

## **Chapter Two**

### **Probation and Parole in Juvenile Justice**

#### **CHAPTER OVERVIEW**

In contrast to the secondary role of the probation officer (PO) in adult criminal justice, the PO is at the center of juvenile justice. This chapter will examine the juvenile court, the history and unique qualities of juvenile justice, the PO's role, and pertinent legal decisions.

#### **CHAPTER OBJECTIVES**

1. Know the role of the probation officer in juvenile justice.
2. Distinguish the juvenile justice system from that for adults.
3. Recognize the philosophy upon which juvenile justice has traditionally been based.
4. Understand the role of the "child savers" in establishing the juvenile court.
5. Know about juvenile court jurisdiction over status offenders.
6. Appreciate how the juvenile court represented an extreme version of positivism.
7. Recognize how terms used in juvenile court differ from those used in adult court.
8. Realize that the use of a punitive approach in juvenile court is illogical.
9. Understand how the case of *In re Gault* significantly changed the juvenile court.
10. Recognize the four types of cases handled by the juvenile court.
11. Know the importance of an intake probation officer.
12. Know the types of offenses that require that the juvenile be tried in criminal court.
13. Appreciate the ambivalent role of a defense lawyer in the juvenile court.
14. Know why in cases of neglect or abuse the judge may appoint a guardian ad litem.
15. Appreciate that in many jurisdictions the distinction between the adult criminal court and the juvenile court has become blurred.
16. Learn why juvenile court jurisdiction over status offenders is controversial.
17. Realize that the role of a judge in the juvenile court is more complex than in adult court.
18. Understand that basic to dispositions in the juvenile court is the concept of the "least restrictive alternative".
19. Learn that juvenile court dispositions include: probation, group home, residential treatment center, and training school.
20. Know that juvenile aftercare (parole) supervision may be provided by a probation or parole agency, or an agency established for that purpose.
21. Understand why administration of juvenile services is complex.
22. Learn that all states have transfer laws that allow or require criminal prosecution of some young offenders.
23. Realize that juveniles convicted in criminal court are expensive to incarcerate.

#### **LECTURE OUTLINE**

1. History of the Juvenile Court
2. Houses of Refuge and Orphan Asylums
3. Child-Saving Movement
4. Emergence of the Juvenile Court

5. Legal Decisions
6. Juvenile Court Procedures
7. Intake
8. Preliminary Hearing
9. Adjudicatory Hearing
10. Predisposition Report
11. Disposition Hearing
12. Dispositions
13. Probation Supervision
14. Group Home
15. Residential Treatment Center
16. Secure Facilities/Training School
17. Aftercare/Parole
18. Administration of Juvenile Services
19. Juveniles in Criminal Court
20. Issues in Juvenile Justice: Status Offenders
21. Issues in Juvenile Justice: Judges

#### **LIST OF CHANGES/TRANSITION GUIDE**

- Each chapter opens with Learning Objectives
- Updates on statutory changes that impact probation and parole
- Updates on probation and parole-related statistics
- Updates on probation and parole research
- Extensive chapter summaries
- Extensive end-of-chapter review questions
- New example of the long-form presentence investigation report
- Changes and trends in community supervision
- Examination and analysis of current areas of controversy in probation and parole
- Re-organized and streamlined for ease of classroom use

#### **ADDITIONAL ASSIGNMENTS AND CLASS ACTIVITIES**

1. Have students develop a presentation outlining the key differences between the adult and juvenile justice systems.
2. Divide the class into groups and have them debate the pros and cons of trying some juveniles in the adult justice system.

#### **SUGGESTED ANSWERS TO END-OF-CHAPTER ASSIGNMENTS**

1. Why is the probation officer at the center of juvenile justice?
2. How does the juvenile justice system differ from that for adults?
3. What is the concept of *parens patriae*?
4. What was the role of the “child savers” in the establishment of the juvenile court?
5. Who are status offenders?
6. Why did the juvenile court represent an extreme version of positivism?
7. What are the terms used in juvenile court and not used in adult court?
8. Why is the use of a punitive approach in juvenile court illogical?

9. How did the case of *In re Gault* significantly change the juvenile court?
10. What are the four types of cases handled by a juvenile court?
11. What are the alternatives available to a juvenile probation officer at intake?
12. What are the two roles of a probation officer in juvenile court intake?
13. What is the source of most cases referred to juvenile court?
14. Why is the role of a defense lawyer in juvenile court more complex than in adult court?
15. Why would a juvenile court judge appoint a guardian ad litem?
16. How has the distinction between the adult criminal court and the juvenile court in many jurisdictions become blurred?
17. Why is juvenile court jurisdiction over status offenders controversial?
18. Why is the role of a judge in juvenile court more complex than in adult court?
19. What is the concept of the “least restrictive alternative”?
20. What are the various juvenile court dispositions?
21. Why are juveniles convicted in criminal court expensive to incarcerate?

### Answers to Questions

1. Answers will vary.
2. Answers will vary.
3. A concept which gave almost complete authority over children to the state and provided a legal basis for the juvenile court.
4. The child-saving movement provided the impetus for establishing the juvenile court.
5. Offenders whose behavior that, if engaged in by an adult, would not constitute a crime but (in accord with *parens patriae*) provides the basis for governmental intervention. For example, demonstrating chronic truancy, being beyond the control of parents or guardians, or running away.
6. Answers will vary.
7. Respondent, petition, hearing, adjudication, finding, disposition, commitment, resident and aftercare.
8. The use of a punitive approach in juvenile court would simply make it a criminal court for children and, therefore, without grounding as a separate system of justice. Thus, although one could logically argue for abolishing the juvenile court, a juvenile court that imposes punishment has no basis in American history or in logic.
9. The U.S. Supreme Court held that a child cannot be denied reasonable standards of due process and that he or she is entitled to written notice of the charges, the right to counsel, protection against self-incrimination, the right to confront and cross-examine witnesses and the right to have written transcripts and an appellate review.
10. Delinquency, status offense, neglect or abuse, and dependency.
11. Answers will vary.
12. Legal and social services functions.
13. Law enforcement agencies.
14. Answers will vary.
15. In cases of neglect or abuse.
16. In many jurisdictions the line between the adult criminal court and the juvenile court has become blurred with the adoption of a justice model—what the youngster

deserves— rather than a social service model—what the youngster needs.

17. Answers will vary.
18. Although a judge can order an adjudicated youth committed to the department having responsibility for institutional care, the judge cannot always determine the type of institution to which the youth will be confined.
19. Basic to dispositions in the juvenile court is the concept of the “least restrictive alternative”, meaning that a disposition should be no more restrictive than that which will adequately serve the needs of the child.
20. Probation supervision, group home, residential treatment center, and secure facility/training school.
21. Answers will vary.