Applicabilitiy of Infancy Defense in Juvenile Court

Prepared by Barbara Kaban & James Orlando in Rutgers Law Review, v.60, no.1, 2007 Fall, p.33-65. Typos and mistakes are, however, are all my own.

State or Jurisdiction	Infancy Defense		Leading Case		Recent Cases Affirming Decision
	Status	Applicable?	Citation	Reasoning	Citation
California	Settled	Yes	*In re Gladys R.* , 464 P.2d 127 (Cal. 1970).	JJ Statute - no explicit repeal of infancy defense	*In re Paul C.,* 270 Cal. Rptr. 369 (Ct. App.1990); *In re Marven C.* , 39 Rptr. 2d 354 (Cal. Ct. App. 1995).
Maryland	Settled	Yes	*In re William A.* , 548 A.2d 130 (Md. 1988).	JJ Statute - no explicit repeal of infancy defense	*In re Devon T.* , 584 A.2d 1287 (Md.1991); *In re Anthony W* ., 879 A.2d 717, 726 n.8 (Md. 2005)
Washington	Settled	Yes	*State v. Q.D.* , 685 P.2d 557 (Wash 1984).	JJ = punishment	*State v. Ramer* , 86 P.3d 132 (Wash. 2004).
Alabama	Settled	No	*Jennings v. State,* 384 So.2d 104 (Ala. 1980).	JJ = rehabilitation	*M.S. v. State* , 625 So. 2d 1187 (Ala. Ct. App. 1993).
Arizona	Settled	No	*Gammons v. Berlat* , 696 P.2d 700 (Ariz. 1985)	JJ = rehabilitation	
Connecticut	Settled	No	*In re Tyvonne* , 558 A.2d 661 (Conn. 1989)	JJ = rehabilitation	
Florida	Settled	No	*State v. D.H.* , 340 So.2d 1163, 1165 (Fla. 1976).	JJ = rehabilitation	*Tate v. State* , 864 So. 2d 44 (Fla. Dist. Ct. App. 2003).
Georgia	Settled	No	*K. M. S. v. State* , 200 S.E.2d 916, (Ga. Ct. App. 1973)	JJ = rehabilitation	
Illinois	Settled	No	*In re Carson* , 295 N.E.2d 740 (Ill. App. Ct. 1973).	JJ = rehabilitation	In re Dow, 393 N.E.2d 1346 (Ill. App. Ct. 1979).
Massachusetts	Settled	No	*Commonwealth v. Ogden O* ., 864 N.E.2d 13 (Mass. 2007).	JJ = rehabilitation	
New Jersey	Settled	No	*State v. Monahan* , 104 A.2d 21 (N.J. 1954).	JJ = rehabilitation	
New York	Settled	No	*In re Robert M.* , 441 N.Y.S.2d 866 (Fam. Ct. 1981), amendment to laws overturned *In re Andrew M* ., 398 N.Y.S.2d 824 (Fam. Ct. 1977)	JJ = rehabilitation	*In re Raymond G.* , 715 N.E.2d 486 (N.Y. 1999).
North Dakota	Settled	No	*In re M.C.H* ., 637 N.W.2d 678 (N.D. 2001).	Infancy defense eliminated by statute	
Oklahoma	Settled	No	*G.J.I. v. State* , 778 P.2d 485 (Okla. Crim. App. 1989)	None given	
Pennsylvania	Settled	No	*In re G.T* ., 597 A.2d 638 (Pa. Super. Ct. 1991), overruling *Com. v. Durham* , 389 A.2d 108 (Pa. Super. Ct. 1978).	JJ = rehabilitation	
Rhode Island	Settled	No	*In re Michael* , 423 A.2d 1180, 1182 (R.I. 1981)	JJ = rehabilitation	
South Carolina	Settled	No	*In re Skinne* r, 249 S.E.2d 746 (S.C. 1978)	JJ = rehabilitation	
Tennessee	Settled	No	*Juvenile Court of Shelby County v. State,* 201 S.W. 771 (Tenn. 1918).	JJ = rehabilitation	
Kentucky	Unclear	No	Unpublished case on point: *W.D.B. v. Commonwealth* , 2007 WL 4139484 (Ky. 2007).		
Nevada	Unclear	No	No case directly on point, but *Noavarath v. State* , 779 P.2d 944, 946 n.3 (Nev. 1989) implies that the infancy deense is not applicable in juvenile court.		
Alaska	Unclear		No Case on point		

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	Status	Applicable?	Citation	Reasoning	Citation
Arkansas	Unclear		No Case on point		
Colorado	Unclear		No Case on point		
Delaware	Unclear		No Case on point		
Hawaii	Unclear		No Case on point		
Idaho	Unclear		No Case on point		
Indiana	Unclear		No Case on point		
Iowa	Unclear		No Case on point		
Kansas	Unclear		No Case on point		
Louisiana	Unclear		No Case on point		
Maine	Unclear		No Case on point		
Michigan	Unclear		No Case on point		
Minnesota	Unclear		No Case on point		
Mississippi	Unclear		No Case on point		
Misosuri	Unclear		No Case on point		
Montana	Unclear		No case on point but reasoning in *In Re SLM* , 951 P.2d 1365 (Mont. 1997) indicates belief that juvenile courts are now punitive, not just rehabilitative.		
Nebraska	Unclear		No Case on point		
New Hampshire	Unclear		No Case on point		
New Mexico	Unclear		No Case on point		
North Carolina	Unclear		No Case on point		
Ohio	Unclear		No Case on point		
Oregon	Unclear		No Case on point		
South Dakota	Unclear		No Case on point		
Texas	Unclear		No Case on point		
Utah	Unclear		No Case on point		
Vermont	Unclear		No Case on point		
Virginia	Unclear		No Case on point		
West Virginia	Unclear		No Case on point		
Wisconsin	Unclear		No Case on point		
Wyoming	Unclear		No Case on point		