The Juvenile Court:
A View from the Bench

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Abstract

This article describes the changing role of the juvenile court from the perspective of an urban juvenile court judge. The author’s experiences as the administrative judge for Baltimore City’s juvenile court address typical current juvenile court dilemmas such as lack of funding, physical space that is inadequate for the needs of the court and those it serves, and limited dispositional options for juvenile offenders. Examples of effective judicial advocacy are presented, as are suggestions for positive court reform.

The juvenile court is just one part of an elaborate mosaic of institutions and agencies constructed to deal with at-risk children and families. Though it is only one part, the juvenile court is central to the functioning of the system as a whole. With its authority to intervene in the lives of children and families and order remedial measures, the court empowers the other agencies in their rehabilitative work.

Early models of the juvenile court gave the judge authority to manage and direct agencies in their delivery of services to families and children. The judge was responsible not only for deciding disputes between parties but also for determining the best interests of the children involved in the cases. The judge facilitated the delivery of services and adjusted the prescribed treatment regimen to the changing circumstances of the child. (For more information regarding the early history of the juvenile court, see the article by Fox in this journal issue.)

Over the years, the responsibility for supervising children and families when the children have been removed from their homes has increasingly been transferred to administrative agencies.1 The concern that juvenile courts, in their singular focus on the needs of individual children or families, might deplete limited treatment resources allocated for a broader spectrum of needs provoked some legislatures to limit their dispositional authority.2 As a result, some juvenile courts now confine this component of their work to the oversight of the agencies that provide services.3
My Experiences as an Urban Juvenile Court Judge

I recently relinquished my responsibilities as the administrative judge for the city of Baltimore’s juvenile court. Baltimore, once the largest metropolitan area in the state, is now fourth in size behind suburban communities bordering it and Washington, D.C. Increased political power and economic strength have accompanied the growth of these new suburban communities, leaving a heavy concentration of poorer populations within the city limits.

Present in Baltimore, as in America’s other urban communities, are some of the worst social ills besetting the nation and few of the resources needed by troubled families. This type of setting intensifies the problems juvenile court judges must face. In this context, the juvenile court judge must become an advocate for the development of resources necessary to address the needs of children and families in addition to being a judicial and administrative officer.

The Baltimore juvenile court is the most active in the state. Each year this court conducts approximately 36,000 hearings on 6,200 filings of allegations of delinquency and 6,000 petitions alleging child abuse and neglect. A typical daily court docket is approximately 15 cases, including both delinquency and dependency. Two of the cases I heard on my last days on the docket were, in some ways, unique but also illustrative of the life-and-death struggles of children that each juvenile court case represents.

In one case, I presided over the final hearing in a matter involving two 10-year-olds who were playing with a sawed-off shotgun when the weapon discharged, instantly killing one of the children. A charge of murder had been filed against the surviving child. At the original hearing, a statutory provision unique to Maryland was used by the court, with the consent of the prosecutor and the child’s attorney, to abort the proceeding without a finding of culpability. An order was entered directing rehabilitative services for the surviving child and his family, as well as the family of the deceased child. At the subsequent hearing, it was my responsibility to assess the extent to which the services were actually assisting the parties involved. I was pleased to find that the court orders had been followed and that remedial services had been adequately provided and had benefitted the parties.

Another case involved one of the longest terms of incarceration for civil contempt in juvenile court history. I had to decide whether to terminate the confinement of a woman who had been held in contempt for refusing to produce her child in court. This case had begun as an allegation of physical abuse in 1987. The child was removed from the mother’s care and then returned to her in 1988, while still under the protective supervision of the local social service agency. Subsequently, when asked to produce her child so that the agency could
determine his physical condition, she refused. Through legal maneuverings that eventually reached the U.S. Supreme Court, the mother remained incarcerated for more than seven years on the finding of contempt.

In 1995 the court was petitioned by all the parties to release the mother because she either was no longer capable of producing the child or was determined to sit in prison forever in defiance of the court order. She was eventually released, but the child, who would now be 10 years old, has never been found. He was last seen by authorities when he was 2 years old.

The Judge as an Advocate for Children

I presided over a court that was structurally inadequate to protect children and the public. In 1992 the Baltimore court functioned essentially as it had for the previous five decades. One juvenile court judge presided over hearing officers, called masters, who executed the bulk of the adjudicative and dispositional tasks. The judge’s job was to review and approve the masters’ written findings and recommendations. Because the masters heard the majority of the cases, the judge was not part of the daily travails of the children who came before the court. This system proved unworkable.

In response to this problem, I took the position that the juvenile court judge’s responsibilities extended beyond “rearranging the deck chairs on the Titanic.” Expert external review of the court was invited. Media representatives also examined court functioning to inform the public of the plight of children in the system. In response to public clamor, lobbying by lawyers and advocates, and countless appearances before legislative bodies and community groups by me and many others, the governor and state legislature allocated funds for improvements in the operation of the court. We obtained an additional judge for the docket and a full-time court administrator. In addition, the court embarked on the complete computerization of its operations with the use of custom-designed software, which also led to additional operational reforms. The system of case management that evolved has become a model for the state and is under active review for use by other communities.

In addition to case management problems, the Baltimore City juvenile court has been plagued with inadequate and inappropriate physical space in which to process the cases that come before it. Described by Time magazine as “corridors of agony,” the Baltimore City juvenile courthouse is a disgrace. It represents decades of neglect by the political community of the needs of the court as identified by judges, the local bar association, child advocates, and the business community.

After three years of determined advocacy by the judiciary and others, elected officials have finally publicly committed to the building of a new juvenile court facility. By the beginning of the next century, children will no longer be traumatized by the deficiencies of the building in which juvenile court proceedings are conducted. Plans are in place to erect a courthouse that will provide a humane and empathetic atmosphere for children.

Recently, neighborhood groups, local politicians, and media representatives have also been pressing for a harsher juvenile justice system to confront the increasing aberrant behavior of youths in the community. The primary political response to such demands has been to “adultify” juvenile crime by increasing the circumstances in which juvenile cases can be waived into the adult court. (For more information on waivers, see the articles by Ainsworth, by Greenwood, and by Snyder in this journal issue.) This reduction of juvenile court jurisdiction is not the solution to juvenile crime.

Improving Juvenile Court Delinquency Dispositions

The key to an effective juvenile court that is capable of confronting the criminal behavior of juvenile offenders is dispositional alternatives attuned to the needs of these children. The prescription for successful rehabilitation is structure, discipline, values training, and caring supervision. Data show that small, intense programs which provide security through the staff and program content can work. Large institutions that warehouse 200 to 300 youngsters do not achieve
positive change in the behavior of the residents. They are nothing more than monuments to frustration and failure.

Another ineffective dispositional option that is currently in vogue is the boot camp, modeled after military training camps. What makes boot camps work for military personnel is the presence of continual positive reinforcement and training for particular jobs. Boot camps fail as a treatment model for juvenile offenders because they interpret short-term obedience to command as changed behavior and provide little meaningful follow-up in the form of skill development and job training. Yet political officials continue to sink limited treatment funds into such gimmicks instead of backing programs that research shows are working. (For more information about boot camps and other dispositional alternatives, see the article by Greenwood in this journal issue.)

When the court makes the determination that the offender can remain in the community, the common dispositional recommendation is probation. Today, probation typically means placing the child on the caseload of an overburdened counselor who instructs the child to be good, attend school, and see the counselor every few weeks. This staple of the juvenile justice system is no longer effective. New models in which children on probation are tracked during the day and held accountable for their whereabouts at various points in the day are promising alternatives to the traditional model. (For more information on probation, see the article by Greenwood in this journal issue.)

**Conclusion**

Current political efforts to tinker with the jurisdiction and functioning of the juvenile court are doing more harm than good. These attempts at reform are motivated more by political concerns than by the actual needs of the affected populations or of the court itself. Positive reform accommodates the changing needs of children and families and the court that serves them.

The juvenile court remains the venue with the most hope of rehabilitating society’s troubled families and youths. To function well, it needs qualified and committed jurists, effective dispositional options, and community support.

1. This shift of responsibility from the judiciary to the executive agencies has also occurred with regard to probation programs, a dispositional placement in which the children have not been removed from their families.
2. Funding issues were the driving force for this shift locally. However, legislatures in other states may have been motivated by other concerns as well. For example, some state legislatures opted to attach administrative responsibility for juvenile court delinquency services to state executive agencies to improve statewide uniformity in service delivery.
7. The prosecutor’s office instituted a different procedure for charging delinquent acts in this period, and that change is reflected in this figure. By way of contrast, the number of delinquency petitions filed in the two preceding fiscal years was 12,254 and 13,781, respectively. Under the new procedure, each petition represents all charges alleged against a child for the single scenario. The previous practice was to charge each crime in the event as a separate petition. The new practice is more reflective of the actual number of children charged.
9. Fifteen to twenty cases in six to seven hours of actual bench time is equivalent to an average of only from 18 to 28 minutes per case hearing. For a description of case processing in
another urban juvenile court (Los Angeles), including data on numbers of hearings conducted, see Humes, E. *No matter how loud I shout: A year in the life of juvenile court.* New York: Simon & Schuster, 1996.

10. *In re Darryl G.*, Petition no. 694356003, Circuit Court for Baltimore City, Division of Juvenile Causes, 1994. For confidentiality reasons, and because this was not a reported or appellate ruling, a more complete citation cannot be given.


