



The Traumatic Impact of Juveniles Tried in Adult Courts: Implications for Justice and Rehabilitation

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Learning Outcomes



Understand how trauma and brain development affect youth behavior.



Examine the legal mechanisms and systemic failures allowing youth to be tried as adults.



Explore the lived experiences of youth in adult prisons.



Identify trauma-informed, developmentally appropriate alternatives and reforms.

Opening Reflection



Think back to yourself at 14 ... or maybe 15 or 16.

What were you like?

What kept you up at night?

Who did you turn to when you made a mistake?

Think about the decisions you made, the people who believed in you,
and the grace you were given as you learned how to navigate the
world.

Introduction to Juvenile Court

- First Established in the 19th Century
- Involvement of Jane Addams
- Children are not “miniature” adults
- Adoption of “parens patriae”
- Expansion in the 20th Century

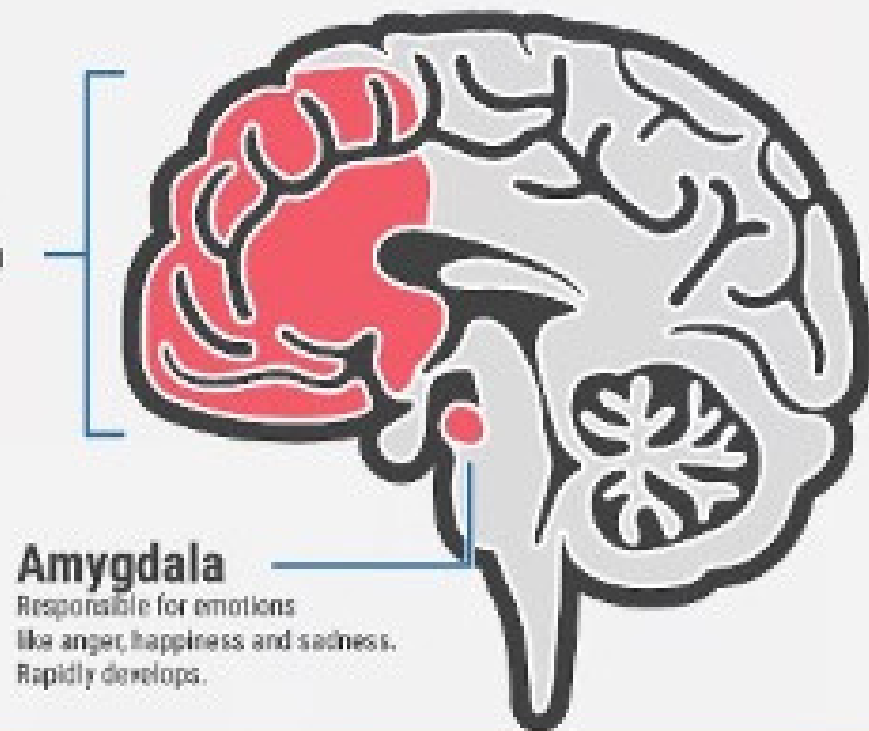


Children Are Not Miniature Adults

The teenage brain

Prefrontal cortex

Responsible for thinking, reasoning and logic. Not fully developed.



Amygdala

Responsible for emotions like anger, happiness and sadness. Rapidly develops.

The 'feeling part' of the teenage brain develops faster than the 'thinking part' making it difficult for them to regulate emotions and follow instructions

- Brain development continues into the mid-20s (prefrontal cortex).
- Children are more impulsive, reactive, and susceptible to peer pressure.
- Children process consequences differently than adults.
- Developmental immaturity affects culpability and rehabilitation potential.

Who Ends Up Juvenile Court?

Low-Income
Children

Children with
IEPs and
Learning
Disabilities

Children of
Color

Children in
Foster Care

Children with
Trauma

Children who
Display Survival
Behaviors

Children who
Experience
School
Exclusion

Children with
Mental Health
Needs

How Do Children Wind Up in Adult Court?

Waiver Motion by State

Judicial Waiver

Direct File by State

Statutory Exclusion

Once an Adult, Always an Adult



What Is Waiver?

Waiver is the transfer of a child from juvenile court to adult court. This means that a juvenile is treated as an adult for trial, sentencing, and punishment. They face harsher sentences as adult defendants than juveniles do.



Typical Waiver Timeline

Charged by Law Enforcement

Youth is taken into custody by law enforcement.

Formally Charged by Solicitor

Solicitor files charges with the Clerk of Court's Family Court Division

Waiver Motion Filed by Solicitor

Solicitor decide if the case is serious enough for the youth to be waived up.

Interviews and Discovery

Information gathering by both sides & the exchange of evidence by state.

Waiver Hearing

The waiver hearing is set and it's treated as a trial-like process with the judge making the decision.

Recent Supreme Court Decisions

Roper v. Simmons
(2005)

No Death
Penalty for
Juveniles.

***Graham
v. Florida***
(2010)

No Life
without Parole
(LWOP) for
Juveniles for
non-homicide
crimes.

***Miller v.
Alabama***
(2012)

No Mandatory
Life without
Parole
(LWOP).

Poll & Prioritize

What Should Matter Most?

“When deciding how to respond to a juvenile who has committed a serious offense, which of the following should weigh most heavily?”





What Should Matter Most?

Developmental Capcacity

Public Safety

Trauma History

Victim's Perspective

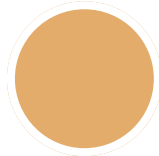
Racial Equity

Potential of Rehabilitation

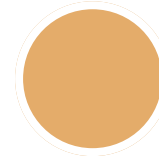
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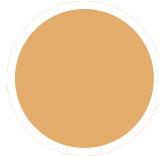
What Should Matter Most?



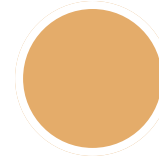
**Why Did You
Choose Your
Answer?**



**What Surprised You
About the Poll Results?**



**How Do Trauma
and Adolescent
Brain Development
Affect These
Priorities?**



**How Would Your Role as a
Social Worker Influence
How You'd Respond to a
Youth Facing Transfer to
Adult Court?**

Adolescent Development in Adult Prison: A Stunted Trajectory

Identity Formation Becomes Survival Mode
Erikson Meets the Legal System

Cognitive and Emotional Growth is Undermined

Social Development is Distorted

Educational and Vocational Pathways are Disrupted



Why Does This Matter?



Jordan and Malik are both 15 years old living in different counties.

Both are involved in similar crimes but tried in different courts.

Both experience different life outcomes.

What Might Jordan's Life Look Like in Adult Prison?

Exposure to Extreme Violence and Fear

Developmental Stagnation and Mental Health Decline

Lack of Access to Age-Appropriate Programming

Permanent Adult Records and Reentry Barriers

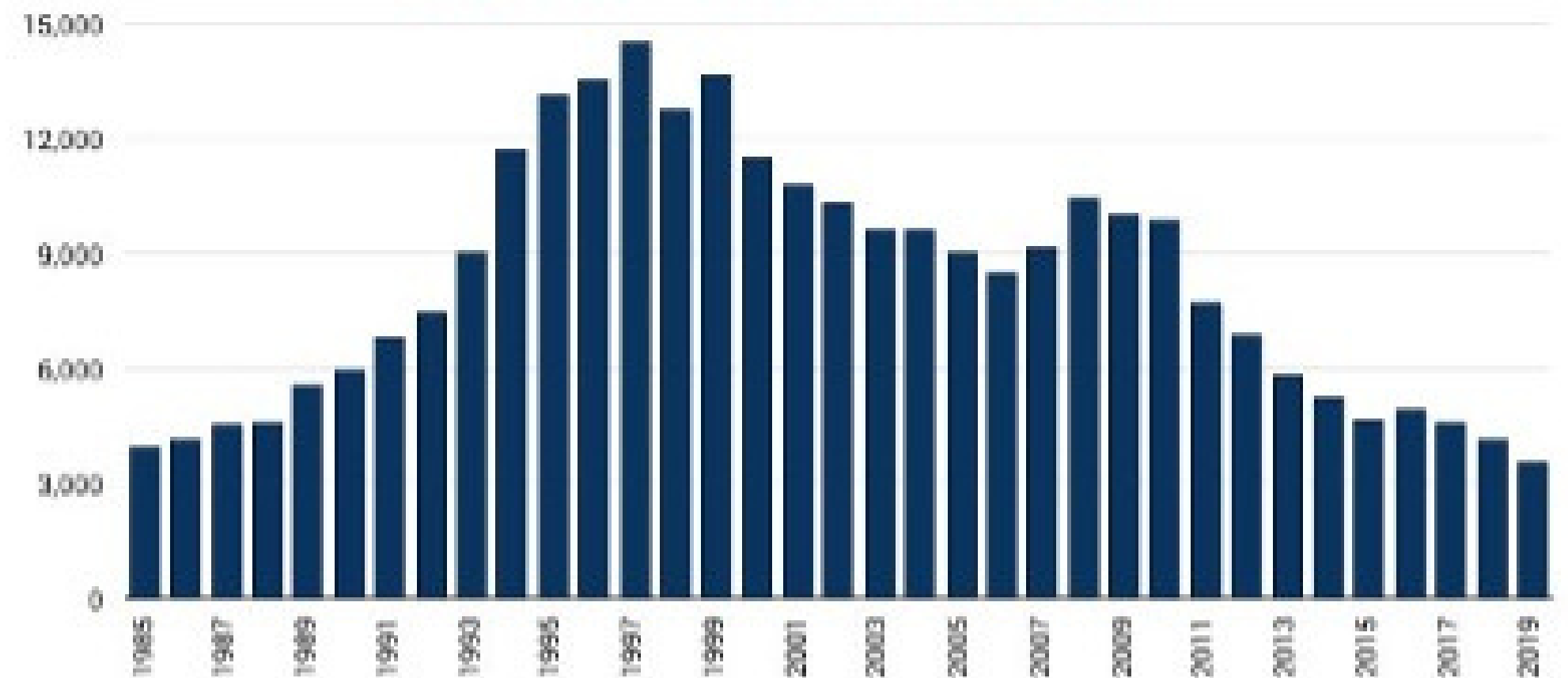
Regret and Missed Opportunities.

National Statistics

At the turn of the 21st century, it was estimated that 250,000 children every year were charged as adults in the United States.

By 2019, that number had dropped 80% to 53,000.

Figure 1: Youth in adult facilities, 1985-2019



Bureau of Justice Statistics. Prison and Jail Inmates at Midyear series for 1998, 1999, 2002, 2003, 2004-2019; Jail Inmates at Midyear 2019, and the Jail Inmates series for 2015-2019. Available from: <https://www.bjs.gov/>

Statewide Statistics

Figure 4: States that have Narrowed or Ended Automatic Transfer (2009-2019)

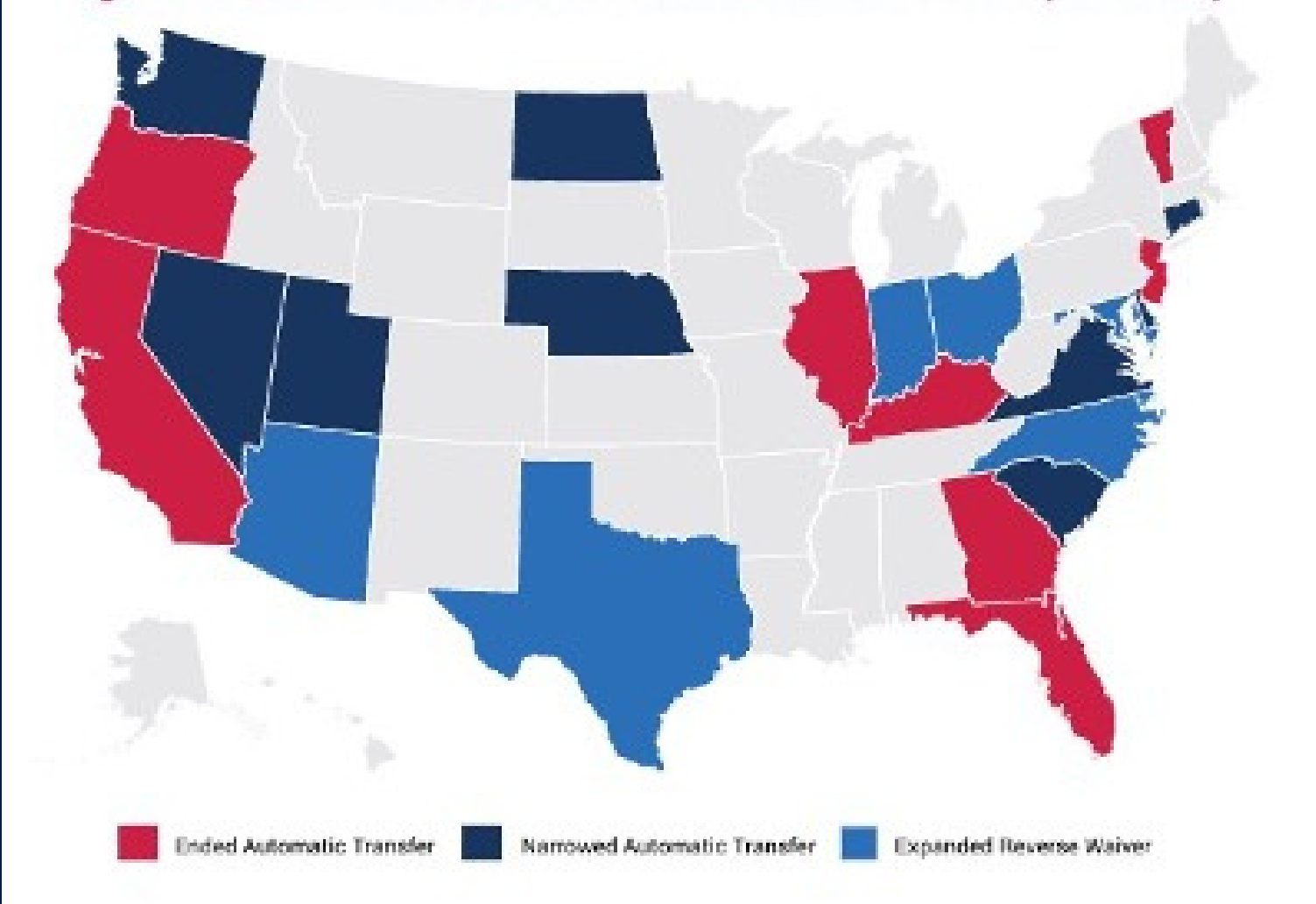


Table 1: State Counts of Youth Under Age 18 in Jails Mid-Year (2019)

| State | Count |
|-----------------|-------|
| Alabama | 34 |
| Arizona | 136 |
| Arkansas | 69 |
| Florida | 296 |
| Georgia* | 192 |
| Illinois | 1 |
| Indiana | 62 |
| Iowa | 34 |
| Kansas | 19 |
| Louisiana* | 129 |
| Maryland | 76 |
| Michigan* | 93 |
| Minnesota | 6 |
| Mississippi* | 84 |
| Missouri* | 45 |
| Montana | 18 |
| Nebraska | 6 |
| Nevada | 26 |
| New Mexico | 19 |
| New York* | 106 |
| North Carolina* | 307 |
| Ohio | 24 |
| Oklahoma | 32 |
| Pennsylvania | 89 |
| South Carolina* | 66 |
| South Dakota | 7 |
| Tennessee | 39 |
| Texas* | 299 |
| Utah | 2 |
| Virginia | 12 |
| Washington | 6 |
| Wisconsin* | 48 |
| Wyoming | 16 |

Table 2: State & Federal Counts of Youth Under Age 18 in Adult Prisons (2019)

| State | Count |
|-----------------|-------|
| Alabama | 2 |
| Alaska | 5 |
| Arizona | 55 |
| Arkansas | 8 |
| Colorado | 7 |
| Connecticut | 62 |
| Delaware | 5 |
| Federal | 27 |
| Florida | 81 |
| Georgia* | 31 |
| Indiana | 31 |
| Louisiana | 18 |
| Maryland | 16 |
| Michigan* | 26 |
| Minnesota | 4 |
| Mississippi | 21 |
| Missouri | 4 |
| Nebraska | 7 |
| Nevada | 11 |
| New York* | 36 |
| North Carolina* | 61 |
| Ohio | 36 |
| Oklahoma | 9 |
| Pennsylvania | 9 |
| South Carolina* | 23 |
| Tennessee | 9 |
| Texas* | 38 |
| Utah | 3 |
| Vermont | 1 |
| Virginia | 12 |
| Washington | 5 |

“Raise the Age” Campaign



- Enacted through the SC Legislature in 2016
- Effective July 1, 2019, this law increased the age at which individuals are ***automatically*** tried as adults from 17 to 18 years old
- Aims to reduce recidivism and promote better long-term outcomes for youth.

Alternatives to Prison



House Arrest



Electronic
Monitoring



Specialized
Juvenile
Treatment
Courts



Community-
Based Diversion



Specialized
Residential
Alternative
Placement



Pathways & Pitfalls: Jalen's Journey



- Jalen is a 15-year-old Black youth living in a rural area of South Carolina. His mom works two jobs and struggles to afford rent, food, and childcare. Jalen has been suspended twice this year for fighting. What school staff don't know is that he's been acting out after witnessing domestic violence and losing a cousin to gun violence. Jalen is also responsible for caring for his two siblings, ages 7 and 10.
- Last week, Jalen was caught breaking into a convenience store late at night with two older teens. No one was hurt, but police were called, and all three were arrested.

Pathways & Pitfalls: Jalen's Journey



Turning Point #1: Charging Decision

What should happen next?

- A. Jalen is charged in juvenile court and assessed for diversion or intervention.
- B. Jalen is waived to adult court because of the felony-level property offense.
- C. Jalen is referred to a restorative justice program in the community.

Pathways & Pitfalls: Jalen's Journey



Turning Point #2: Detention or Not?

What placement makes the most sense while Jalen awaits his hearing?

- A. Held in juvenile detention “for safety.”**
- B. Released to parental custody with support services.**
- C. Connected to a mentorship or community-based wraparound program.**

Pathways & Pitfalls: Jalen's Journey



Turning Point #3: Accountability Approach

What kind of intervention would support Jalen's healing and growth?

- A. Restorative justice circle with the store owner and family.**
- B. Expulsion and probation.**
- C. Specialized juvenile treatment court focused on trauma, school reengagement, and counseling.**

Closing Remarks

Which options reflected a trauma-informed, developmentally appropriate approach?

How would you feel if Jalen were your child? What would you hope the system would do?

What systemic barriers showed up in this story?

What can social workers, advocates, or policymakers do differently?



Questions, Comments, Reflections

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