Gault</i>	1967	Required that the due process clause of the Fourteenth Amendment apply to proceedings in state juvenile courts, including the right of notice, the right to counsel, the right against self-incrimination and the right to confront witnesses
<i>In re Winship</i>	1970	Established proof beyond a reasonable doubt as the standard for juvenile adjudication proceedings, eliminating lesser standards such as a preponderance of the evidence, clear and convincing proof and reasonable proof
<i>McKeiver v. Pennsylvania</i>	1971	Established that a jury trial is not a required part of due process in the adjudication of a youth as a delinquent by a juvenile court
<i>Breed v. Jones</i>	1975	Established that a juvenile cannot be adjudicated in juvenile court and then tried for the same offense in an adult court (double jeopardy)
<i>Oklahoma Publishing Co. v. District Court</i>	1977	The press may report juvenile court proceedings under certain circumstances
<i>Smith v. Daily Mail Publishing Co.</i>	1979	As long as the information is lawfully obtained, the state cannot restrict the press from publishing a juvenile offender's name unless the restriction serves a substantial state interest
<i>Eddings v. Oklahoma</i>	1982	Defendant's youthful age should be considered a mitigating factor in deciding whether to apply the death penalty
<i>Schall v. Martin</i>	1984	Established that preventive detention fulfills a legitimate state interest of protecting society and juveniles by detaining those who might be dangerous to society or to themselves
<i>Thompson v. Oklahoma</i>	1988	Minimum age for death penalty is set at 16
<i>Stanford v. Kentucky</i>	1989	Minimum age for death penalty is set at 16
<i>Roper v. Simmons</i>	2005	Minimum age for death penalty is set at 18

Youths who are status offenders, delinquents and serious, violent offenders also have the right to be heard during any of the stages in the juvenile justice process. Other important Supreme Court cases presented in Chapter 2 have a direct bearing on juvenile court proceedings, as shown in Table 10.2, and should be kept in mind when looking at the juvenile court and how it differs from criminal court.

## The Juvenile Court Process for Delinquency Cases

Changes in the juvenile court interrelate with such factors as industrialization, urbanization, population shifts, the use of natural resources, the rapid development of technology and the acceleration of transportation and communication. All have influenced the family and neighborhood, forcing communities to find new or additional sources of social control. This has given considerable impetus to taking a broader look at the juvenile court process, another version of which is illustrated in Figure 10.1.

Custody, detention and intake were discussed in previous chapters. As noted, the juvenile court process is most often initiated by law enforcement, with police agencies referring roughly two thirds of all arrested youths to a court with juvenile justice jurisdiction and diverting the other one third. The court, in turn, may also choose to divert juveniles out of the formal justice system to receive treatment or services from other agencies. In fact, most cases