

Commemorating
Gault at 50



DEFENDING
CHILDREN'S
RIGHTS



NATIONAL JUVENILE DEFENDER CENTER

THE CRISIS

Too often, children across the country are denied access to an attorney trained in juvenile law, if they can access representation at all. Children are our most vulnerable defendants, and they need a skilled attorney to protect them from a system that incarcerates more young people than any other country in the world.

1
million

juvenile delinquency cases
each year

31

states have **no laws** saying
how young is **too young to**
prosecute a child

26

states do not restrict
shackling of children in
juvenile court

33

states do not allow
jury trials in juvenile court

Lack of Meaningful Access to Counsel



Fair treatment of children in delinquency courts is virtually impossible without the availability of specialized and highly skilled counsel advocating for the expressed legal interests of the child client. Yet, few children in this country actually receive meaningful access to qualified defense counsel, as constitutionally required in delinquency proceedings.

Inadequate Juvenile Defense Delivery Systems



In most federal, state, local, and tribal jurisdictions, existing juvenile defense delivery systems are inadequate or wholly lacking. Children do not have access to counsel early enough in the process, and problems with the timing and appointment of counsel, in addition to burdensome and lengthy indigence determinations, contribute greatly to the high rates of waiver of counsel. Further, many children languish in costly detention placements and institutions due to a lack of post-disposition access to counsel.

Practices Inconsistent with Adolescent Development



Many current juvenile court practices and policies criminalizing normative adolescent conduct are inconsistent with positive youth development. Research shows that without any intervention most delinquent behavior desists by early adulthood.

STATEMENT OF PRINCIPLES

Fifty years ago, the United States Supreme Court said that children have fundamental rights in America's courtrooms. In the nearly five decades since then, the promise of *Gault* has not been realized. **It is time to fulfill that promise.** Justice demands that all children in juvenile court have meaningful access to qualified counsel.

The *Gault* at 50 Campaign seeks to ensure that every child has an effective attorney in America's juvenile courts.

Therefore, we believe:



Every child should be provided a juvenile defense attorney at the earliest possible moment.



Every child should be automatically eligible for a publicly funded juvenile defense attorney.



A child's juvenile defense attorney should represent the child throughout the time the child is under the jurisdiction or supervision of the juvenile justice system, from arrest through post-disposition, which may include incarceration, probation, and/or parole, related appeals, and reentry.



Every juvenile defense attorney must receive specialized training and support to be an effective advocate for children.



Publicly funded defense systems must provide the necessary training, leadership, funding, tools, and resources to develop juvenile defenders with specialized knowledge and expertise.

To learn more about the *Gault* at 50 Campaign and join the growing list of organizations and individuals endorsing this Statement of Principles, visit www.gaultat50.org.

*Eric Holder
Former U.S.
Attorney General*

"For too long, the Supreme Court's promise of fairness for young people accused of delinquency has gone unfulfilled in courts across our country."

*Kim Dvorchak
Executive Director
NJDC*

"In the decade ahead, the National Juvenile Defender Center will expand our efforts to ensure every child who faces prosecution in America is represented by a well-trained attorney specializing in juvenile defense."

NATIONAL JUVENILE DEFENDER CENTER

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www.gaultat50.org