Keeping in Touch and Connecting with the Juvenile Client

W. Va. Court Improvement Program’s 2015 Cross-Training Events

• Robert E. Wilkinson
  • Chief Public Defender
  • Cabell and Wayne Counties
  • robert_wilkinson@ccpdo.org
  • 304-522-1265
Adolescent Cognitive Development Materials

- Cited by or relied on in Pleadings from four U.S. Supreme Court decisions
- Can be cited in court without expert testimony to introduce or explain the concepts

Roper v. Simmons

- 542 U.S. 561 (2005)
- Execution of minors violates the “cruel and unusual punishment” prohibition in the 8th amendment
Graham v. Florida

- Eighth Amendment’s “Cruel and Unusual Punishment” clause prohibits life in prison without parole, in non-homicidal cases

- AMA and APA Amicus Briefs
- 8th Amendment proportionality
- “Reasonable Juvenile Standard”
In re J.D.B.

- 131 S.Ct. 2394 (2011)
- Courts must consider the age of a juvenile suspect when deciding whether he was in custody for *Miranda* purposes

**Peers Increase Adolescent Risk Taking by Enhancing Activity in the Brain’s Reward Circuitry**

- Jason Chein et al.
- 14 Developmental Sci. F1 (2011)

**Peers and Enhancing Risky Behavior**

- Culpability
• Peer Influence on Risk Taking, Risk Preference, and Risky Decision Making in Adolescence and Adulthood: An Experimental Study
  • Margo Gardner & Lawrence Steinberg
  • 41 Developmental Psychol. 625 (2005)

• Risky decision rate much higher in groups
  • Relates to culpability

• The United States Supreme Court Adopts a Reasonable Juvenile Standard in J.D.B. v North Carolina for Purposes of the Miranda Custody Analysis: Can a More Reasoned Justice System for Juveniles Be Far Behind?
  • Marsha Levick and Elizabeth-Ann Tierney
  • 47 HARV. C.R.-C.L. L. REV. 501 (2012)

• Consent for Statements
• The Eighth Amendment Evolves: Defining Cruel and Unusual Punishment Through the Lens of Childhood and Adolescence
  • Marsha Levick et al.,

• “Reasonable Juvenile Standard”

• Age Differences in Resistance to Peer Influence
  • Laurence Steinberg and Katherine Monahan
  • 43 DEVELOPMENTAL PSYCH. 1531 (2007)

• Mush riskier behavior with peers
Age Differences in Sensation-Seeking and Impulsivity as Indexed by Behavior and Self-Report: Evidence for a Dual Systems Model

- Laurence Steinberg et al.
- 44 DEVELOPMENTAL PSYCHOL. 1764 (2008)

Cognitive Development

Are Adolescents Less Mature than Adults? Minors’ Access to Abortion, the Juvenile Death Penalty, and the Alleged APA “Flip-Flop”

- Laurence Steinberg et al.
- 64 AM. PSYCHOL. 583 (2009)

Cognitive Capacity Increases until around 16 then about adult level
- But other factors effect...
  - Stress, fear, peers, etc. (psychosocial way behind)
Age Differences In Future Orientation and Delay Discounting
- Laurence Steinberg et al.
- 80 CHILD DEV. 28 (2009)
- Immediate vs delayed rewards under 16
- Less ability to think, plan for future
- Impacts ability to say no

First Meeting
- Listen
- Give Card
- Establish method of communication
Role of Parents

- ABA Guidelines
- Ethical Rules

Contacting Schools
Therapists Counselors

Role of ongoing Communications
Meetings

Phone Calls
Emails

Keeping the Conversation Going
Group Emails

- Worker
- Provider(s)
- Probation

Letters