

# Caretakers' Roles in the Protection of Youths' Rights in the Adjudicative Process

Jennifer L. Woolard  
Georgetown University

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*Bringing Research to Policy and Practice*

# A Unique Developmental Challenge

- **As a defendant**
  - constitutionally protected rights, decisions
- **As an adolescent**
  - Cognitive and psychosocial capacities developing
- **As a legally dependent child**
  - Dependent on care of, and subject to control/authority of parents

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# Parents' and Adolescents' Perspectives

- Parents can serve a variety of functions
  - Information, advocacy, support
  - Tension between potentially competing demands
- Presence does not equal active involvement or protection
- Parental involvement may or may not be perceived as helpful

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# Opportunities for Parental Involvement

## Defining by key persons and key contexts

- Persons
- Formal system contexts
- Informal/family contexts

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# What do we know about youth interrogation?

- The extent and circumstances of youth interrogation are unknown
- Stakeholders operate in a complicated legal and practice context
- Law enforcement, youth, and parents may each have significant misconceptions about the interrogation of youth

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# Extent and Circumstances

- No data from which to extrapolate about the number or circumstances of questioning or interrogation of youth

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# Legal Guidelines

- **Age vulnerability, and waiver of Miranda**
  - Legal opinions suggest youth might be particularly susceptible to interrogation tactics
- **State statutes and police procedures**
  - Patchwork
  - Some invoke special strategies such as presence of interested adult (e.g., parent or attorney)

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# Professional training

- Youths and adults warrant similar techniques
- Parents may facilitate and impede interrogation and confession
- Reid and Associates Interrogation Training

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# Legal presumptions

- **Parents have adequate knowledge**
- **Parents can communicate that knowledge effectively to juveniles**
- **Parents and juveniles share an identity of interests**
  - assertion of legal rights
  - how to makes decisions
  - role vis-à-vis attorney

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# Can parents ensure competent decision making by juvenile defendants?

- **What is the knowledge base of parents and juveniles about juveniles' legal rights, legal system process?**
- **Who do parents and juveniles believe has decision making authority for juvenile's case?**
  - Who triumphs when parents and juveniles conflict?

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# Perspectives on Legal System Study

- **Recruited 170 parent-youth pairs to interview about their knowledge and beliefs**
  - 77 11-13 year olds
  - 47 14-15 year olds
  - 48 16-17 year olds
  - Parents range 27-71

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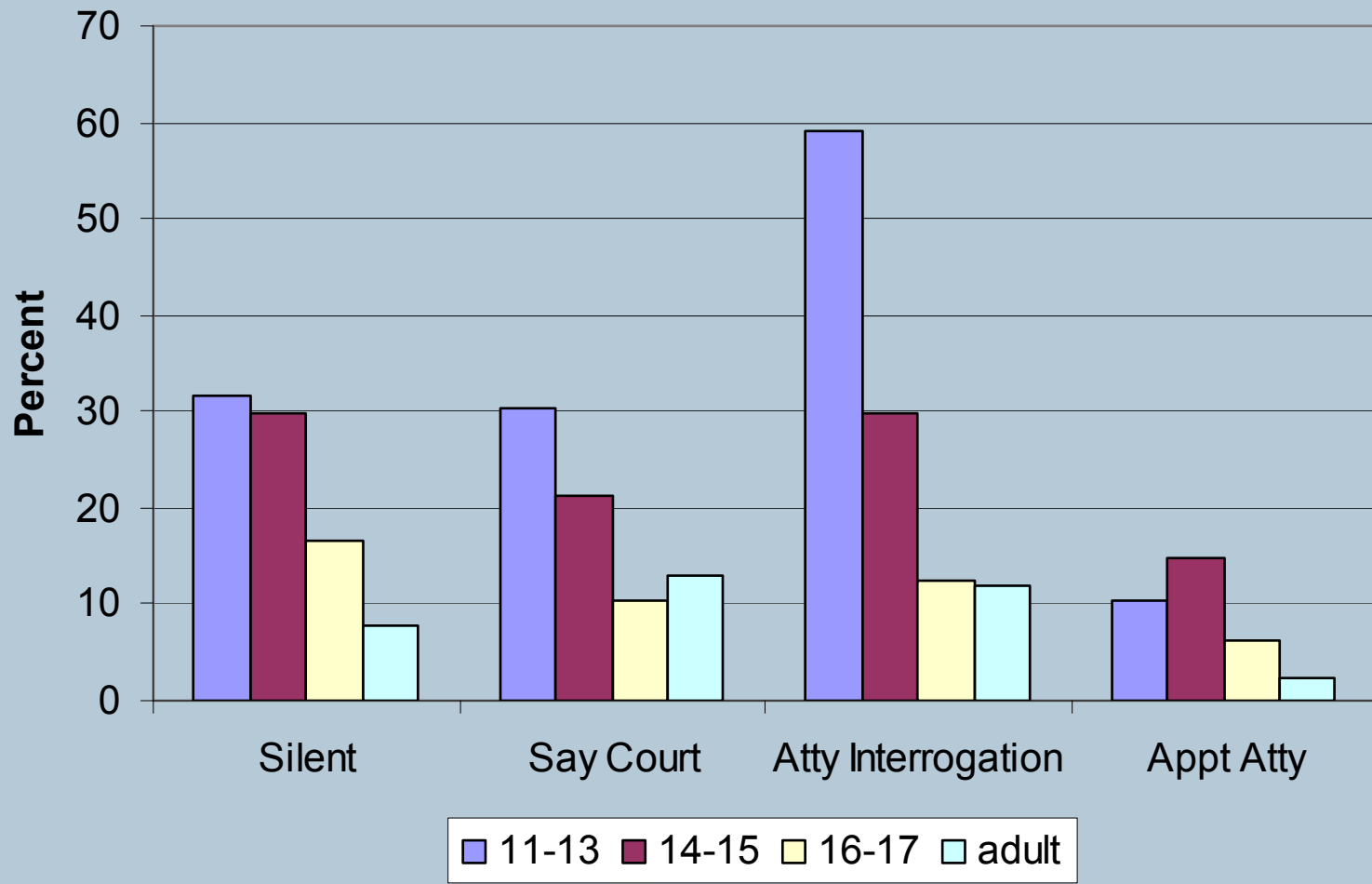
# Measures

- **Knowledge**
  - Miranda Comprehension
    - Comprehension of Miranda Rights
      - Right to remain silent, lawyer present at interrogation
  - Understanding about Police and Lawyers
    - Can police lie to you?
- **Decision Making**
  - Who Makes the Call
    - Who should make the decision if parent and youth disagree about whether to confess to police
  - Parent Attorney Advice
    - Vignettes where parent and attorney give conflicting advice about interrogation, consulting with attorney, taking plea

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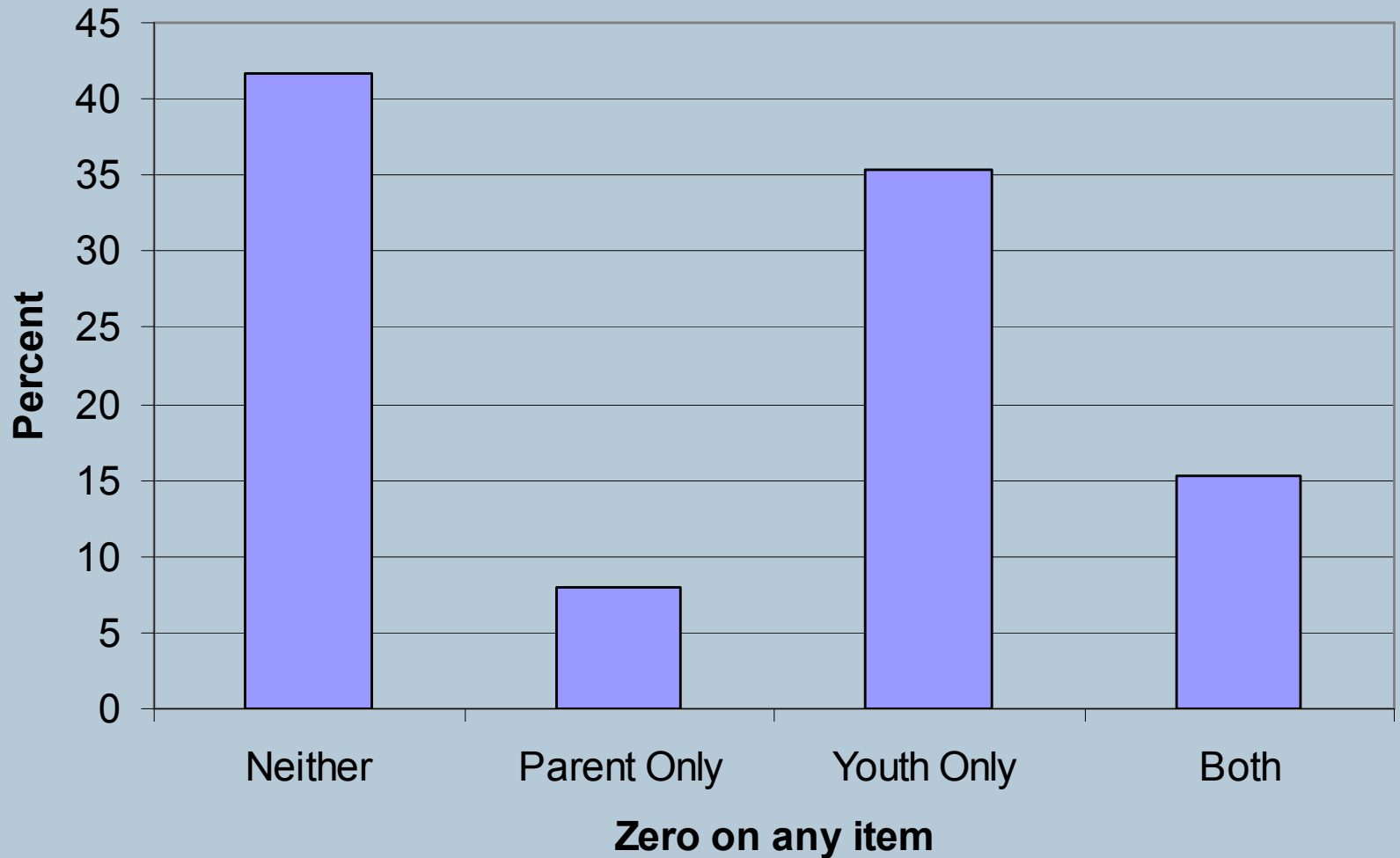
# Percent obtaining inadequate response on CMR components



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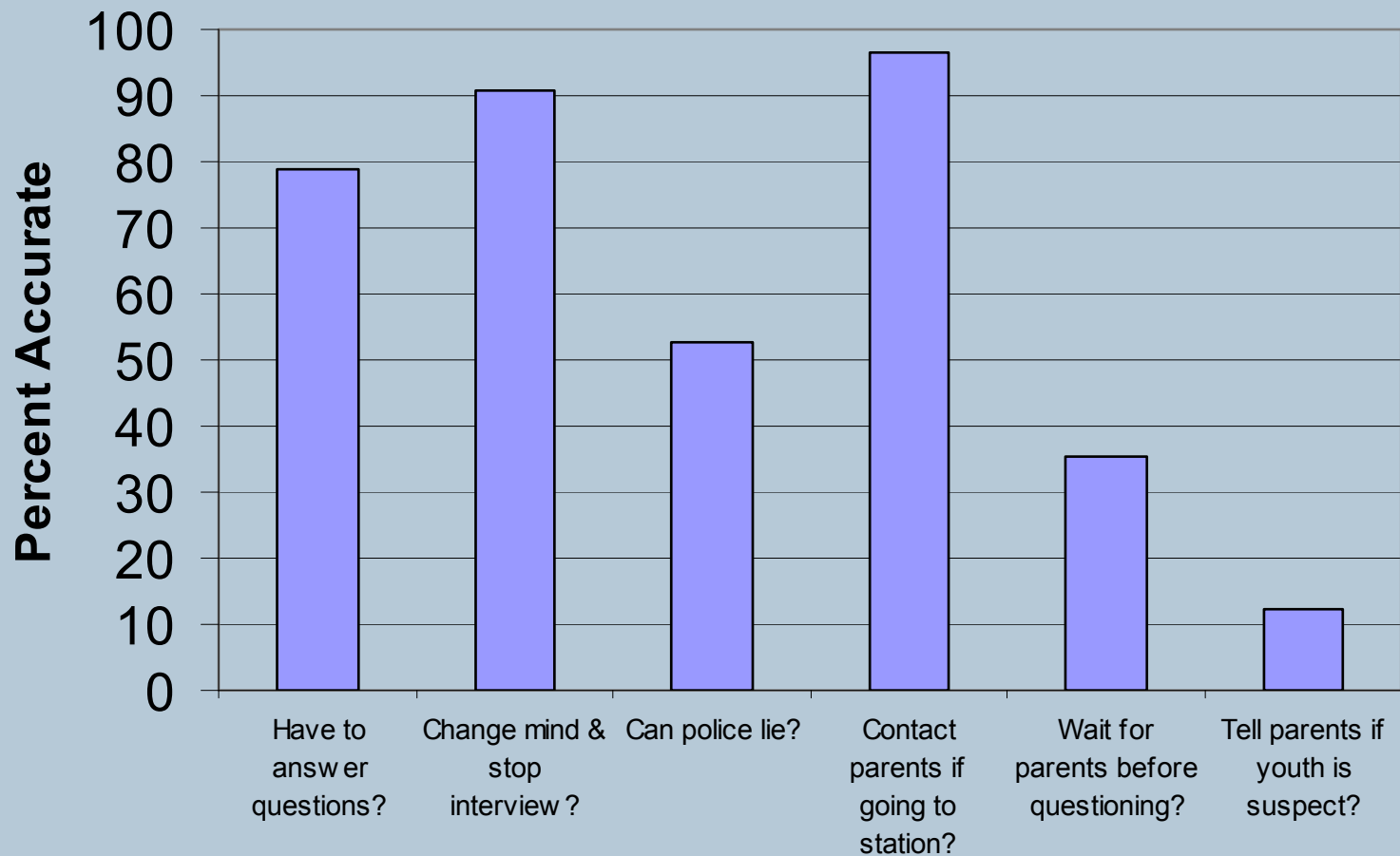
# Family Impairment on CMR



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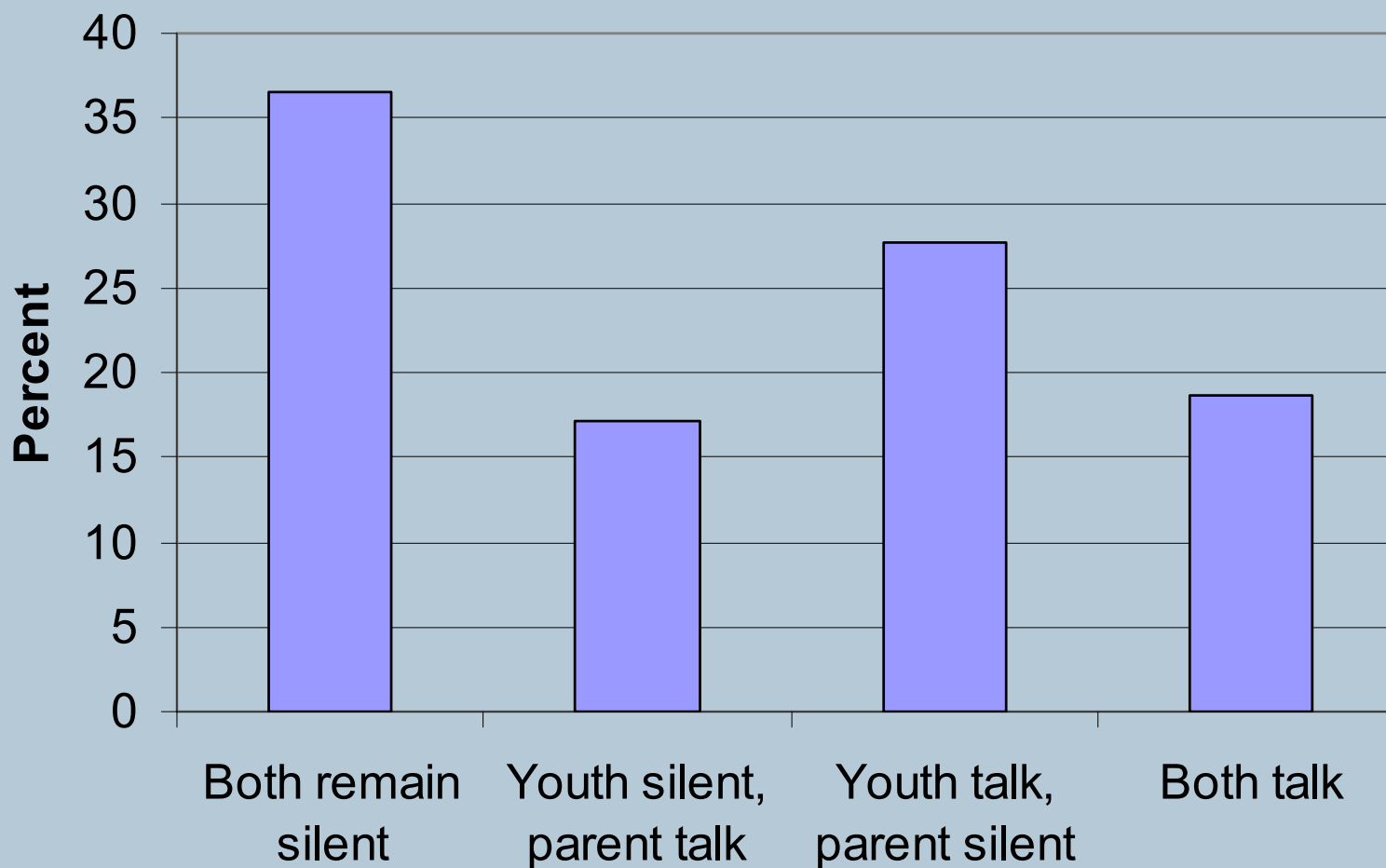
# Accuracy of parent's knowledge about police practices



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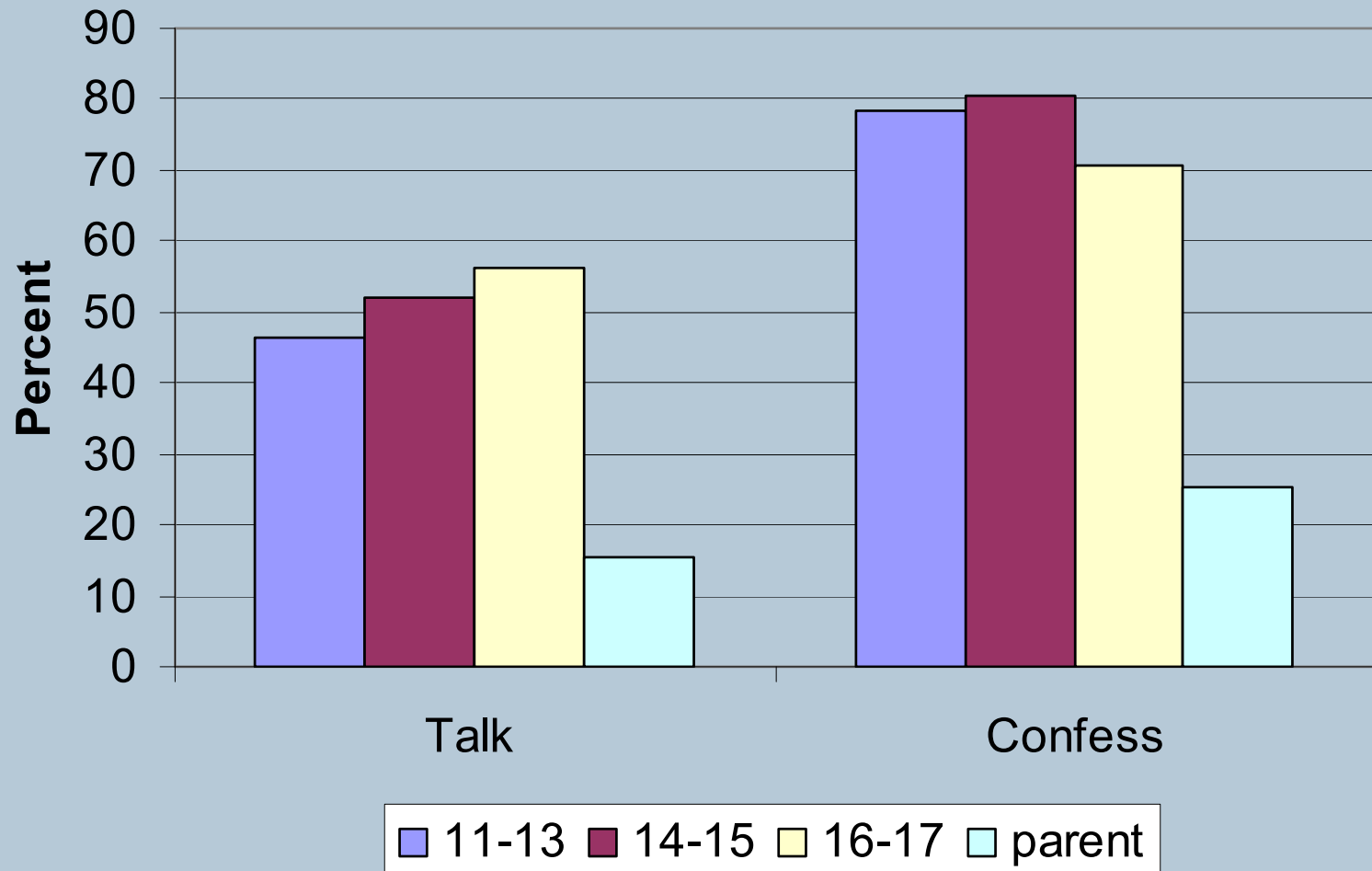
## Parent-youth consistency on response to interrogation vignette



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# Endorse juvenile should decide when parent & juvenile disagree



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# Summary

- **Most parents understand the basic *Miranda* components but few accurately describe key police practices**
  - About 26% of families have a parent who demonstrates impairment on Miranda, 15% of total have both parent and youth impaired
  - Parents believe that police must inform them of interaction with and suspicion about their youth

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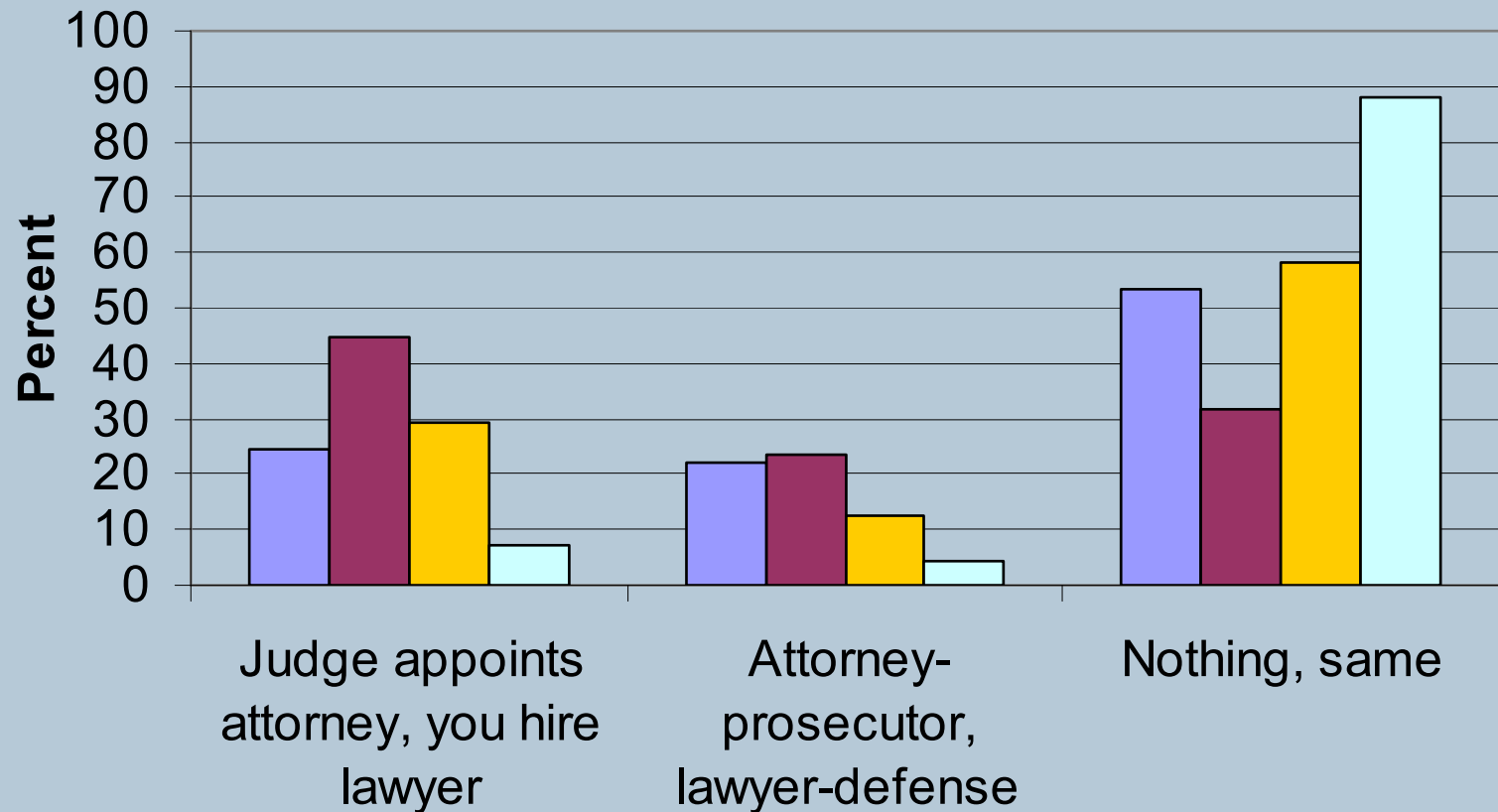
- **Most parents believe they should decide about talking to police and confessing if parent & juvenile disagree**

- About 50% of juveniles believe that parents should decide about whether juveniles talk to police
- About 25% believe parents should decide about a juvenile's confession

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# Difference between a lawyer and an attorney?

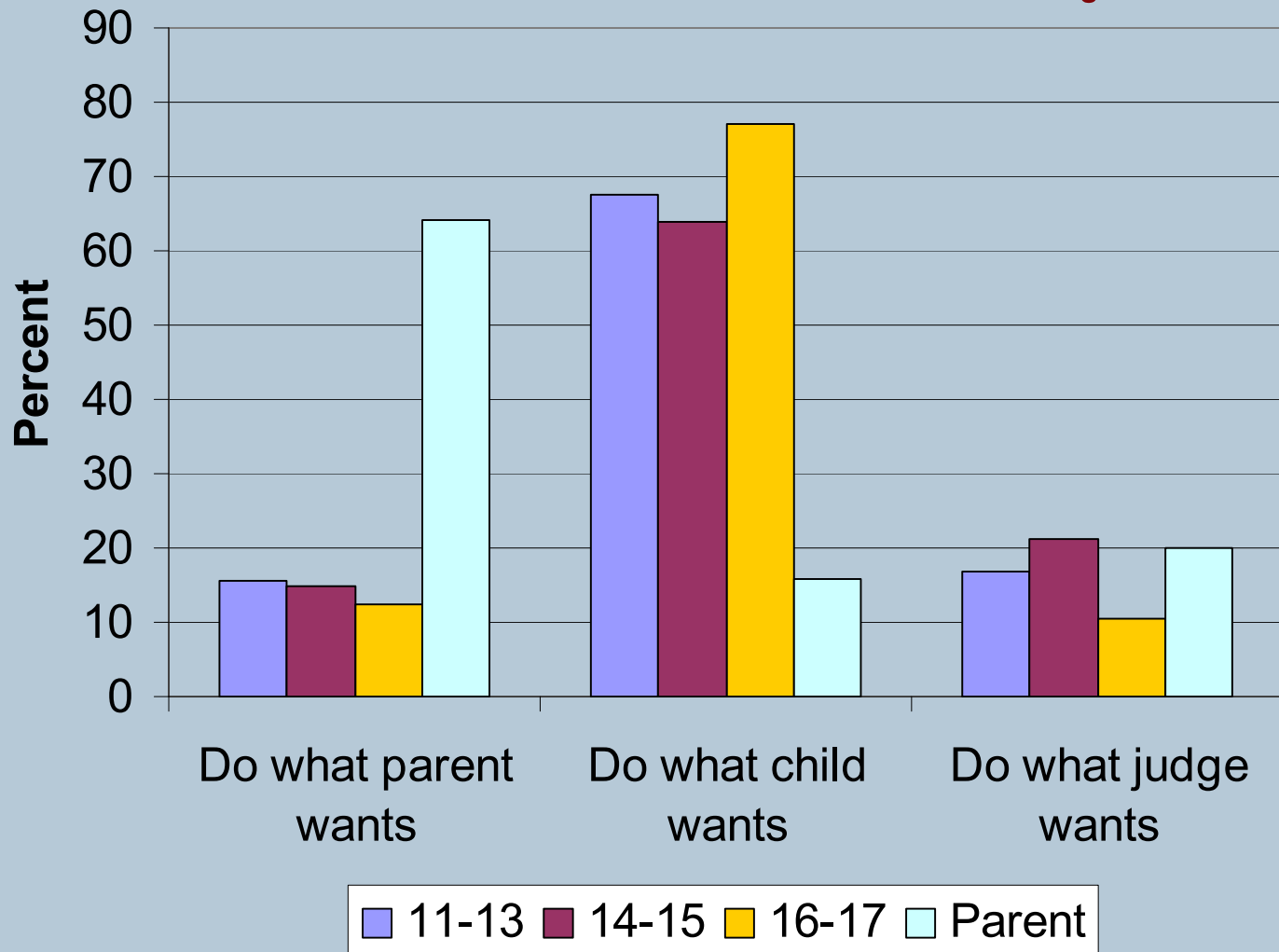


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11-13 14-15 16-17 Parent

# What is the most important role of the defense attorney?



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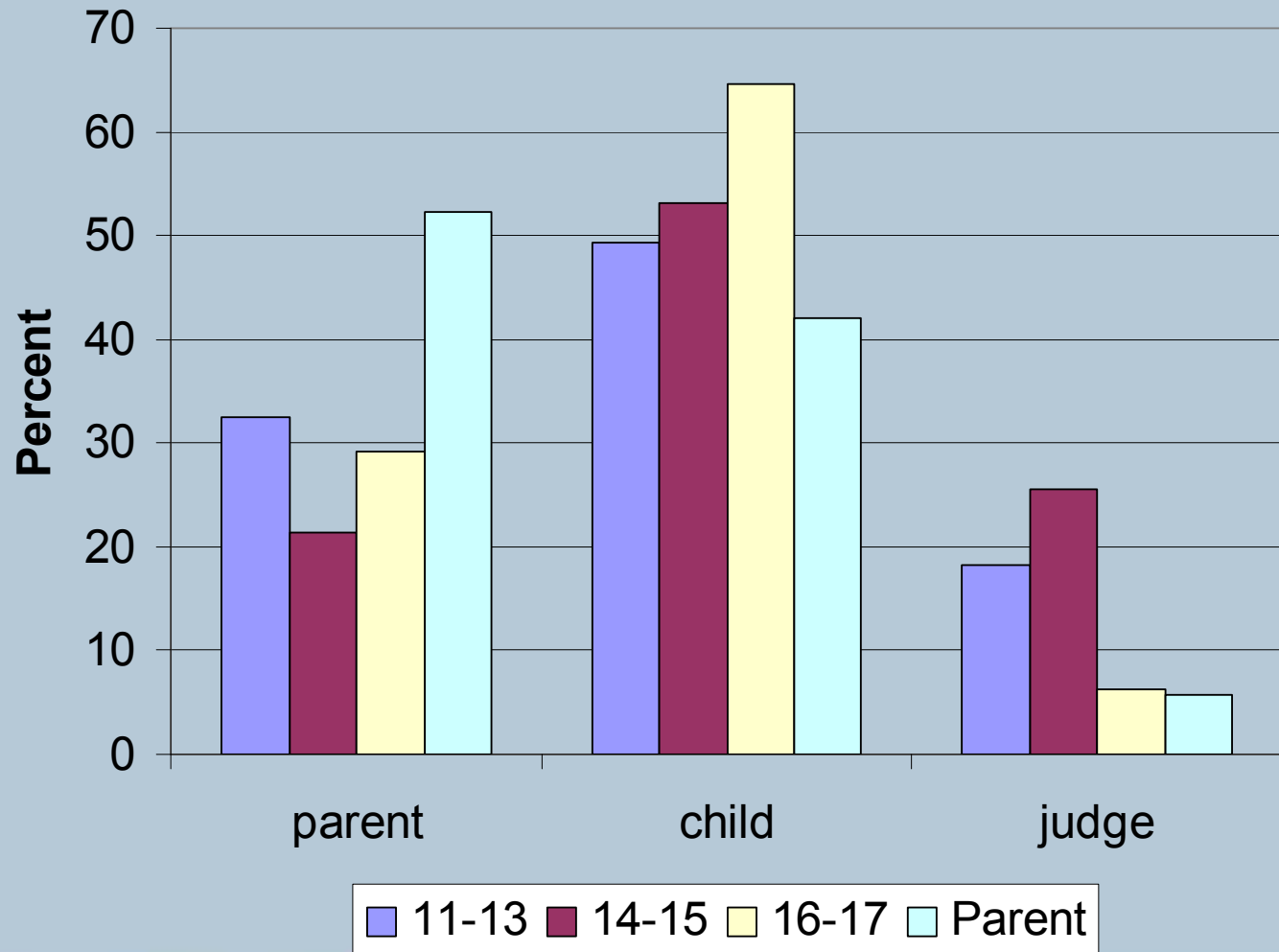
# Extent of Confidentiality

- 4 questions asking whether defense attorney can tell the following people what child said without child's permission:
  - judge, probation officer, parent, police
- No difference between parent (avg = 2.8) and youth (avg = 2.5) scores
- 50% of parents and 35% of youth incorrectly believe the defense attorney can violate confidentiality by talking to parents

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# Who should lawyer listen to when parent/youth disagree?



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# Summary

- **Key knowledge areas**
  - Parents and youth disagree about the most important role of the defense attorney
    - A substantial proportion of youth and adults misunderstand confidentiality in the parent-youth-attorney relationship
- **Decision making authority**
  - More parents believe the attorney should listen to them, children are mixed
    - Only 36% of families agreed
  - Over 75% of parents believe they should decide conflicts about key decisions
    - The number of adolescents who believe teens should decide increases with age

# Implications

- **Evaluating parents as a potential resource for youth in the system**
  - Consider family resources rather than parents and teens separately
  - Enhancing or promoting family-wide capacities for effective participation
  - Basic knowledge is important
- **Interpretation of parental role and decision making outcomes**
  - Disagreement is not necessarily bad
  - Best interests or adversarial approach
  - Can parental involvement ensure competent decision making

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