

**UNIVERSITY OF BALTIMORE SCHOOL OF LAW  
JUVENILE JUSTICE (LAW 730/512)  
SYLLABUS ~ SPRING 2020  
PROFESSOR ODEANA NEAL  
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Administrative Assistant: Gloria Joy ([gjoy@ubalt.edu](mailto:gjoy@ubalt.edu)) ~ 410-837-4631)**

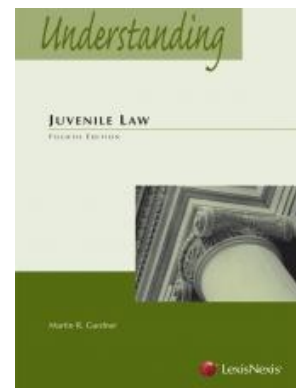


**COURSE DESCRIPTION:** This is a practice-oriented examination of: the historical and philosophical bases for a separate juvenile justice process; the juvenile court's jurisdiction; the legal status of children in the juvenile justice process; the role of the Supreme Court in the juvenile justice process; and delinquency and status offense issues and procedures. Primary statutory emphasis will be on Maryland Law, especially the Juvenile Causes Act.

**REQUIRED TEXT:** Chart-a-Course: Juvenile Justice  
(You can purchase this text at [www.chartacourse.com](http://www.chartacourse.com))

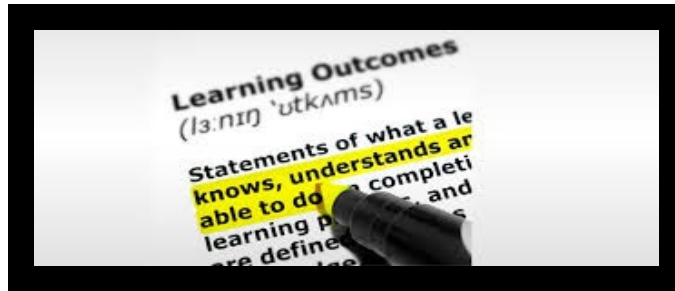
**OPTIONAL TEXT:** Martin R. Gardner, Understanding Juvenile Law (4th ed., 2014) (ISBN 9780769891231)

This text is also available electronically. Click [here](#) for more information.



**CLASS MEETING TIMES:** Class meets on Mondays and Wednesdays from 3:00 to 4:15 p.m.

**(Law Center Room 511):** My office hours are from 5:00 to 6:00 on Wednesdays and Thursdays. If you would like to meet during another time, please contact me to make arrangements.



By the end of the semester, students will be able to:

1. Know the provisions of the Maryland Juvenile Causes Act as it relates to juvenile delinquency and status offenses;
2. Explain the restrictions and guidelines of the U.S. Constitution on the process and substance of juvenile law;
3. Explain the relationship between the U.S. Constitution and state statutes and practices;
4. Utilize the history of the juvenile court to explain and its effect on current policy and law;
5. Utilize current knowledge from the biological and social sciences as it relates to childhood and adolescent development as an advocacy tool;
6. In the role of representative for a child or for the state, make substantive and procedural arguments for the position of one's client based on constitutional, statutory, and common law;
7. Construe new statutes and determine their meaning, constitutionality, and consequences, including their impact on other statutes;

8. Understand the relationship between public policy and legislation; and
9. Employ the special professional responsibility of attorneys representing children or prosecuting them for offenses.

**ATTENDANCE POLICY:** All students are expected to attend class, be on time, and come prepared. A student who exceeds five absences may be compelled to withdraw from the course or may be barred from sitting for the final exam. Students who are forced to withdraw for exceeding the allowed absences may receive a grade of FA (failure due to excessive absence). This policy is consistent with American Bar Association Standards for Law Schools.

**ONLINE CLASSES:** There may be some class sessions that will be conducted online. All students are required to “attend” these classes like any other. They may require participation in an online forum, collaborative work with classmates, etc. You will be given ample notice of any class sessions that will be conducted online.



## CLASS CANCELLATION ANNOUNCEMENT

**CLASS CANCELLATIONS:** If Professor Neal must cancel a class session, students will be notified via email and a notice will be posted on the classroom door. If there is inclement weather, students should visit the University of Baltimore web site or call the University's Snow Closing Line at (410) 837-4201. If the University is open, students should presume that classes are running on the normal schedule.

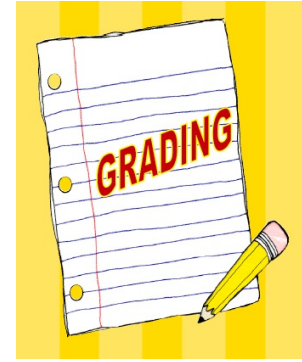
**COURSE WORK EXPECTATIONS:** American Bar Association Standards for Law Schools establish guidelines for the amount of work students should expect to complete for each credit earned. Students should expect approximately one hour of classroom instruction and to spend two hours of out-of-class work each week for each credit earned in a class, or an equivalent amount of work for other academic activities, such as simulations, externships, clinical supervision, co-curricular activities, and other academic work leading to the award of credit hours.

**GRADING:** Final grades will be determined as follows:

Mid-Term Examination: 25% of final grade

Legislative Testimony Exercise: 25% of final grade

Final Examination: 50% of final grade



In addition, final grades may be adjusted one step (e.g., from a B to a B+) based on class participation. Class participation valuation will be based on attendance, preparation, and meaningful participation in class discussion. Students are expected to read all assignments prior to class.

**LAPTOP POLICY:** Since non-class related use of laptops can create a distraction for other students, students may only use their laptops in ways that do not create such a distraction and for matters directly related to class. If laptop use creates a distraction,



Prof. Neal reserves the right to impose sanctions including, but not limited to, prohibiting a student's use of the laptop for the remainder of the class period, prohibiting a student's use of the laptop for the remainder of the course, or prohibiting the use of laptops in class entirely. In addition, Prof. Neal will occasionally call for "laptops down," and conduct a brief discussion with all laptop screens down.

**ACADEMIC INTEGRITY:** Students are obligated to refrain from acts that they know or, under the circumstances, have reason to know will impair the academic integrity of the University and/or School of Law. Violations of academic integrity include, but are not



limited to: cheating, plagiarism, misuse of materials, inappropriate communication about exams, use of unauthorized materials and technology, misrepresentation of any academic matter, including attendance, and impeding the Honor Code process. The School of Law Honor Code and information about the process is available at [http://law.ubalt.edu/academics/policiesandprocedures/honor\\_code/](http://law.ubalt.edu/academics/policiesandprocedures/honor_code/).

**TITLE IX SEXUAL MISCONDUCT AND NON-DISCRIMINATION POLICY:**

The University of Baltimore's Sexual Misconduct and Nondiscrimination policy is compliant with Federal laws prohibiting discrimination. Title IX requires that faculty, student employees and staff members report to the university any known, learned or rumored incidents of sex discrimination, including sexual harassment, sexual misconduct,

stalking on the basis of sex, dating/intimate partner violence or sexual exploitation and/or related experiences or incidents. Policies and procedures related to Title IX and UB's nondiscrimination policies can be found at: <http://www.ubalt.edu/titleix>.

**DISABILITY POLICY:** If you are a student with a documented disability who requires an academic accommodation, please contact Leslie Metzger, Director of Student Services, at 410-837-5623 or [lmetzger@ubalt.edu](mailto:lmetzger@ubalt.edu).

# syllabus

Reading assignments for individual class periods will be placed on the Chart-a-Course website. The syllabus may have modifications during the semester. Assignments on the website supercede those on this syllabus.

Chapter	Topic	Assignment
<b>Before the Juvenile Justice System</b>		Complete the "Day One Questionnaire" which can be found on the "Syllabus" tab on ChartaCourse
	How do we know when a child is "guilty?"	State v. Doherty, 2 Tenn. 80 (Tenn. Super. L. & Eq. 1806)
	Houses of Refuge and Reformation: how does the constitution apply?	Ex Parte Crouse, 1839 WL 3700 (Pa. 1839)  People ex rel. O'Connell v. Turner, 55 Ill. 280 (1870)



**The Jurisdiction of the  
Maryland Juvenile  
Court: Delinquents**

Maryland Statutes

Pisciotta, Race, Sex,  
and Rehabilitation: A  
Study of Differential  
Treatment in the  
Juvenile Reformatory,  
1825-1900 (Crime and  
Delinquency, v29 n2  
p254-69 Apr 1983)

Md. Cts. and Jud. Proc.  
§ 3-8A-01

Md. Cts. and Jud. Proc.  
§ 3-8A-02

Md. Cts. and Jud. Proc.  
§ 3-8A-03

The infancy defense  
and implications for  
juvenile court defenses

In re William A., 313  
Md. 690 (Md. 1988)

Md. Cts. and Jud. Proc.  
§ 3-8A-05 (d)

How strictly should the  
statutes be construed?

In re Charles K., 135  
Md. App. 84, 761 A.2d  
978 (2000)

What is a child's mens  
rea?

In re Timothy F., 343  
Md. 371 (Md. 1996)

In re M.D., 38 Ohio St.  
3d 149, 527 N.E.2d 286  
(1988)

Jurisdiction After  
Delinquent Ages Out of  
the System

Matter of M.K., 514  
S.W.3d 369 (Tex. App.  
2017)

Peace orders in the  
Maryland Juvenile  
Court

Md. Cts. and Jud. Proc.  
§ 3-8A-19.1

**Jurisdiction of the  
Maryland Juvenile  
Court: Status  
Offenders**



**Statutory Definitions**

Md. Cts. and Jud. Proc.  
§ 3-8A-19.2

Md. Cts. and Jud. Proc.  
§ 3-8A-01(e)

Md. Cts. and Jud. Proc.  
§ 3-8A-33

Ga. Code Ann. § 15-11-  
2(11)

S.C. Code Ann. § 63-  
19-20(9)

Cal. Welf. & Inst. Code  
§ 601

**Constitutional  
vagueness**

In re Snyder's Welfare,  
85 Wash. 2d 182, 532  
P.2d 278 (1975)

E. S. G. v. State, 447  
S.W.2d 225 (Tex. Civ.  
App. 1969), writ  
refused NRE (Jan. 28,  
1970)

**Procedural Due  
Process: Amending the  
Petition**

In re Felton, 124 Ohio  
App. 3d 500, 706  
N.E.2d 809 (1997)

Matter of Leif Z., 105  
Misc. 2d 973, 431  
N.Y.S.2d 290 (Fam. Ct.  
1980)

**Policy Considerations**

National Standards for  
the Care of Youth  
Charged with Status  
Offenses, pp. 10-21



When is a status offense not a status offense?

**Jurisdiction of the Maryland Juvenile Court: Adults**

Maryland Statutes: civil and criminal jurisdiction

Disproportionate Minority Contact and Status Offenses

Girls, Status Offenses and the Need for a Less Punitive and More Empowering Approach

Listen to The Knockout Artist

Md. Cts. and Jud. Proc. § 3-8A-01(dd)

Md. Educ. Code § 26-103

Md. Crim. Law § 10-113

Md. Crim. Law § 10-114

Md. Crim. Law § 10-115

Md. Crim. Law § 10-116

Md. Crim. Law § 10-132

Md. Crim. Law § 10-136

Md. Local Govt. § 11-306

Md. Cts. and Jud. Proc. § 3-8A-26

Md. Cts. and Jud. Proc. § 3-8A-30



**The Constitutional  
Parameters of the  
Juvenile Court**

Before Gault

In re Holmes, 175 Pa.  
Super. 137, 103 A.2d  
454 aff'd, 379 Pa. 599,  
109 A.2d 523 (1954)

State ex rel. Marcum v.  
Ferrell, 140 W. Va.  
202, 83 S.E.2d 648  
(1954)



Gault and its progeny

Application of Gault,  
387 U.S. 1, 87 S. Ct.  
1428, 18 L. Ed. 2d 527  
(1967)

In re Winship, 397 U.S.  
358, 90 S. Ct. 1068, 25  
L. Ed. 2d 368 (1970)

McKeiver v.  
Pennsylvania, 403 U.S.  
528, 91 S. Ct. 1976, 29  
L. Ed. 2d 647 (1971)

In re L.M., 186 P.3d  
164 (Kan. 2008)

The constitutional  
rights of status  
offenders

Lassiter v. Dep't of Soc.  
Servs. of Durham  
Cnty., N. C., 452 U.S.  
18, 55, 101 S. Ct. 2153,  
2174, 68 L. Ed. 2d 640  
(U.S. 1981)

**Investigation:  
Searches and Seizures**



How does the juvenile court treat 4<sup>th</sup> Amendment violations?

State v. Lowry, 95 N.J. Super. 307, 230 A.2d 907 (Ch. Div. 1967)

Consent

In re J.M., 619 A.2d 497 (D.C. 1992)

Searches and status offenses

In re Calvin S., 175 Md. App. 516 (Md. Ct. Spec. App. 2007)

Searches in Schools

T.S. v. State, 100 So. 3d 1289 (Fla. Dist. Ct. App. 2012)

Safford Unified Sch. Dist. No. 1 v. Redding, 557 U.S. 364, 129 S. Ct. 2633, 174 L. Ed. 2d 354 (2009)

Bd. of Educ. of Indep. Sch. Dist. No. 92 of Pottawatomie Cnty. v. Earls, 536 U.S. 822, 122 S. Ct. 2559, 153 L. Ed. 2d 735 (2002)

**Investigation:  
Interrogation**

Confessions and Children

State v. Aaron, 4 N.J.L. 231 (1818)

Haley v. State of Ohio, 332 U.S. 596, 68 S. Ct. 302, 92 L. Ed. 224



(1948)

The Interview,  
December 9, 2013 New  
Yorker 42, 2013  
WLNR 32665868

Invoking the right to  
a lawyer

Fare v. Michael C., 442  
U.S. 707, 99 S. Ct.  
2560, 61 L. Ed. 2d 197  
(1979)

Waiving the right to  
remain silent

In the Matter of H.V.,  
252 S.W.3d 319 (2008)

When is a child in  
custody?

J.D.B. v. North Carolina,  
564 U.S. 261, 131 S. Ct.  
2394, 2396, 180 L. Ed. 2d  
310 (U.S. 2011)

The 5<sup>th</sup> Amendment and  
status offenders

In re Spalding, 273 Md.  
690, 332 A.2d 246  
(1975)

## **Taking Children Into Custody**

Maryland Statutes

Md. Cts. and Jud. Proc.  
§ 3-8A-14

Md. Cts. and Jud. Proc.  
§ 3-8A-14.1

Delinquents

Lanes v. State, 767  
S.W.2d 789 (Tex. Crim.  
App. 1989)

Status Offenders

State v. Todd Andrew  
H., 196 W. Va. 615,  
474 S.E.2d 545 (1996)

Means of Taking  
Children Into Custody

E.W. by & through  
T.W. v. Dolgos, No.  
16-1608, 2018 WL  
818303 (4th Cir. Feb.

12, 2018)

**Intake and Petitioning**

Maryland statutory scheme

Md. Cts. and Jud. Proc. § 3-8A-10

Md. Cts. and Jud. Proc. § 3-8A-12(a) and (b)

Md. Cts. and Jud. Proc. § 3-8A-13 (a), (b), (d), and (f)

In re Keith G., 325 Md. 538, 601 A.2d 1107 (1992)

Other statutory schemes

Ky. Rev. Stat. Ann. § 610.030

The right to counsel

In re Frank H., 71 Misc. 2d 1042, 337 N.Y.S.2d 118 (Fam. Ct. 1972)

The role of restitution

In re Laurence T., 285 Md. 621 (Md. 1979)

**The Waiver Decision**

Maryland Statutes

Md. Cts. and Jud. Proc. § 3-8A-06

Md. Cts. and Jud. Proc. § 3-8A-07(d)

Statutory and Non-Statutory Bases for the Waiver Decision

Transgender Bridge

In re Mariah E., 2015 WL 159054 (Wisc. Ct. App. 2015)



Effects of Waiver

Executive Summary,  
Just Kids: Baltimore's  
Youth in the Adult  
Criminal Justice System  
(<http://justkidsmaryland.org/wp-content/uploads/2014/06/Just-Kids-Report-Executive-Summary.pdf>)

Constitutional  
Considerations

Kent v. United States,  
383 U.S. 541, 86 S. Ct.  
1045, 16 L. Ed. 2d 84  
(1966)

Breed v. Jones, 421  
U.S. 519, 95 S. Ct.  
1779, 44 L. Ed. 2d 346  
(1975)

Illinois v. P.H., 145 Ill.  
2d 209, 582 N.E.2d 700  
(1991)

Maryland  
Considerations

In re Barker, 17 Md.  
App. 714 (Md. Ct.  
Spec. App. 1973)

In re Johnson, 17 Md.  
App. 705 (Md. Ct.  
Spec. App. 1973)

More Social Science  
Considerations

Automatic Adult  
Prosecution of Children  
in Cook County, IL,  
2010-2012, Executive  
Summary (pp. 3-4)  
(<http://goo.gl/PQw2WX>)



)

Delinquency Cases  
Waived to Criminal  
Court, 2011  
(Hockenberry and  
Puzzanchera)  
([http://www.ojdp.gov/  
pubs/248410.pdf](http://www.ojdp.gov/pubs/248410.pdf))

Unintended (?)  
Consequences

People v. R.L., 158 Ill.  
2d 432 (Ill. 1994)

Reverse Waiver

Md. Crim. Proc. § 4-  
202

Md. Crim. Proc. § 4-  
202.2

Gaines v. Maryland,  
201 Md. App. 1 (2011)

The Supreme Court  
Limits Adult Sentences  
for Juvenile Offenders

Miller v. Alabama, 132  
S.Ct. 2455 (2012)

State v. Moore,  
2016-Ohio-8288, 149  
Ohio St. 3d 557, 76  
N.E.3d 1127, cert.  
denied, 138 S. Ct. 62,  
199 L. Ed. 2d 183  
(2017)

**Custody Pending  
Adjudication**

Md. Cts. and Jud. Proc.  
§ 3-8A-15

Md. Cts. and Jud. Proc.  
§ 3-8A-22



Schall v. Martin, 467

U.S. 253, 104 S. Ct.  
2403, 81 L. Ed. 2d 207  
(1984)

Summary, "The Doors  
to Detention": A Study  
of Baltimore City  
Detention Utilization  
([http://www.djs.state.md.us/docs/Baltimore%20City%20Detention\\_Utilization\\_Report\\_Print.pdf](http://www.djs.state.md.us/docs/Baltimore%20City%20Detention_Utilization_Report_Print.pdf))

## Adjudication

### Maryland Processes

Md. Cts. and Jud. Proc.  
§ 3-8A-18

In re Caitlin N., 192  
Md. App. (2010)

In re Areal B., 177 Md.  
App. 708 (Md. Ct.  
Spec. App. 2007)

### Double Jeopardy

Swisher v. Brady, 438  
U.S. 204, 98 S. Ct.  
2699, 57 L. Ed. 2d 705  
(1978)

### Competency

Md. Cts. and Jud. Proc.  
§ 3-8A-17.1

Md. Cts. and Jud. Proc.  
§ 3-8A-17.3

Md. Cts. and Jud. Proc.  
§ 3-8A-17.4

Md. Cts. and Jud. Proc.  
§ 3-8A-17.5

Md. Cts. and Jud. Proc.



§ 3-8A-17.6

Md. Cts. and Jud. Proc.

§ 3-8A-17.7

Md. Cts. and Jud. Proc.

§ 3-8A-17.9

Md. Cts. and Jud. Proc.

§ 3-8A-17.11

In re Lakeshia M., 398

Md. 551 (Md. 2007)

Timothy J. v. Superior

Court, 150 Cal. App.

4th 847 (Cal. App. 3d

Dist. 2007)

The Statutory Right to  
Counsel

Md. Cts. and Jud. Proc.  
§ 3-8A-20

Md. Cts. and Jud. Proc.  
§ 3-8A-32

Confidentiality  
Protections

Md. Cts. and Jud. Proc.  
§ 3-8A-13(f) and (g)

Md. Educ. Code § 7-  
303

Md. Cts. and Jud. Proc.  
§ 3-8A-27

Md. Cts. and Jud. Proc.  
§ 3-8A-27.1

**Disposition**

Statutes

Md. Cts. and Jud. Proc.  
§ 3-8A-19

Neb. Rev. Stat. Ann. §  
43-251.01

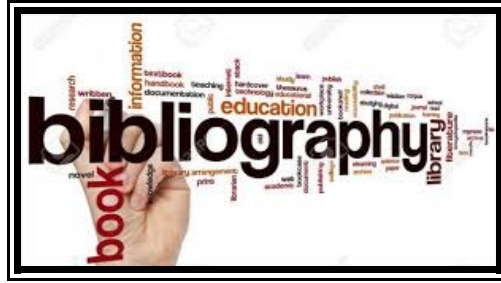
The Bootstrapping

In re Ronald S., 69 Cal.





Problem	App. 3d 866 (Cal. App. 4th Dist. 1977)
Maryland Processes	In re Demetrius J., 321 Md. 468 (Md. 1991)
Restitution	In re Don Mc., 344 Md. 194 (Md. (1996)
What About the Parents?	State v. Moreno, 203 P.3d 1000 (UT 2009)
Collateral Consequences	In re TD, Case No. DLJ 06-1101 (Mich. Fam. Div., Washtenaw County, Sept. 30, 2009)
	Improving Illinois' Response to Sexual Offenses Committed by Youth <a href="http://goo.gl/1Lu579">http://goo.gl/1Lu579</a>



Anthony Amsterdam, Martin Guggenheim and Randy Hertz, Trial Manual for Defense Attorneys in Juvenile Court. (1991)

Thomas Bernard. The Cycle of Juvenile Justice (1992)

Fox Butterfield, All God's Children: The Boskett Family and the American Tradition of Violence (1995)

Jeffrey Fagan & Franklin E. Zimring (Eds.), The Changing Borders of Juvenile Justice: Waiver of Juveniles to the Criminal Court (2000).

Barry Feld, The Evolution of the Juvenile Court: Race, Politics, and the Criminalizing of Juvenile Justice (2017)

Barry Feld, Neutralizing Inmate Violence: Juvenile Offenders in Institutions (1977)

Barry Feld, Justice for Children: The Right to Counsel in Juvenile Court (1993)

Thomas Grisso & Robert Schwartz (Eds), Youth on Trial: A Developmental Perspective on Juvenile Justice (2000)

Human Rights Watch, Children in Confinement in Louisiana (1995)

Human Rights Watch, Custody and Control: Conditions of Confinement in New York's Juvenile Prisons for Girls (2006)

Edward Humes, No Matter How Loud I Shout: A Year in the Life of Juvenile Court

(1996)

Fred E. Inbau et al., *Essentials of the Reid Technique: Criminal Interrogation and Confessions* (2005)

Barry Krisberg & James Austin, *Reinventing Juvenile Justice* (1993)

Anthony Platt, *The Child Savers: The Invention of Delinquency* (1977)

Joan McCord, Cathy Spatz Widom, and Nancy A. Crowell (Eds.), *Juvenile Crime, Juvenile Justice* (2001)

National Economic and Social Rights Initiative, *Deprived of Dignity: Degrading Treatment and Abusive Discipline in New York City and Los Angeles Public Schools* (2007)

Margaret Rosenheim et. al., eds., *A Century of Juvenile Justice* (2001)

Laurie Schaffner, *Girls in Trouble with the Law* (2006)

Steven Schlossman, *Love & the American Delinquent: The Theory & Practice of Progressive Juvenile Justice* (1977)

Simon Singer, *Recriminalizing Delinquency: Violent Juvenile Crime & Juvenile Justice Reform* (1996)

Laurence Steinberg, *Age of Opportunity: Lessons From the New Science of Adolescence* (2014)

John Sutton, *Stubborn Children: Controlling delinquency in the United States* (1988)

David Tanenhaus, *Juvenile Justice in the Making* (2004)

Kenneth Wooden, *Weeping in the Playtime of Others: America's Incarcerated Children* (2d ed. 2000)

Franklin Zimring, *American Youth Violence* (1998)

Franklin Zimring, *An American Tragedy: Legal Responses to Adolescent Sexual Offending* (2004)