

ROLE OF DISTRICT COURT JUDGE IN JUVENILE CASES

Juvenile Delinquency: A Course for District Court Judges

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THE ROLE OF THE DISTRICT COURT JUDGE

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I: Twelve Tips for Judges in Delinquency Court:

1. **These are juveniles, not miniature adults.** They are immature, impulsive and their brains are still under construction. Be patient. Speak so they understand you. Kids need to think you care about them before they care what you think, or say.
2. **Every juvenile is different.** Don't make assumptions. Do not talk down, around or about a juvenile. Talk **to** the juvenile. Never allow "I don't know" or "I have nothing to say" be the answer. Engage the youth and let him/her know you really care and support them. Ask about their future plans/dreams.
3. **Listen.** Listen to those who know the best; the parent, court counselor, mental health professional and the juvenile.
4. **Put your own personal experiences aside.** Juveniles and their families are not like yours. And remember, at their age they have little, if any influence over their life situation.
5. **Never make a decision in anger.**
6. **The disposition is much more difficult than the adjudication.** Make sure the programs/services you order meet that particular juvenile's needs
7. **Applaud and praise kids when warranted.** Think of good incentives for the youth to comply with probation. (Art, music sports equipment, shorten time of probation, have them write you a letter about what is happening while they are on supervision.)
8. **Empower the parents.** Let the juvenile know that the parents are ordered to communicate with the court counselor about compliance with rules.
9. **Hold the professionals accountable.** Are they doing what you ordered?
10. **Pay attention to details.** Can the family meet the transportation needs? Is their electricity in the house and/or food on the table? What is the parent's work schedule? What other stresses are on the family?
11. **As a judge engage in judicial leadership.** Lead efforts to collaborate. Be a member of the local JCPC. Speak out on juvenile issues.
12. **Be optimistic.** Don't give up on the child or your influence as a judge.

II: JUVENILE COURT IS 10 COURTS IN ONE

District Court	A/N/D court
Superior Court	Traffic Court
Mental Health Court	Truancy Court
Public Health Court	Family Court
Drug Court	Involuntary Commitment Court

Most cases have a multiplicity of issues.

IV: ISSUES JUDGES FACE IN JUVENILE COURT:

Delinquency cases:

1. You wait for a case. See attorney walk in and meet for the first time his/her 12 year old client. They go out in the hallway and within 5 minutes come back and the attorney hands up an admission. (Effective representation of counsel for a juvenile?)
2. No parent is present for the hearing. State and witnesses are ready to proceed on adjudication. Lawyer for the juvenile says the parent will lose job if come to court. What do you do? What if older 21 year old sibling is present?
3. You read out transcript of admission. Does an 11 year old understand what you are saying? How do you know?
4. Details, details: Does juvenile/parent ever get copy of the court order? When meet court counselor? Who enforces curfew? How get to mental health appt? Where is mh. appt? Where is community service? Who gets in touch with schools?
5. Be aware of holding a youth in detention pending disposition or placement. Review case status.
6. Use the correct language in juvenile court. Not “defendant, guilty, convicted.”
7. Press court counselors. School records available? MH reports? Family intake. (Beware: Court counselor calls you on phone to tell you about problems with a juvenile: ex parte and no different than adult probation officers)
8. Know your community resources. Demand to know quality of resources from court counselors. You are ordering a child somewhere, you better know the reputation and track record. A lot of money is being made to provide services for kids... Get reports, get information, ask the kids themselves.
9. Give a copy of your disposition order to the juvenile after each case. Make sure the parent and child have a copy and tell them to tape it to the refrigerator.

10. Make the youth talk to you in court. Hear his/her words, see feelings. Make sure they understand what to do and what the consequences are for not doing it.
11. Transfer hearings. Juveniles acting in concert in a violent offense. Never join together for transfer. Hear each one individually.
12. Juvenile who refuses substance abuse treatment, cannot be ordered into residential substance abuse facility, despite parent consent. Federal law.
13. When possible, encourage diversion of cases in your district. Once a petition is approved for filing, that young person has a label of “delinquent” which has psychological consequences.

Undisciplined cases:

1. Tougher than delinquency. Often generational problems. School, out of control, mental health issues. Parents afraid to take out delinquency petitions.
2. How can a judge convince juveniles that school is their future?
3. What do you say to youth who are sexually active?

Parental accountability:

1. Possible DSS referral if parent is noncompliant and juvenile is abused, neglected or dependent.
2. Hold parents accountable: (Juvenile’s bedroom with marijuana posters, gun under bed, mom tells judge it’s his room
Give parents permission to take the bedroom door off the hinges. Take away cell phone, computers, social networking.
3. Beware of parents who want to abdicate responsibility and demands that the “court” to take the juvenile.