

PENNSYLVANIA'S ANTIQUATED JUVENILE ACT LAW

(PART 1)

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Pennsylvania's Juvenile Act is antiquated law that now must be reformed to reflect the body of neuropsychological and sociological studies on adolescent brain and behavior development proving that children have underdeveloped brains and behavior making them inherently different than adults.

Beginning in 2005, the U.S. Supreme Court released a series of key court decisions regarding the constitutional rights of children within the Criminal legal System in *ROPER V. SIMMONS* (2005), *GRAHAM V. FLORIDA* (2010), *J.D.B. V. NORTH CAROLINA* (2011), and *MILLER V. ALABAMA* (2012).

In Roper, Graham, and Miller the Court ruled that sentencing child offenders to the Death Penalty, Life-Without-Parole (LWOP), and Mandatory LWOP for homicide and non-homicide offenses is unlawful under the U.S. Constitution. In J.D.B., answering the question whether the age of a child subjected to police interrogation is relevant to the custody analysis of *MIRANDA V. ARIZONA*, the Court ruled that a child's age properly informs Miranda's custody analysis. The U.S. Supreme Court Justices based its decisions on scientific research over the past two decades that has given us new insight into adolescent brain and behavior.

Pennsylvania's Juvenile Act law (42 Pa. C.S. §§ 6301-6365) does not consider the scientific findings of childrens' underdeveloped brains and behavior the Justices relied on in Roper, Graham, J.D.B., and Miller decisions.

Consequently, the Juvenile Act is antiquated in that it does not safeguard childrens' constitutional and procedural rights within the adult Criminal legal System by failing to mandate that a child suspect be provided a non-waivable right to a Defense Counsel before and during police interrogation without request; failing to mandate the videotaping of police interrogations of child suspects; failing to provide "Fitness Hearings" to accused children at Juvenile Court prior to transfer of child to Adult Court; and failing to provide modern Psychological Evaluation Tests to determine the accused child's amenability.

The scientific studies of childrens' brain and behavior demands sensible reform of the Juvenile Act law, in Pennsylvania, as well as

in other states.

I am Shakaboona
and Thank You for listening.