

Wisconsin State Public Defender Juvenile Certification Training

2013



Warning/Disclaimer

- The contents of this Certification Training have been prepared to provide you with basic juvenile delinquency information only.
- Information provided does not constitute a substitute for your own investigation and research. Before handling serious matters such as waivers and sexual assault cases, it is important to complete additional training and seek out additional assistance.
- If you have questions about a juvenile delinquency case you should read the relevant statutes, case law, and contact a practice coordinator. We're here to help!

Children are NOT little adults



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(The Lessons of *Roper*, *Graham*, *J.D.B.*, *Miller*....)

Children “generally are less mature and responsible than adults.”

Eddings v. Oklahoma, 455 U. S. 104 at 115 (1982).

They “often lack the experience, perspective, and judgment to recognize and avoid choices that could be detrimental to them.”

Bellotti v. Baird, 443 U. S. 622 at 635 (1979).

They “are more vulnerable or susceptible to . . . outside pressures” than adults. *Roper v. Simmons*, 543 U. S. 551 at 569 (2005).

History is “replete with laws and judicial recognition” that children cannot be viewed simply as miniature adults. *Eddings*, as cited in *J.D.B. v. North Carolina*, 131 S. Ct. 2394 (2011).

The language is different

Juvenile Code	Criminal Code
Petition	Criminal Complaint
Detention or Custody Hearing	Bond Hearing
Capias	Warrant
Admit or Deny	Guilty or Not Guilty
Consent Decree	Hold open
Delinquent	Guilty
Adjudication	Conviction
Court Report	Presentence Investigation Report
Dispositional Hearing	Sentencing
Detention/Corrections	Jail/Prison
Notice to Seek Postdispositon Relief	Notice to Seek Postconviction Relief

Purpose of the Juvenile Code (Wis. Stat. § 938.01(2))

- ◉ Protect the community
- ◉ Hold juveniles accountable
- ◉ Equip offenders with competencies
- ◉ Provide due process
- ◉ Divert juveniles from juvenile justice
- ◉ Utilize the most effective dispositions
- ◉ Recognize needs of victims and witnesses

Core Principles of Juvenile Defense Practice

Juvenile court is an adversarial forum and a juvenile court adjudication carries with it serious, direct, and long-term consequences. The Wisconsin State Public Defender has developed this set of best practice standards to inform and guide the ethical and professional performance of juvenile defense attorneys, and to ensure the delivery of quality legal services to young clients. The principles outline a framework for representation that is client-centered and anchored in the law, science, and professional codes of responsibility. These principles reflect a core commitment to the unique role of the juvenile defender, and recognize juvenile defense as a highly specialized area of practice. On a practical level, the principles provide a roadmap for counsel to navigate every stage of juvenile delinquency practice from detention through post-disposition.