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Due Process Violations in Juvenile Justice

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Background

The juvenile justice system in the U.S is a system set up for young people, specifically minors, who have been accused of breaking the law.¹ In this system, for cases that involve minors, the role of the juvenile court is to hear the cases and determine if the young person violated the law and what the next course of action may be. Then, based on the decision made by the court, taking into account state law guidelines, it will be decided if the juvenile enters a correctional facility or agency that will focus on "rehabilitating" or restoring that youth into a rehabilitative program to aid the young person in returning to society.² Young people can be incarcerated even if the goals of a rehabilitative program are set to take a positive approach in helping the youth. Minors are either confined to residential treatment, such as intensive health care programs where patients receive constant supervision and controlled treatment for therapy, or for those with a history of complex behavioral issues with their mental health.³ For many, the structure of the system may seem fair or developed well enough to adequately promote justice for an accused youth and allow them to better return to society in a civilized manner.

A major issue in the system that is commonly overlooked, and that greatly affects the outcome of most cases, is due process.⁴ Procedural due process, in a general sense, is the government guaranteeing an individual's fundamental right to fair and regular procedures. This includes notice of the government's intended actions, a just decision-maker, and an opportunity to challenge any accusations made against an individual. This ensures one's life and liberty are properly protected in a legal system where the government is required to allow an individual to defend their rights.

Within the juvenile justice system, due process works in the same way, but more specifically for minors, where the Constitution guarantees that a youth is protected when accused of a crime, just like an adult. While also securing fair treatment for youth, in which the government doesn't utilize an excess amount of power within a case that can cause bias or an

¹ What is juvenile justice? - the Annie E. Casey Foundation What Is Juvenile Justice?, <https://www.aecf.org/blog/what-is-juvenile-justice> (last visited Jul 16, 2026).

² , When is residential treatment necessary? When Is Residential Treatment Necessary?, <https://www.lasencinashospital.com/blogwhen-is-residential-treatment-necessary> (last visited Jul 16, 2026).

³ , Youth in the Justice System: An overview | juvenile law center Youth in the Justice System: An Overview, <https://jlc.org/youth-justice-system-overview> (last visited Jul 16, 2026).

⁴ Michael Tan, What is due process? | American Civil Liberties Union What Is Due Process? (2025), <https://www.aclu.org/news/civil-liberties/what-is-due-process> (last visited Jul 16, 2026).

unforeseen outcome that has a greater impact on the youth's well-being and their treatment through the system.⁵

Violations in procedural due process consist of adultification bias, the role of race, and the lack of adequate regulations that protect young people from coercion; in any manner, this can lead to outcomes that cause youths entering rehabilitation and detention centers to feel emotionally unstable and unheard in a system where they are already undermined.

Factors Influencing Procedural Due Process

Time and again, due process issues have arisen in juvenile justice cases, but they have not been litigated because those issues weren't significant to the case. Yet for those issues to have been ignored, whichever violation occurred within the system wouldn't have been seen as a liability to the case or as impacting the lifestyle of the minor involved. Many of the challenges young people face during procedural due process in the juvenile justice system are centered around adultification bias.⁶ Where minors involved in the juvenile justice system are viewed by adults as more mature, or older, compared to their developmental stages. This bias is most prominently directed towards young Black people who are seen as needing less care, fostering, and protection compared to young White people.

During their court cases, Black and Brown minors are more likely to be perceived as guilty. This ultimately undermines the goals of the juvenile justice system, which is to rehabilitate the youth, while more people of color are being sent to adult prisons as well. For example, according to the ⁷National Association of Criminal Defense Lawyers: Race and Juvenile Justice, prosecutors have a 20% higher chance of formally petitioning cases involving Black girls compared to cases where white girls are involved. Plus, in accordance with the ⁸Children's Defense Fund, 41% of young people in jails, prisons, and detention centers are Black.

⁵ AMDT14.S1.5.5.8 Due Process Rights of juvenile offenders, Amdt14.S1.5.5.8 Due Process Rights of Juvenile Offenders, https://constitution.congress.gov/browse/essay/amdt14-S1-5-5-8/ALDE_00013766/ (last visited Jul 16, 2026).

⁶ Cogn Emot, Adultification, anger bias, and adults' different perceptions of ... Adultification, Anger Bias, and adults' different perceptions of Black and White children (2021), <https://pmc.ncbi.nlm.nih.gov/articles/PMC9248049/> (last visited Jul 16, 2026).

⁷ NACDL - race and juvenile justice, Race and Juvenile Justice (2022), <https://www.nacdl.org/Content/Race-and-Juvenile-Justice> (last visited Jul 16, 2026).

⁸ Youth Justice - Children's defense fund, Youth Justice, <https://www.childrensdefense.org/tools-and-resources/the-state-of-americas-children/soac-youth-justice/> (last visited Jul 16, 2026).

This reveals how adultification bias in procedural due process influences the judgment of minors in the system and creates a long-lasting, negative impact on young people.

With a clear focus on young people's procedural due process rights, there is a big shift between what adults endure in the criminal justice system versus the juvenile justice system.⁹ As adults in criminal cases endure harsher punishments with fewer rehabilitative methods that are meant to help them to re-enter society.¹⁰ While a juvenile's case is led towards a more positive approach, as they are placed in either juvenile detention centers that are short-term holding centers for youth, or juvenile rehabilitative centers that are long-term, with an objective of helping youth return to society with fewer behavioral issues that could lead them back into delinquency. Though these groups face different experiences with regard to their treatment in their respective systems, one major factor that still holds true is the due process violations that occur for adults and youths.

A due process violation occurs when the government fails to uphold a person's legal rights through unfair acts that deprive them of life, liberty, or property. For adults, a violation can include being denied a chance to be heard, being denied counsel, or facing biased decision-makers.¹¹ In juvenile courts, a violation of procedural due process can be displayed in the justice system through failing to secure and provide young people with adequate safeguards during delinquency hearings. These safeguards are used to guarantee fairness and prioritize a minor's rehabilitation process to mitigate any risk of coerced confessions as a result of psychological roles related to certain vulnerabilities and cognitive immaturity.

14th Amendment Relation to Due Process

⁹ Michael Carbonara, Due Process Amendment: Examples of procedural due process violations What are examples of due process being violated? (2025), <https://michaelcarbonara.com/due-process-amendment-examples-procedural-violations/> (last visited Jul 16, 2026).

¹⁰ Chance Cammack, Defending juveniles in Federal Court: An overview of the Juvenile Justice and Delinquency Prevention Act - Oklahoma Bar Association Defending Juveniles in Federal Court: An Overview of the Juvenile Justice and Delinquency Prevention Act (2023), <https://www.okbar.org/barjournal/march-2023/defending-juveniles-in-federal-court/> (last visited Jul 16, 2026).

¹¹ Deception in juvenile interrogations in Illinois - Innocence Project, Deception in Juvenile Interrogations in Illinois, <https://innocenceproject.org/policies/deception-in-juvenile-interrogations-in-illinois/> (last visited Jul 16, 2026).

Procedural due process rights for young people in the juvenile justice system come from the Fourteenth Amendment. Section one of the Fourteenth Amendment directly states: ¹²

“[a]ll persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws” . ¹³

This amendment forms the foundation of who is an American citizen, what privileges they have, and what can't be taken away without due process. It is necessary to focus on how their freedoms cannot be taken away without fair, unbiased due process.

This detail highlighted in the Fourteenth Amendment is vital for juveniles' procedural due process rights in the juvenile justice system because this fact extends an essential constitutional right to minors, a group of people normally overlooked in circumstances regarding the law, as this legal statement ensures fair due process and equal protection from the state. One reason this amendment extends to young people is that earlier juvenile cases highlighted the lack of legal protections for juveniles. Through cases like *In re Gault* and *Kent v. United States*, America has guaranteed legal counsel for youths, as well as the right to due process, even for crimes committed by a minor and charged as an adult.

Case of *In re Gault* (1967)

¹⁴In the case *In re Gault* (1967), fifteen-year-old boy Gerald Gault, who went by Jerry, was accused of making an inappropriate telephone call to his neighbor. When she filed a complaint, Jerry and his friend Ronald were arrested and taken to a detention home. Jerry was on probation when he was arrested while a boy nearby stole a woman's wallet. At the time, Gault's parents were at work and weren't notified of the incident by the officer who took their son. When

¹² U.S. Constitution - Fourteenth Amendment | Resources | Constitution Annotated | congress.gov | Library of Congress, Constitution of the United States, <https://constitution.congress.gov/constitution/amendment-14/> (last visited Jul 16, 2026).

¹³ Rights of juvenile defendants – Annenberg Classroom, RIGHTS OF JUVENILE DEFENDANTS, <https://www.annenbergclassroom.org/resource/rights-jvenile-defendants/> (last visited Jul 16, 2026).

¹⁴ Facts and case summary - in re Gault, FACTS AND CASE SUMMARY - IN RE GAULT, <https://www.uscourts.gov/about-federal-courts/educational-resources/educational-activities/sixth-amendment-activities/gideon-v-wainwright/facts-and-case-summary-re-gault> (last visited Jul 16, 2026).

Gault's mother had his older brother look for him, they learned through Ronald's family that he had been arrested and that his hearing would be held the next day. The officer who arrested Gault created a petition the same day as his hearing; even though he didn't serve it to Gault's parents, they didn't see it until two months later. On the day of Gault's hearing, the neighbor who filed the complaint didn't attend the hearing, nor was there a transcript of the meeting. During the hearing, even though no one was sworn in, the judge questioned Gault about opposing accounts of what he did, if he did anything at all. When the hearing ended, Gault was taken back to the detention home, where he remained for a few days; then, upon his release, his parents were notified of a follow-up hearing that would take place a few days later. Yet on that hearing day, that same neighbor did not show up, even when Gault asked her to attend to prove he wasn't the one. Once again, no transcripts or record were made at the time of Gault's hearing.

At the end of the hearing, the probation officers listed his charge as a lewd phone call. An adult would be charged with a fine and two months in jail, but Gault was given six years of juvenile detention and would be released when he was twenty-one years old. His parents then petitioned for a court order to bring their son before a judge, but their petition was rejected by the Superior Court of Arizona and the Arizona Supreme Court. His parents took their case to the Supreme Court of the United States, where the court agreed to review procedural due process rights for a juvenile criminal defendant. In that case, the Supreme Court held that the same due process rights that apply to adults in the criminal justice system also apply to juveniles facing criminal charges. Ultimately, the Superior Court dismissed the petition, and the Arizona Court granted it. Thus, the court held that a juvenile defendant is entitled to due process in a delinquency proceeding when imprisonment is possible.

This case showed that juveniles have a clear right to due process, including the right to counsel, to confront and cross-examine witnesses, and the right against self-incrimination.

Case of *Kent v. United States (1966)*

¹⁵In the case of *Kent v. United States (1966)*, Morris, a sixteen-year-old boy, was accused of committing burglary, robbery, and rape, while he was previously on probation for conducting similar crimes years past. Yet, because he was sixteen, the juvenile court ruled that it had total autonomy over all decisions, but voluntarily gave up its jurisdiction. Sending Kent's case to an adult criminal court even when a formal hearing hadn't occurred, nor a thorough investigation that would have shown probable cause ¹⁶, which would have allowed law enforcement officers to obtain either an arrest or search warrant. As Kent also admitted his involvement in the offenses he was accused of, he was convicted and charged with six counts of burglary, but was found not guilty by reason of insanity on the two counts of rape. After that, Kent was sentenced to thirty to ninety years in prison, which he served at St. Elizabeth Psychiatric Hospital. He requested his case be appealed, stating that the juvenile court had not successfully concluded its investigation before transferring its jurisdiction to the adult system. There was also no waiver which is required in the ¹⁷Juvenile Court Act. This act creates separate court systems and legal rulings for young people/minors, separate from the adult system, to rehabilitate them rather than punish them.

Hence, *Kent v. United States (1966)* set a precedent for fair juvenile due process, securing minors with an equal extent of due process as adults within the jurisdiction of a juvenile court. It also ensures that investigations are completed in full before waiving control.

Legal Expansion, Little Follow-Through

Even with *In re Gault* and *Kent v. United States*, more solutions have developed over time to protect minors from procedural due process violations. There has been a ¹⁸legal

¹⁵ Molly Sifers , *Kent v. United States* | Case Brief, decision & impact - lesson | study.com *Kent v. United States* | Case Brief, Decision & Impact, <https://study.com/academy/lesson/kent-v-united-states-summary.html> (last visited Jul 16, 2026).

¹⁶ Probable cause | wex | US law | LII / Legal Information Institute, probable cause, https://www.law.cornell.edu/wex/probable_cause (last visited Jul 16, 2026), stating that the juvenile court had not successfully concluded its investigation before transferring , 2026)

¹⁷ Illinois Supreme Court History: Juvenile courts | state of illinois office of the Illinois Courts, Illinois Supreme Court History: Juvenile Courts (2020), <https://www.illinoiscourts.gov/News/388/Illinois-Supreme-Court-History-Juvenile-Courts/news-detail/> (last visited Jul 16, 2026).

¹⁸ Kate Bryan , Recent state laws strengthen rights of juveniles during interrogations Recent State Laws Strengthen Rights of Juveniles During Interrogations (2024),

expansion of due process to protect young people from false confessions, while also trying to mitigate coerced statements and coercive interrogations, but the central issue is that these “solutions” are mostly just specifications in what procedural due process should look like for a minor when accused of a crime. It is still evident that many young people have their rights infringed upon, because there is a lack of proper policies and follow-through conditions that should aid a young person in what they are facing, including what they will endure next when entering a detention or rehabilitation center.

Call to Action

To effectively cultivate an environment where minors' due process rights are properly protected, even with racial disparities playing a more systemic and internalized role, there needs to be a policy or regulation that gives young people a connection to someone who can guide them through the juvenile justice system. This would support their emotional stability, help them navigate steps in the system they might find difficult on their own, and provide a follow-through process where that peer supporter can check in on a young person's emotional well-being, education, and movement into and out of the system. This would have to be an individual with not only knowledge in the legal field, but also direct experience in being in the juvenile justice system, in a detention center, or a rehabilitation center. The fact is, being involved in the juvenile justice system can be a very tiresome, overwhelming, and confusing process for a minor who hasn't been in the system before. Having a companion or peer to lead you through the system in a way that builds a connection between one young person and another individual with legal and direct experience in what juveniles go through.

This type of policy partnership can create more transparency for parents and the minor involved. This can make the system more bearable plus comprehensible for a young person to endure. This can lead to a smoother transition into detention or a rehabilitation center, where the relationship can remain consistent whether the minor is in or out of the system. The policy could state that when a minor is accused of a crime and brought into the juvenile justice system, an educated peer with both legal knowledge and experience in the juvenile justice system can guide said young person through what to expect in the juvenile justice system process with terminology they can comprehend, while building an emotional connection through the minor's entire time in

<https://www.ncsl.org/state-legislatures-news/details/recent-state-laws-strengthen-rights-of-juveniles-during-interrogations> (last visited Jul 16, 2026).

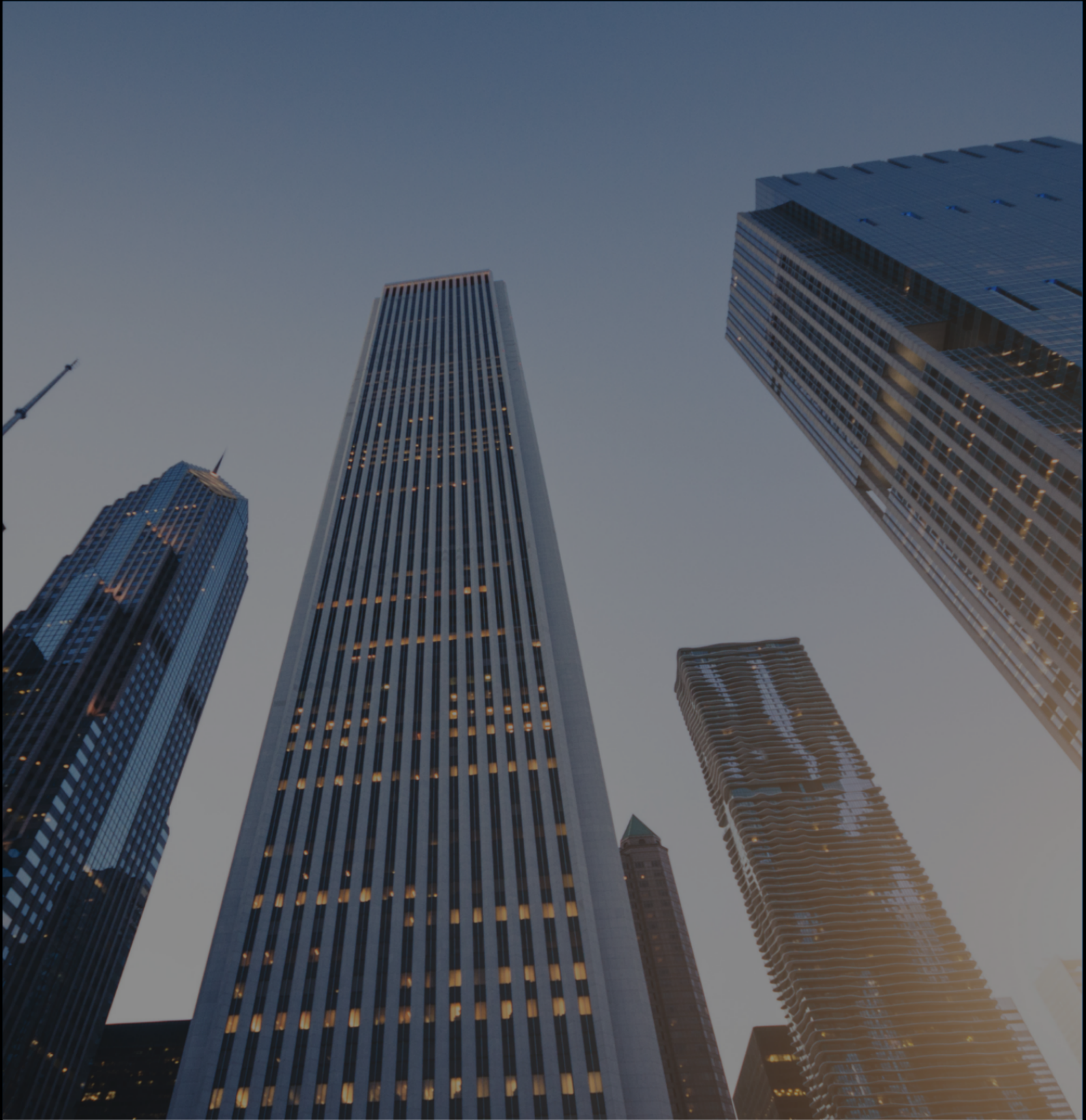
the system and a few years out as well. This can be achieved through check-ins with a minor on what to expect in the system; even with possible violations, their rights can still be upheld when someone is there to guide and support them through their experience and any challenges they may face.



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