

## Juvenile Defenders: Part of the Solution

Years ago when my son was in the first grade, he took a 3 inch plastic toy knife to school. I received an alarming phone call from the principal. She explained that he took the knife out of his book bag to show it to his classmates. He did not make any threatening statements or attempt to use it in a threatening manner. The principal said that even though the school had a zero tolerance policy, there would be no disciplinary action taken because of my son's age. She also considered that he had no prior incidents or behavior issues and did not have any violent intentions when he showed his classmates the knife. Today, my son would likely have a different experience.

The combination of practices, policies, and procedures that remove children from the classroom and move them into the juvenile and criminal justice systems has become known as the “school to prison pipeline” and even the “cradle to prison pipeline.” Studies suggest that minimizing a child's involvement with the juvenile justice system can reduce their risk of future offenses. [Thus, in its Juvenile Recidivism Study: FY 2010/2011](#), released in May 2015, the North Carolina Sentencing and Policy Advisory Commission found that although the overall recidivism rate among juveniles referred to the juvenile justice system was 42%, it increased to 53% if the juvenile was adjudicated and declined to 39% if the juvenile was diverted.

Juvenile defenders have a unique opportunity to help prevent children from entering or moving further along the school to prison pipeline. Advocacy in juvenile cases requires more than mastering the law and defending against allegations of delinquent acts. To achieve the best outcome, defenders also need to learn about the circumstances of their clients—in particular their educational history, their needs, strengths, and interests, and the resources available to assist them.

**Education.** Juvenile Defenders should become familiar with school policies and procedures about such matters as educational plans, special education services, and suspensions. Parents and clients can provide background information about specific education history and can help identify additional school records to obtain. Talking with teachers, counselors, and other relevant school staff can provide additional valuable information. From these conversations, the defender can learn about services that the child is currently receiving and additional services that are available. This information can be critical not only in negotiations with the prosecutor but also in further conversations with the client and parents.

Reviewing educational options with the parents and clients can help the attorney develop an appropriate and effective plan, supported by the family. Further, focusing on the well-being of the child can help build trust with the family and foster a stronger attorney-client relationship.

For more information on investigating the educational history of juvenile clients, I suggest reading [How Juvenile Defenders Can Help Dismantle the School-To-Prison Pipeline: A Primer on Educational Advocacy and Incorporating Clients' Educational Histories and Records into](#)

[Delinquency Representation](#). In this journal article, Jason Langberg and Barbara Fedders provide an in-depth discussion about how juvenile defenders can use educational advocacy throughout delinquency proceedings to achieve better outcomes for their clients. The authors include a discussion about the Family Education Rights and Privacy Act (FERPA), how defenders can access education records, and their ethical obligations to clients when investigating the client's education.

**Strengths and Needs of the Juvenile.** Often the focus in juvenile court is on the allegations of delinquent acts and the challenges of the child and family. Court counselors often make recommendations from that perspective. Understanding the strengths and accomplishments of the child is as important in devising a plan for the child and family. Juvenile defenders can ask the family and the client about interests, career goals, and extracurricular activities, such as sports, clubs, or church involvement. The juvenile defender can share this information with the court counselor, prosecutor, and court to explore programs and services that will continue to develop the child's positive attributes and interests.

**Community Resources.** Identifying available programs and services can be challenging because they may be limited or difficult to access. Nonetheless, it is important for juvenile defenders to learn as much as possible about potential resources and how they can be accessed. Sometimes it is necessary to look for programs and services in neighboring jurisdictions. Equipped with knowledge of nearby services and resources, juvenile defenders can encourage the prosecutor, court counselor, and court to consider less restrictive, community based options.

Investigating the education history, focusing on the strengths and needs of the juvenile client, and learning about community resources will help defenders effectively advocate for the most appropriate outcomes. In the process, more children may be kept in school and out of the juvenile and criminal justice system pipeline.