Can We Do Without Juvenile Justice?

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To satisfy constituent demands for stronger crime policies, elected officials throughout the U.S. are gradually dismantling the juvenile justice system and replacing it with a pseudocriminal system, one that emphasizes mandatory sentences and formal, adversarial procedures. Large portions of the juvenile court's original caseload have already been re-assigned to the criminal court. Is the separate, juvenile justice system still feasible? If not, what can replace it? Policymakers need to confront these questions, and they need innovative answers. New policies should aim for more than simply abolishing the juvenile court's delinquency jurisdiction and sending all young offenders to conventional criminal courts.

A compelling argument can be made for abolishing the juvenile justice system, or more specifically, abolishing delinquency, the idea that young offenders aren't fully responsible for their behavior and should be handled in a separate court system. Abolishing delinquency is not the same thing as abolishing the entire juvenile court. Even if lawmakers ended the juvenile court's jurisdiction over criminal law violations, the juvenile court could continue to handle other types of cases (e.g., abused and neglected children, truants, curfew violations). In fact, youthful offenders could continue to be handled by the same judges in the same courtrooms that handle them now, but the courts would operate as youth divisions of a criminal court using criminal procedures under the criminal code.

Neither would abolishing delinquency require that all young offenders be sent to adult correctional programs or adult probation agencies. Many states already operate separate correctional facilities for young adults. The decision to handle all young offenders in the criminal court would not prevent correctional specialization. States would still be free to separate offenders by age when incarcerating or otherwise supervising convicted offenders, and the federal government would still be free to require such separation as a condition of financial support for state corrections agencies.

Debate over abolition of the juvenile justice system refers only to the court's responsibility for delinquency cases. Policymakers must decide what type of court should have legal jurisdiction over young people who violate the law. The debate centers on whether to continue defining law violations by young people as delinquent acts, or to classify them simply as crimes and refer them to criminal court.

Are juvenile courts still different?

Juvenile courts today bear only a passing similarity to the original concept of juvenile justice formulated a century ago. State lawmakers built the first juvenile courts around an informal, quasi-civil process. Juvenile court judges had broad discretion with which they could intervene quickly and decisively, even in cases involving hard-to-prove charges. Juvenile offenders received minimal procedural protections in juvenile court, but in return they were promised a court that would focus on their best interests. The mission of the juvenile court was to help young law violators get back on the right track, not simply to punish their illegal behavior.

Long before the first juvenile court reached its 100th birthday in 1999, this original notion of juvenile justice had been largely abandoned by state courts. According to Professor Barry Feld of the University of Minnesota, America's juvenile courts became "scaled-down, second-class criminal courts." In his view and that of other abolitionists, the court's responsibility for young offenders should be ended. The juvenile court no longer lives up to its part of the initial bargain. Prosecutors in juvenile court openly promote dispositions that amount to proportional retribution. Judicial decisions are based explicitly on the severity of each juvenile's crime rather than the complexity of his or her problems.
The juvenile justice system has strayed too far from its original mission, according to Feld. Policymakers should cancel the nation's juvenile justice experiment. Today's juvenile court retains much of the terminology of juvenile law, but it functions as a pseudocriminal court. Worse, it fails to provide complete due process protections for accused youth. Juvenile courts are still not required to provide bail, jury trials, or the right to a speedy trial for youthful offenders.

Feld recommends that all law violations be handled in criminal court, although he hopes the system will continue to recognize the lessened culpability of the very young by imposing sentences with a "youth discount"—a 17-year-old defendant would get 75 percent of the sentence length due an 18-year-old, a 16-year-old would get 50 percent, etc. Even if Feld's "youth discount" is ultimately rejected by policymakers, the insights and observations on which he bases his proposal cannot be ignored. Lawmakers will soon have to confront the basic question, "Can we do without the juvenile justice system?"

**Juvenile justice politics**

The juvenile justice system provokes strong opinions, and not all of them fit into neat categories like "liberal" or "conservative." It would be wrong to assume that all critics of the juvenile court are heartless, law-and-order types who feel little compassion for the poor, disproportionately minority youth who comprise the bulk of the juvenile court's clients. The critics most in favor of abolishing the juvenile justice system (Professor Feld, for example) are often motivated by a concern for youth. In their view, the juvenile court has never lived up to its rehabilitative promise and it never will. More importantly, the juvenile court's lower standards of due process are no longer tolerable given its modern emphasis on just deserts and retribution. Courts were meant to handle law violations, the abolitionists say, not social welfare problems.

It would also be wrong to characterize all defenders of the juvenile court as "soft on crime" or unconcerned with victim rights. Some of those who defend the juvenile justice system do so because they believe despite its flaws, the juvenile court offers a unique opportunity for broad, early intervention and effective crime prevention. In fact, the juvenile court was originally conceived as an informal, quasi-civil court precisely in order to free it of the procedural complexities that prevent the criminal court from acting too aggressively. The juvenile court was deliberately designed to be flexible and quick to intervene.

Both extremes in the battle over juvenile justice can go too far in pursuing their agenda. The traditionalists support a strict demarcation between juvenile and adult court and would like to save the original concept of an informal, nonstigmatizing, juvenile justice system. This position is completely unrealistic, however, given the legislative changes already implemented across the country. Contemporary juvenile courts operate much like criminal courts with strict rules of evidence, adversarial procedures, and official goals that include incapacitation and retribution. Moreover, nearly every state has enacted laws to send greater numbers of youth to adult court. It is too late to save the traditional system because the traditional system is already gone.

Abolitionists, however, can be just as impractical. Many would simply eliminate the juvenile court's responsibility for young offenders. If juveniles are going to be punished according to the severity of their crimes, the abolitionists argue, they should be tried in real courts with full due process rights. The abolitionists contend it is no longer possible to maintain the fiction that juvenile courts are fundamentally different. Yet, without significant reform of the criminal courts, the abolition of juvenile justice would require sending all youth—even the youngest and most vulnerable—to the same general trial courts criticized by policymakers as ineffective and overwhelmed. If the traditionalists appear naïve, the abolitionists seem reckless.

Policymakers have tried to find middle ground in this conflict. Unfortunately, their compromise solution was to slowly criminalize the juvenile court. Especially since the U.S. Supreme Court's Gault decision in 1967 (387 U.S. 1), lawmakers across the country have encouraged juvenile courts to embrace the goals and operational style of criminal courts. Juvenile courts today pursue many of the objectives once unique to criminal courts, including incapacitation and retribution. Both juvenile courts and criminal courts rely on plea bargaining for case outcomes. Both are forced by growing caseloads to adopt assembly-line tactics and they often have difficulty providing individualized dispositions. The day-to-day atmosphere in modern juvenile courts (especially in urban areas) is increasingly indistinguishable from that of criminal courts.

Although these reforms may have been enacted for good reason, they raise serious questions about the continuing need for a separate, juvenile court system. As lawmakers continue to increase the similarity of juvenile and criminal court sanctions, it becomes harder to rationalize the separation of the process that imposes them. As judicial discretion is restricted, the juvenile court's once sweeping authority becomes diluted, making the court more bureaucratic and inflexible. Decades of reform increased the severity of the juvenile court process, but they also curtailed the court's ability to provide individualized and comprehensive interventions for young offenders.

**Sacrificing some to save others**

Do we still need a separate, juvenile justice system? Throughout most of the juvenile court's 100-year history, there was little doubt that we did. Juvenile courts allowed society to intervene early in the lives of troubled youth and they prevented a variety of horrors that occurred whenever young defendants were thrown in with adult criminals. Defending the juvenile court was instinctive among youth advocates, social workers, family therapists, clergy, educators, defense attorneys, judges, and even many prosecutors.

If there were no costs to be paid for maintaining a separate juvenile court, there would be no need to debate its existence now. All conscientious and well-intentioned people would support the juvenile court without question. In recent years, however, it has become clear that efforts to retain the separate, juvenile court entail significant costs, for the justice system and for youth.
Juvenile justice as currently practiced imposes two significant costs on American youth. First, the juvenile court itself no longer delivers on its promise (rehabilitation and low stigma in exchange for less due process). Second, the continuing existence of the juvenile justice system (even if in name only) allows courts, corrections, and other youth-serving agencies to ignore the inherent youthfulness of many offenders now defined as adults. Thousands of 14-year-old and 15-year-old "adults" are removed to criminal courts every year to be treated just like any other adult. They are no longer a concern to youth-serving professionals. Of course, neither are the many more thousands of youths ages 18 and 19 who are viewed through the same either-or prism, either juvenile or adult.

The growing use of criminal court transfer (or waiver) has been very damaging to the institutional integrity of the juvenile court. Public safety proponents are unduly focused on increasing the use of transfer, despite research casting doubt on its effectiveness. At the same time, youth advocates have painted themselves into a corner. They are compelled to relinquish large portions of the juvenile court's original caseload in exchange for whatever remnants of the juvenile system policymakers might agree to preserve. In recent years, there have been few voices of opposition willing to challenge state lawmakers each time they designate another group of juveniles for transfer to adult court. Few complained when New Hampshire and Wisconsin lowered the age of criminal court jurisdiction in 1996, effectively transferring all 17-year-olds in those states to the adult court system.

Growing numbers of youth as young as age 13 are tried and sentenced in criminal courts that are often not prepared to create specialized procedures and programs for developing adolescents. The juvenile justice professionals who would be most qualified to design such programs are not interested in (or welcomed by) the adult system. In effect, the juvenile justice system sacrifices one group of youth (legally defined as adults) in an effort to save its programs for a second group (legal juveniles).

**Undoing traditional juvenile justice**

Today's juvenile system is vulnerable to abolition because it attracts intense criticism from the public. Some of this criticism stems from ignorance of juvenile law and its purpose, but not all of it comes from lack of information. Many people simply no longer accept the concept of delinquency, or diminished legal responsibility due to age. To them, a juvenile drug dealer is still a drug dealer. When a 13-year-old Oklahoma boy fired a gun at his school striking several classmates in December 1999, the local prosecutor was asked on national television why he was seeking to handle the case in adult court. "This type of crime," he replied, "requires a serious response" (NBC Today Show, December 14, 1999). He elaborated that according to Oklahoma law, a juvenile offender cannot be held in secure confinement beyond age 19.

Equating seriousness with the length of confinement conflicts with the traditional concept of juvenile justice, but support for traditional juvenile justice is wearing thin. Federal and state lawmakers have enacted sweeping changes in the nation's juvenile justice systems and the pace of change continued even when juvenile violence began to plummet in the mid-1990s. Nearly all states have passed laws to send far more juveniles to criminal court and some jurisdictions have introduced formal sentencing guidelines that limit the discretion of juvenile court judges. Together, these efforts have begun to unravel the juvenile court's reason for being.

**Transfers to criminal court**

No issue in juvenile justice captures the attention of the public or of policymakers like criminal court transfer. Many policymakers believe that serious juvenile offenders should be tried in criminal court in order to achieve more certain and more severe punishment. Does this, in fact, happen? Does the public get more punishment for its money when juveniles are tried as adults? Researchers who examine this question tend to find that the use of transfer does increase the certainty and severity of legal sanctions, but only for the most serious cases, perhaps 30 percent of transferred juveniles.

In about half of all transfers, the offenders receive sentences comparable to what they might have received in juvenile court. Some (about one-fifth) actually receive more lenient treatment in criminal court. Some may be convicted of lesser offenses or the charges against them may be dismissed due to the greater evidentiary scrutiny in criminal court. The bottom line is that criminal court transfer does not ensure incarceration, and it does not always increase sentence lengths even in cases that do result in incarceration. Yet, few policies are as popular with the public or with elected officials.

During the 1980s and 1990s, lawmakers enacted new transfer laws on an almost annual basis. Moreover, there was an increase in laws that moved entire classes of young offenders into criminal court without the involvement of juvenile court judges. Judicial authority in transfer decisions was diminished while the role of prosecutors and legislatures increased. Non-judicial mechanisms now account for the vast majority of juvenile transfers.

For instance, many states enacted policies that made judicial waiver presumptive, shifting the burden of proof from the prosecution to the defense. Presumptive waiver provisions typically require a defense attorney to show proof that a youth is amenable to juvenile court handling. Otherwise, the juvenile is transferred to criminal court. Between 1992 and 1997, according to a series of reports prepared for the Office of Juvenile Justice and Delinquency Prevention (OJJDP) by the National Center for Juvenile Justice, eleven states passed new presumptive waiver provisions. Fourteen states (Arizona, Arkansas, Colorado, Florida, Georgia, Georgia, Louisiana, Massachusetts, Michigan, Montana, Nebraska, Oklahoma, Vermont, Virginia, and Wyoming) and the District of Columbia had enacted presumptive waiver laws by the end of the 1990s.
Another increasingly popular strategy for moving juveniles into the criminal courts is mandatory waiver. While presumptive waiver allows juveniles to rebut the presumption of nonamenability, mandatory waiver provides no such escape. If a juvenile meets the criteria for mandatory waiver, a juvenile court judge is left with no choice but to transfer jurisdiction. Mandatory transfers became very common during the 1990s after being quite rare as recently as the 1970s. By 1997, according to OJJDP reports, 14 states (Connecticut, Delaware, Georgia, Illinois, Indiana, Kentucky, Louisiana, North Carolina, North Dakota, Ohio, Rhode Island, South Carolina, Virginia, and West Virginia) had some form of mandatory waiver. South Carolina, for example, requires juvenile court judges to transfer jurisdiction of any case involving a youth age 14 or older if the youth has been adjudicated for two or more previous offenses and was accused of an offense punishable by a sentence of at least 10 years. Indiana requires judges to waive any juvenile with a prior adjudication who is charged with a felony.

Other mechanisms have contributed even more to the deterioration of the juvenile justice system. One mechanism that became widespread during the 1980s and 1990s was statutory exclusion, known in some states as automatic transfer. Statutory exclusion laws mandate that some young offenders are transferred automatically to criminal court as soon as they are charged with certain offenses. Judicial consent is unnecessary. If a youth is at least a certain age and charged with a certain offense, state law places the case directly in criminal court. Georgia, for example, excludes all juveniles age 13 and older from juvenile court if they are charged with one of several violent offenses such as murder, voluntary manslaughter, rape, or armed robbery with a firearm. Arizona automatically excludes juveniles charged with any felony if the youth was adjudicated for two or more prior felony offenses. As of 1997, 28 states had legislation to exclude at least some juveniles from the juvenile court.

Direct file, also known as concurrent jurisdiction or prosecutor discretion, is another increasingly prominent form of criminal court transfer. Direct file laws give prosecutors the discretion to prosecute juveniles either in juvenile or adult court. The popularity of direct file provisions grew significantly during the 1980s and 1990s. In 1982, just eight states had direct file statutes; by 1997, there were 15 states with these laws. Colorado, for example, authorizes prosecutors to proceed directly to criminal court in any case involving a youth age 14 or older charged with a wide array of felony offenses.

Louisiana gives prosecutors discretion to file criminal charges against any youth age 15 and older and charged with a second drug felony, a second aggravated burglary, or virtually any of the Violent Crime Index offenses. The number of juveniles transferred by prosecutors has grown sharply. Florida prosecutors alone send more than 7,000 cases to criminal courts each year.

**Blended sentencing**

Transferring juveniles to the adult court system is the most widely recognized method of increasing the severity of sanctions for young offenders, but it is not the only method. During the 1990s, some states gave judges the power to blend criminal court sentences with juvenile court dispositions. Instead of choosing between sentencing a youth in juvenile or adult court, judges can draw upon both systems. A youth might begin a period of confinement in a juvenile facility before being sent to an adult prison at age 18.

Blended sentencing policies were devised primarily to provide longer terms of incarceration for juveniles, but they also helped to blur the distinction between juvenile justice and adult justice. Increasing the variety of sentencing options may reduce the resistance of courts to handle very young offenders in the adult system since juveniles may not be subject to immediate confinement with adults. Blended sentencing policies may also allow judges to draw upon the traditionally richer treatment and supervision resources available in the juvenile justice system without having to sacrifice the lengthy periods of incarceration once available only in the criminal court system.

Blended sentencing was virtually unheard of in the juvenile justice system before the 1980s. By 1997, there were 20 states employing one or more blended sentencing schemes (including Arkansas, California, Colorado, Connecticut, Florida, Idaho, Iowa, Kansas, Massachusetts, Michigan, Minnesota, Missouri, Montana, New Mexico, Oklahoma, Rhode Island, South Carolina, Texas, Virginia, and West Virginia).

**Mandatory minimums and sentencing guidelines**

Sentencing guidelines and mandatory minimum policies for juveniles also began to proliferate during the 1980s and 1990s. As of 1997, 17 states and the District of Columbia had enacted some type of mandatory minimum sentencing provisions for at least some juvenile offenders. Some jurisdictions applied sentencing guidelines to juveniles by first requiring that they be tried in criminal court, but others (e.g., Arizona, Utah and Wyoming) enacted formal sentencing guidelines that applied to juvenile delinquency cases handled by juvenile court judges. These laws required juvenile court dispositions to be consistent with a pre-defined sentencing menu based upon the youth's most recent offense and prior record.

The use of structured sentencing fundamentally contradicts the basic premise of juvenile justice by making sentence length proportional to the severity of an offense rather than basing court outcomes on the characteristics and life problems of offenders. As the popularity of these policies increases, it becomes very difficult to justify the continuation of a juvenile justice system that fails to provide complete due process protections for the youth it handles.

**Reduced confidentiality**

Almost all juvenile court proceedings and records were confidential as recently as the 1960s. Confidentiality was an integral part of the traditional juvenile justice model, based upon the theory that publicly designating
a juvenile as a law violator would stigmatize a young person. This stigma would then encourage the juvenile to adopt a deviant self-image and reduce the potential for rehabilitation.

As juvenile justice policy became more contentious during the 1980s and 1990s, support for confidentiality protections began to erode. Practical issues such as jurisdictional information sharing and greater media interest in juvenile court proceedings began to win out over confidentiality. Most states opened their juvenile court proceedings or records to the public and to the media. By 1997, 30 states had enacted provisions to allow open hearings in at least some juvenile cases. Forty-two states had enacted legislation authorizing the release and publication of the names and addresses of alleged juvenile offenders in some cases. States also began to allow more juveniles to be fingerprinted and photographed. Nearly all states now allow juvenile fingerprints to be included in criminal history records, and nearly all states authorize juveniles to be photographed for later identification.

In addition, many states enacted laws that required juvenile records to remain open longer or prevented the sealing or destruction of juvenile records altogether, typically those involving violent or serious offenses. Florida, for example, requires records about juveniles considered habitual offenders to be retained until the offender reaches age 26. North Carolina prevents authorities from expunging records altogether for certain, serious offenses. By 1997, half the states had enacted laws restricting the sealing and/or expunging of juvenile records.

**Using juvenile records in criminal court**

Finally, some states have even passed laws enabling juvenile court records to affect criminal court sentences. Enhancing criminal court sentences with juvenile court adjudications abrogates the agreement that allowed the juvenile court to exist in the first place. Adjudication in juvenile court begins to involve potentially serious jeopardy for youth.

As of 1997, according to research by Joseph Sanborn, all 50 states and the District of Columbia had enacted statutes or court rules allowing this practice or they had case law that sanctioned it. For example, Illinois and Indiana allow juvenile offense histories to serve as sufficient grounds for increasing sentence length or imposing consecutive sentences. Three states (California, Louisiana, and Texas) allow juvenile adjudications to serve as the first and second "strikes" against an adult offender. Thus, an offender with two prior juvenile court adjudications could face life in prison for a first appearance in criminal court.

**Chronic frustration**

These changes were implemented in response to public demands for tougher juvenile crime policies. Yet, the public still views the juvenile court as a weak and inadequate response to juvenile crime. As always, the most popular response to this perception is to send more juveniles to criminal court. Not because criminal courts have been found to be more effective than juvenile courts, but because the adult system offers a more potent symbol of crime control than does the juvenile court. Professor Franklin Zimring of U.C. Berkeley points out that the impetus to enact new crime legislation is nearly always its symbolic value rather than its operational impact. This is why one wave of reform is inevitably followed by another.

Perhaps the public's frustration with the juvenile justice system is perpetuated by the fact that juvenile courts are a distinct and highly visible component of the criminal justice system. Individual, criminal acts by 25-year-olds, or divorced people, or computer programmers do not often provoke calls for sweeping reforms of the criminal law. There is no system set aside for these groups. Every shocking crime by a young person, on the other hand, calls attention to possible problems in the court system especially designed to deal with juveniles. The juvenile justice system acts like a magnet, attracting the public's frustrations about the crime problem, even if juveniles are only a small part of the problem.

Every time juvenile crime appears in the headlines, Americans wonder why the police refer to the youth involved as a delinquent and not simply as a criminal. Why does the juvenile court have its own, unique process and vocabulary? Why do officials avoid using words like "verdict" and "conviction" and instead describe the juvenile court as "establishing facts" and "reaching adjudication"? If a long prison term is warranted, why can't it be imposed by a juvenile court? Why do prosecutors first have to transfer the case to adult court? Juvenile court begins to sound like a synonym for weak and lenient.

Even professionals who work in the juvenile justice system can be confused by juvenile law and procedure. This author recently participated in a workshop for administrators and judges representing every juvenile court jurisdiction in one western state. During the workshop, an experienced juvenile court clerk observed that juvenile court terminology seems mainly intended to obscure the court process and to keep the public from understanding it completely. Of those attending the workshop, only half seemed to fully support the continued use of the juvenile court's unique terminology.

The words used in the juvenile court, of course, are intended to symbolize the unique mission and legal philosophy of the juvenile justice system. Youths adjudicated in juvenile court are technically not guilty of criminal offenses. Instead, they are "found to be delinquent" which authorizes the juvenile court to intervene in their behalf, even if the court's intervention includes locked confinement. This legal distinction supposedly spares youth the stigma of a "guilty" verdict and preserves the chances that one day they can again become productive citizens without the taint of a criminal conviction.

A century of juvenile court jurisprudence has established that the juvenile justice system is supposed to be different from the criminal justice system. Increasingly, however, it is not different in the ways that once counted the most. The juvenile court's existence inflames political rhetoric but it fails to deliver quality justice
for all youth.

**Beyond dichotomy: a new "youth justice" system**

Youth advocates may need to re-consider their position on the juvenile court. Instead of concerning themselves only with youth who still happen to be legal juveniles, they may want to shift their focus and work to ensure fair and timely justice for all youth—even those processed in the criminal court system. This work could be done from either side of the juvenile-criminal border, by making youth-oriented improvements from within the criminal justice system, or by helping juvenile justice professionals to get involved in programs for young adult offenders. It may be even more effective, however, if the border no longer existed.

Criminal courts are not as evil and juvenile courts are not as virtuous as some might suggest. The justice system as a whole might benefit if lawmakers, judges, and practitioners were able to stop fighting over the politically hobbled delinquency jurisdiction of the juvenile court. If delinquency laws were abolished and all offenders young and old were handled in an integrated criminal court system, youth advocates could begin to focus on ensuring the quality of the process used for all youth.

The question is how to get from here to there. How can we build a new justice system that protects the public safety and the rights of youth while ensuring that youthful offenders get every chance they deserve to mend their ways and rejoin society? One way to begin may be to take advantage of the growing diversity of specialized courts.

The public generally assumes there are only two types of courts—criminal or juvenile. Consequently, any effort to increase the symbolic strength of juvenile crime policy necessarily favors making greater use of criminal courts. American courts, however, are far more diverse than this. Innovative, specialized courts such as drug courts, gun courts, and community-based courts are bringing new ideas and a wider range of choices to the criminal justice system. Some of these new courts actually resemble the traditional juvenile court in their philosophy of human behavior, their approach to processing cases, and their efforts to monitor offender compliance with court orders by close, judicial supervision.

For the past two decades, state and federal officials have been slowly dismantling the juvenile justice system without much thought as to what will replace it. The emergence of innovative, specialized courts within the adult system presents an unprecedented opportunity to create a new "youth justice system." Ideally, this new system would retain the best features of the juvenile court while gradually incorporating new ideas and procedures developed by the specialized courts now spreading across the country.

Eventually, every state could begin to implement a wide assortment of court models and establish individualized intake procedures for routing young offenders to the most appropriate forum. Once such a system was fully in place, the old dichotomy of juvenile court versus adult court may no longer seem as important. Lawmakers may be able to consider abolishing the juvenile court's delinquency jurisdiction and improve the coherence of criminal justice policy for all youth. Most importantly, the juvenile court would no longer be such an easy target when politicians go looking for symbolic victories over crime.

After all, the central issue is not whether young offenders are called delinquents. The real issue is what happens when young people are arrested and when they appear in court. What process is used to determine their culpability? Who chooses the most appropriate response for each case? How quickly does the process occur, and does it ensure the safety of the public while guarding the rights of offenders? Is the process designed to maximize each person's chances of rejoining the law-abiding community?

Satisfactory answers to these questions will be possible only when every community has an effective, understandable intake process, a fair and efficient system of fact finding and adjudication, and a diverse menu of services and sanctions that are suitable for a wide range of offenders. Maintaining the juvenile court and its separate delinquency jurisdiction may have once guaranteed such a system for young people. The benefits are far less certain today.

**Conclusion**

Recent decreases in juvenile violence offer the nation's policymakers an opportunity to pause and reflect upon how they have changed the juvenile court and what its future should be. This is a good time to ask whether a separate system of juvenile justice is in fact sustainable, either legally or politically. If not, how can state and local officials design a new system that will meet the needs of youth and their communities during the next century? There may be just enough time to fashion a new youth justice system before the next violent crime wave comes along.

**Reference Material**

The following references provide in-depth background information on the topics addressed in this article.


