



Curriculum Units by Fellows of the Yale-New Haven Teachers Institute
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Juvenile Delinquency: Cause and Effect

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Working with a population of cognitively low-functioning special needs students in grades 9-12 is often challenging, yet rewarding. By writing this unit on Juvenile Delinquency: Cause and Effect, I want to raise students level of awareness so that at an early age, students can avoid participating in criminal activities.

We are constantly reminded that there are problems with juvenile violence. Nightly we hear of shootings in communities and even in our schools. Increasing levels of juvenile violence are a national concern. The concern has focused on punishment, but very little on prevention or intervention.

In this unit, we will discuss and present tools that allow youth to deal constructively with interpersonal conflicts, problem-solving techniques and behaviors of peacemaking skills. The future of our world depends on responsible citizens who possess the ability to express and resolve conflicts while working together for civic improvement.

This unit will help students acquire knowledge and skills needed to carry out their responsibilities and protect their rights as citizens of a free society. Lessons in this unit will emphasize basic knowledge of juvenile crime, causes, offenses, treatment, and risk factors. The reward for learning this unit will be to make significant progress in the lifelong pursuit of becoming a good citizen in a free society.

Juvenile Justice

In the United States, juveniles involved with the law are treated differently from adults. However, this has not always been the case. In earlier times, children were thrown into jails with adults. Long prison terms and corporal punishment were common. Some children were even sentenced to death for their crimes.

Reformers concerned about the harsh treatment of children urged the establishment of a separate court system for juveniles. The idea behind juvenile court was that children in trouble with the law should be helped rather than punished. Central to the concept of juvenile court was the principle of *parens patriae*. This meant that instead of lawyers fighting to decide guilt or innocence, the court would act as a parent or guardian interested in protecting and helping the child. Hearings would be closed to the public. Proceedings would be informal. If convicted, children would be separated from adult criminals.¹

In 1899, Cook County, Illinois, set up the country's first juvenile court. Today, every state has a separate court system for juveniles. These courts generally handle two different groups of juveniles: the delinquent offender and the status offender. A delinquent child is one who has committed an act that is a crime for adults under federal, state, or local law. Status offenders, on the other hand, are youths who are considered unruly or beyond the control of their legal guardians. Status offenses are not crimes. They are illegal acts that can only be committed by juveniles. Status offenses include running away from home, skipping school, refusing to obey parents, or engaging in certain behaviors such as drinking alcohol while under the age of majority.²

Some people believe parents should be held responsible for crimes committed by their children. Those in favor of these parental responsibility laws believe they are particularly appropriate in cases in which parents know or should know that their children are using or selling drugs or belong to juvenile gangs. In some states parents may be charged with contributing to the delinquency of a minor.

Who is the Juvenile?

Before the establishment of juvenile courts, children under the age of seven were never held responsible for criminal acts. The law considered them incapable of forming the necessary criminal intent. Children between the ages of 7 and 14 were generally thought to be incapable of committing a criminal act, but this belief could be disproved by showing that the youth knew the act was a crime or would cause harm to another and committed it anyway. Children over the age of 14 could be charged with a crime and handled in the same manner as an adult.³

Today, all states set age limits that determine whether a person accused of a crime is treated as an adult or as a juvenile. In most states, young people are considered juveniles until age 18. However, some states set the limit at 16 and 17.

In most states, a juvenile charged with a serious crime, such as robbery or murder, can be transferred to criminal court and tried as an adult. Sometimes prosecutors make this decision, or some states that allow transfers require a hearing to consider the age and record of the juvenile, the type of crime, and the likelihood that the youth can be helped by the juvenile court. As a result of a get-tough attitude involving juvenile crime, many states have revised their juvenile codes to make it easier to transfer youthful offenders to adult court.

Recent years have seen an increase in serious crime by juveniles. This has included more violent acts, such as murder, which are often related to drugs, gangs, or both. Consequently, there has been a movement in congress and in a number of states to further reduce the age at which juveniles can be tried as adults. Some people believe all juveniles should be tried as adults if they commit certain violent crimes.

Juvenile Crime, in law, term denoting various offenses committed by children or youths under the age of 18. Such acts are sometimes referred to as juvenile delinquency. Children's offenses typically include delinquent acts, which would be considered crimes if committed by adults, and status offenses, which are less serious misbehavior such as truancy and parental disobedience. Both are within the jurisdiction of the juvenile court; more serious offenses committed by minors may be tried in criminal court and be subject to prison sentences.

Under certain circumstances, youthful offenders can be tried either as juveniles or as adults. But even in these situations, their treatment is different from that of adults, for example, a juvenile who is arrested for an

“adult” offense can be adjudicated in either juvenile court or adult court; if convicted, he or she can be placed with either other juvenile or adults. In contrast, an adult charged with the same offense would be tried in an adult court; if convicted, he or she would be incarcerated by the state and would be housed with adults.

Explaining crime and delinquency is a complex task. A multitude of factors exist that contribute to the understanding of what leads someone to engage in delinquent behavior. While biological and psychological factors hold their own merit when explaining crime and delinquency, perhaps social factors can best explain juvenile delinquency. Juvenile delinquency is a massive and growing individual while others view delinquency as a macro level function of society.⁴

Many of the theories that will be presented will be applicable to at least some instances of crime and delinquency in society. Crime is such a diverse topic, that the explanation of this social problem is just as diverse. This perspective sees delinquency as a function of the surroundings or environment that a juvenile lives in. The saying, “society made me do it” could help to better understand this perspective.

The public appears much more aware of juvenile crime today than in the past; this is due in part to more thorough reporting techniques and greater emphasis on publicizing delinquent acts in the media. Official U.S. crime reports in the 1980’s, showed that about one-fifth of all persons arrested for crimes are under 18 years of age. In the 1970’s, juvenile arrests increased in almost every serious crime category, and female juvenile crime more than doubled. During the most recent five year period studied, juvenile arrests decreased slightly each year. Unofficial report, however, suggest that a higher percentage of juveniles are involved in minor criminal behavior; grossly underreported common offenses include vandalism, shoplifting, underage drinking, and using marijuana.

As students work through this unit, they will continually make and judge decisions, and they will analyze decision making by government officials and those seeking to influence government.

Responsible decision making involves careful assessment of alternative and their consequences in light of values and goals. Responsible decision makers consider the effects of their choices on themselves and various others. They will judge the fairness of their choices in terms of both individual and group goals. A responsible citizen might ask; 1) How will my decision affect me? 2) How will my decision affect various others? The responsible citizen tries to make decisions that balance the needs of the individual and of society.

This unit will conclude with actual written case studies featuring current topics, issues, and events. Each case is written to develop one or more decision-making skills can help them achieve goals they value are likely to strive to acquire these competencies.

Objectives:

- 1). Help students acquire knowledge and skills needed to carry out their responsibilities and rights.

- 2). Help students increase their thinking skills and decision making process.

- 3). Help students understand causes of juvenile crime.
- 4). Help students understand the juvenile system.

5). Help students use skills in finding, comprehending, organizing, communicating information, and ideas.

6). Apply questions to decision-making situations.

7). Identify the role of the courts and the juvenile.

8). Increasing student vocabulary.

9). Identify the role of the Juvenile Court.

The juvenile justice system has evolved over the years based on the premise that juveniles are different from adults and juveniles who commit criminal acts generally should be treated differently from adults. Separate courts, detention facilities, rules, procedures, and laws were created for juveniles with the intent to protect their welfare and rehabilitate them, while protecting public safety.

The root causes of crime are many and diverse. Any hope of addressing those causes successfully requires multi-faceted strategies, bits and pieces of which can be implemented by neighborhoods, communities and various levels of government. There is no silver bullet no simple, expedient answer that can be imposed from above. Any solution to juvenile crime must involve all sectors of society: individuals, families, schools, churches, community groups, governments and businesses. While the scope of effort involved should be as broad as all of society.

Each state should have particular “ownership” of the juvenile crime problems. The inclination toward crime often arises from factors at home; the impact of crime is felt in neighborhoods; the arrests, prosecutions and, in most cases, dispositions are city and county operations. Only 2 percent of juveniles arrested eventually are placed in state institutions. While the state is a bit player in the day-to-day staging of the juvenile justice system, it has the ability and responsibility to carve out a powerful role as a policy leader and facilitator for

local solutions.

Prevention works better and is cheaper than treatment. The sobering reality is that improving to the optimum extent how juvenile criminals are treated once they are apprehended will only reduce recidivism by at most 10 percent. While keeping 10 percent from continually recycling through the juvenile justice system and ultimately, the adult system would free significant resources, the fact is that prevention and early intervention hold far more promise than good rehabilitation programs for actually reducing crime. Children are much harder to “fix” once they have become criminals than they are when they first show signs of deviant or anti-social behavior.⁵

Personal accountability for actions and decisions is the cornerstone of a civilized society. Children should be taught both at home and in schools informed decision-making processes. And they should learn that, in theory and in practice, there are swift consequences for poor decisions and both tangible and intangible rewards for good decisions. To reinforce these lessons, all of the actors within the juvenile justice system, from the policeman on the beat to the judge in juvenile court, must strive to make the system work more effectively in providing consequences at all levels of criminal severity.

The juvenile justice system is a complex web of people and agencies that processes about a quarter of a million youths annually at a cost exceeding \$1 billion. To understand the system requires a baseline knowledge of the statistical trends during the past decade that have shaped the system’s ability to function and the roles played by the various components of the system.

Academic experts have long recognized that crime is a young man’s game. The typical criminal is a male who begins his career at 14 or 15, continues thorough his mid-20s and then tapers off into retirement. Three statistics demonstrate the disproportionate impact of those under the age of 18 on criminal activity; while comprising roughly one-sixth of the nation’s population, they make up a full one-quarter of all people arrested and account for nearly one-third of the arrests for the seven crimes in the uniform crime index (homicide, forcible rape, robbery, aggravated assault, burglary, vehicle theft and larceny).

Statistics show that somewhere between 30 and 40 percent of all boys growing up in an urbanized area in the United States will be arrested before their 18th birthday...although juveniles account for only a small proportion of the total population, older juveniles have the highest arrest rates of any age group. Furthermore, studies of criminal careers have demonstrated that one of the best predictors of sustained and serious adult criminality is the age of initiation and seriousness of the delinquent career.⁶

Risk factors Research shows a small number of juveniles commit crime. Furthermore, of those juveniles who do commit one or two offenses. For these individuals, the experience of the juvenile justice system being arrested by a law enforcement officer, facing their parents, having to spend a night in juvenile hall, interacting with a probation officer or a judge is enough to keep them from offending again.

Failure in school this factor manifests itself at an early age. Failure at school includes poor academic performance, poor attendance, or more likely, expulsion or dropping out of school. This is an important factor for predicting future criminal behavior. Leaving school early reduces the chance that juveniles will develop the “social” skills that are gained in school, such as learning to meet deadlines, following instructions, and being able to deal constructively with their peers.

Social Factors -- Changes in the American social structure may indirectly affect juvenile crime rates. For example, changes in the economy that lead to fewer job opportunities for youth and rising unemployment in

general. This factor includes a history of criminal activity in the family. It also includes juveniles who have been subject to sexual or physical abuse, neglect, or abandonment. It is also manifested by a lack of parental control over the child.

Families have also experienced changes with the last 25 years. More families consist of one-parent households or two working parents; consequently, children are likely to have less supervision at home that was common in the traditional family structure. This lack of parental supervision is thought to be an influence on juvenile crime rates. Other identifiable causes of delinquent acts include frustration or failure in school, the increased availability of drugs and alcohol, and the growing incidence of child abuse and child neglect. All these conditions tend to increase the probability of a child committing a criminal act, although a direct causal relationship has not yet been established.

Families are important to consider when trying to explain juvenile delinquency. The family unit is crucial to a child's development and healthy upbringing, in addition, much of what a child learns is through their family or guardians. A criminal parent can teach their child adverse lessons about life when their child views or witnesses their parent's delinquent behavior.

Peer can also teach an adolescent or child criminal behavior just as the family member can. Family members and peers can also cause delinquent patterns of behavior by labeling their child as delinquent. This is somewhat of the "if the shoe fits, wear it" saying. If a child feels as though they are viewed as delinquent, then they will act as such and find a sense of self-esteem by doing so.

Treatment of Offenders - The juvenile justice system tries to treat and rehabilitate youngsters who become involved in delinquency. The methods can be categorized as community treatment, and institutionalization.

In most instances community treatment involves placing the child on probation. When the child is not believed to be harmful to others, he or she is placed under the supervision of an officer of the juvenile court and must abide by the specific rules that are worked out between the officer and the child. In some instances community treatment also takes the form of restitution, in which the child reimburses the victim either through direct payment or through some form of work or public service.

Each activity will challenge students to use information, ideas, and skills. These application exercises will allow students to move from lower to higher cognitive levels. Students will not only read about making decisions, they will practice making and judging decisions. They will use skills in finding, comprehending, organizing, evaluating, and communicating information and ideas. Through regular application of these skills, students may demonstrate competence.

What is Juvenile Crime?

In its simplest definition, "crime" is any specific act prohibited by law for which society has provided a formally sanctioned punishment. This also can include the failure of a person to perform an act specifically required by law.

Types of offenses...crimes, whether committed by adults or juveniles, are classified by the seriousness of the offenses as follows: a felony is the most serious offense, punishable by a sentence to a state institution (youth authority facility or adult prison). Felonies generally include violent crimes, sex offenses, and many types of

drugs and property violations.

A misdemeanor is a less serious offense for which the offender may be sentenced to probation, county detention (in a juvenile facility or jail), a fine, or some combination of the three. Misdemeanors generally include crimes such as assault and battery, petty theft, and public drunkenness. A fraction is the least serious offense and generally is punishable by a fine. Many motor vehicle violations are considered infraction. Juveniles, like adults, can be charge with a felony, a misdemeanor, or an infraction. However, as we will discuss later, juveniles can also be charged with offenses that are unique to youth.

The Juvenile Court

The juvenile court is a noble institution a noble, underfunded, often unappreciated institution charged with the most important duty imaginable, protecting and reforming our children when all else failed.

The juvenile court is one of the few places in society where the needs of children are paramount and where a passion for helping children defines its work. In the juvenile court, children are the absolute priority. The juvenile court is doing a creditable job under adverse circumstances toward achieving these goalshhowever, a better job is needed and, fortunately, it can be achieved.

Most citizens see the juvenile court as an institution designed to deal with young offenders who commit crimes. Although this may be its most public function, the juvenile court is much more. The dispositions of child abuse and neglect cases and cases involving the termination of parental rights are equally and increasingly important functions that are essential to understanding the relationship between dependency and delinquency.

The juvenile court system was founded with high goals. In theory, the system was supposed to help and rehabilitate young offenders. It was designed to act as a guardian looking out for the best interests of children. In practice, juvenile court often failed to rehabilitate. It also denied young people the protection and rights guaranteed to adults. In many cases, juveniles were processed through a system with few safeguards and little hope of treatment. In 1966, the U.S. Supreme Court began to change the theory and operation of the juvenile justice system.

Should teenagers have the same rights as adults under the Constitution? Several cases have dealt with this question. The answer is not always yes and the court has said, in fact, that in certain instances teenagers can be treated differently.

In this section, we will discuss cases affecting teenagers. These cases will form the basis for classroom debates or in preparation for state debate competition. The cases discussed relate to the question of whether or not teenagers are entitled to the same protection under the law as adults.

The first session deals with cases relating to the 1st amendment rights of teenagers. The second section deals with Supreme Court rulings regarding the disciplining of teenagers.

Section 1 - Supreme Court cases affecting the procedural protection of teenagers under the Constitution.

In Re Gault - Minor's Rights

WAS IT FAIR? In 1964, in Globe, Arizona, 15 - year-old Gerald Gault was charged with making an obscene telephone call to a female neighbor. He was convicted by a juvenile court in Arizona and committed to a juvenile correctional facility for an indeterminate period not to extend beyond his 21st birthday. Justice Fortas again wrote the opinion for the court and ruled that youth are also protected under the 14th amendment. He also stated that Gault's constitutional rights had been violated and that Gault was entitled to:

- Adequate notice of the precise nature of the charges brought against him.
- Notice of the right to counsel and, if indigent, the right to have counsel appointed.
- The right to confront witnesses and have them cross-examined.
- The privilege against self-incrimination, which applies to juvenile and adult proceedings.

The court also concluded that, because the non-criminal label attached to juvenile proceedings did not dictate the scope of the juvenile's rights, calling such matter "civil" would not dictate the parameter of the rights prescribed. Gault marked the constitutional domestication of the *parens patriae* juvenile court, and a new era dawned based on a more criminal due process model contrasted with the historic informality of juvenile court proceedings. Its decision affected the way all juveniles are treated in court today.

In *re Gault*, focused on children's due process rights, and, in the 1990's, to one focused on accountability and punishment. None of these, alone, is enough. Today, the court must somehow simultaneously afford children due process, deliver swift and appropriate punishment, and endeavor to rehabilitate and meet the therapeutic needs of juvenile offenders and their families.

Hazelwood v. Kuhlmeier - Student Censorship

The *Hazelwood vs. Kuhlmeier* case deals with the first Amendment rights of students to free expression. The controversy began in the Spring of 1983 when Robert E. Reynolds, the principal of Hazelwood East High School, refused to permit the publication of two articles in the *Spectrum*, a school newspaper.

Principal Reynolds said he deleted the two articles dealing with divorce and teenage pregnancy because they described families and students in such a way that even though their names were going to tread on the rights of privacy of students and their parents." School Officials further said that the newspaper was an extension of classroom instruction and did not enjoy first Amendment protection.⁸

A district court judge agreed with the school board's lawyer who said that schools would be in trouble if people could change curriculum at the drop of a lawsuit. A court of appeals disagreed, however, and by a 2 - 1 decision overturned the judge's decision saying the *Hazelwood's Spectrum* was, in fact, a public forum."

When the case finally reached the Supreme Court on January 13, 1988, the court ruled 5-3 that school officials have broad power

To censor school newspaper, plays and other "school sponsored expressive activities.

In this unit, students will read about young people under the age of 18. In some ways, these young people are

probably a lot like them and their friends. In other ways they may be quite different. For the people they are going to read about have been in trouble with the law. They are just a few of the thousands of young people whom state and local government call juvenile delinquents.

Judge Maurice B. Cohill's, Jr., a juvenile judge in Pittsburgh, described in a newspaper three cases he had decided. In the article, he argued that it was good that juvenile judges have a wide choice in the way they treat young offenders. After reading the following cases, see if you agree with judge Cohill's decisions.

1). Beverly was in judge Cohill's when she was 15. She repeatedly ran away from a home for emotionally disturbed children. There was no doubt that Beverly was emotionally disturbed. She was described as bitter and hostile, and she often banged her head against the wall. The people who ran the home where she lived said they could not keep Beverly any longer. No one knew who her parents were because she had been left in a garbage can when she was an infant. She had already been in three foster homes and an orphanage.

2). Nancy, 13, was picked up for shoplifting in a department store. When police couldn't locate her mother, she was sent to a detention home. There it was discovered that the only person she was close to was a 16-year-old boy with whom she was sexually involved (a juvenile offense in most states). When Nancy's mother came to her hearing, she sat in the back of the courtroom muttering dirty words. The judge thought the mother didn't know where she was.

3). Ken, 14, took an old family car out for a ride without his parent's permission. He had no driver's license. He and a friend were riding along the highway when the car went out of control. It smashed head-on into another car, killing the other driver.

Students will think about each case. What do they think should be done about Beverly, Nancy, and Ken? They will discuss their opinions with other classmates.

The Supreme Court said: 1). Juveniles must be warned that they do not have to testify against themselves or give a confession. 2). Like adults, they are entitled to a lawyer for any offense for which an adult could have one. If they can't afford a lawyer, the court must furnish one. 3). Juveniles must be told what the charges are against them soon enough to prepare for their hearing. 4). They have a right to confront the witnesses against them and cross-examine them. Witnesses must be sworn in.

LESSON PLAN #1

Learning Objectives:

1) help students increase their thinking skills and decision making process.

2) apply questions to decision-making process.

In this lesson plan, students will be presented with two true stories about two young people who were taken to juvenile courts in New York and California. Students will read each person's story. Then try to decide what they think state and local government agencies should do about such young people.

STORY #1

Sonny boy grew up in New York. Here is his own account of a day when he and his friends got into trouble.

Turk, Bucky, and I went down to the backyard to steal some sheets and some bedspreads. We could sell them for about three or four dollars and buy a bag of reefers. We'd roll up and get high and then go do something crazy.

We went in the backyard and got some bedspreads. Then we sent Bucky to sell them to one of our customers. Turk and I went to get some more spreads. Turk tied a rock to the end of a rope and threw the rock up over the spreads to pull them down...then he stopped all of a sudden and said, "Run, Run, Sonny! Run!"

Turk started running, then I heard a shot, one shot. Blam! I saw some fire from a gun, and I started running. When I got about midway on the stairs leading up from the backyard, it seemed to just dawn on me. I thought, "somebody's shootin at us."

Then, after I had gotten out of the backyard, I don't know what happened. But suddenly I knew I was shot. I didn't feel any blood right away. I didn't feel any pain. I didn't feel anything. All I felt was that I was slowing down. It was like something had a hold on me, and I knew it was a bullet.

Discussion Question:

- 1). Would you Sonny boy a delinquent?
- 2). Would you send him to prison with adults?
- 3). Would you lock him up with young lawbreakers?
- 4). Would you let him go free?
- 5). What would you have done differently?
Why?

LESSON PLAN #2

Learning objectives:

- 1). Increase student vocabulary
- 2). Finding the main idea

VOCABULARY

match the following words with their meaning.

- 1). Felony a court order to do something
- 2). Arraignment a process seeking to prevent harm
- 3). Plea bargaining a serious crime
- 4). Jury a court order to stop doing something
- 5). Defendant a formal charge of wrongdoing
- 6). Indictment a person accused or sued in a court
- 7). Misdemeanor discussing a reduced charge
- 8). Equity suit a minor crime
- 9). Injunction a group of citizens who hear evidence and decide guilt in a trial
- 10). writ of mandamus the step in which a person formally charged

REVIEWING IDEAS

- 1). The four main types of state courts are lower courts, _____, appellate courts, and the state supreme court.
- 2). State courts are overcrowded because:
there are not enough money on courts
states don't spend enough money on courts
there are too many steps in bringing a case to trial
all of the above

3). Number the following steps in a criminal case in the proper order.

sentencing

arraignment

preliminary hearing

presentation of evidence

bail

LESSON PLAN #3

Learning Objectives:

- 1). Apply questions to decision-making process.
- 2). Evaluating the consequences

In each of the following situations, students will decide whether the person should be tried as a juvenile or transferred to criminal court and tried as an adult. Student will explain their decisions.

Eric, age 15, is accused of robbing an 86-year-old woman at gun point. He has a long juvenile record, including acts of burglary, and brags about the robbery.

Marcia, age 17, is accused of killing a pedestrian while driving a stolen car. She has never been in trouble before, is remorseful about the killing, and claims that she planned to return the car after a short joyride.

Jose, age 14, is accused of selling drugs for his older brother. According to the police, one day a customer stole the money Jose had collected for his older brother. The police claim that Jose then stabbed the customer with a knife.

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Notes

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