

## EDITOR'S NOTE

It is with pleasure that I introduce the first issue of the fourteenth volume of the *UC Davis Journal of Juvenile Law & Policy*. In this issue, the *Journal* examines problems within two broad topics of juvenile law: child abuse and the juvenile justice system. We chose to address these topics to illustrate the difficulties the legal system faces in trying to protect, rehabilitate and punish youth in the United States and abroad. Child abuse and juvenile justice often intersect when the system cannot sufficiently protect abused children, and these youths in turn commit crimes because they lack the means and institutional support they need. The articles we have chosen provide a critique of particular problems within these areas of the law, and they make recommendations on how to repair the system to better serve the interests of children.

We are fortunate to have as our first article, *Expert Testimony in Child Sexual Abuse Litigation: Consensus and Confusion*, a piece by the renowned child abuse scholar John E. B. Myers. Mr. Myers outlines the problems that attorneys encounter with the introduction of expert testimony in child abuse litigation. His article seeks to balance the state interest in protecting abused children with the rights of those who are falsely accused. He argues that the proper use of medical and mental health professionals' expert testimony is imperative to preserving this delicate balance of interests.

Our second article is a case note, *Willis v. State: Condoning Child Abuse as Discipline*, written by Kyli L. Willis, a third year law student at Indiana University at Indianapolis. In her piece she addresses the affirmative defense of the parental privilege. She contends that the United States should abandon this defense, as several other countries have, because it is a form of state-sanctioned child abuse. This case note examines the international movement towards the abandonment of the privilege, which can serve as a model for the United States. Further, Ms. Willis critiques the Indiana Supreme Court's *Willis v. State* decision in which the court failed to provide sufficiently objective standards for judges to determine

whether a parent's physical discipline is "reasonable." Ms. Willis advocates for the reversal of *Willis* and the abandonment of the parental privilege altogether.

The United States juvenile justice system has been criticized for its failure to address the needs and safeguard the rights of youths who commit crime, but the difficulties this system faces are not unique to the United States. Our third article, *Bringing Justice to India's Children: Three Reforms to Bridge Practices with Promises in India's Juvenile Justice System*, by Jason Szanyi, a Skadden Fellow at the Center for Children's Law and Policy, and Erika Rickard, a third year law student at Harvard Law School, discusses India's attempt to reform its juvenile law through the introduction of and subsequent amendments to the Juvenile Justice Act. The authors document the disconnect between the ideals of the legislation and the realities of India's juvenile justice system. Based upon their observations of some of the failures in the system while working in India, they make recommendations to enable India to execute the mission of the Juvenile Justice Act.

In our final piece, we return to the United States and its responsibility as a global actor in the reformation of juvenile law. In *Taking Lives: How the United States has Violated the International Covenant of Civil and Political Rights by Sentencing Juveniles to Life without Parole*, by Marina Magnuson, a law clerk for the District Court of Maryland, she argues for the abolition of the sentence of life without parole for juveniles. She contends that the United States' position on this matter is in conflict with the International Covenant on Civil and Political Rights (ICCPR), and the United States' reservations to the ICCPR do not excuse the country's obligation to follow all of the ICCPR's articles. If the country refuses to abolish the sentence of life without parole for juveniles, she argues that in the alternative the United States should mandate the separation of juveniles and adults in prison and provide for juveniles' rehabilitation.

These articles illustrate the need to reform juvenile law and the criminal justice system as a whole to serve the needs of this highly vulnerable population. This issue is consistent with

the *UC Davis Journal of Juvenile Law & Policy*'s longstanding commitment to provide a forum in which legal scholars, practitioners and children's rights advocates can discuss issues that affect children.

I would like to thank the 2009-2010 staff of the *UC Davis Journal of Juvenile Law & Policy* for their dedication and hard work, and to the faculty and staff at UC Davis School of Law.

Sincerely,

Eve E. Epstein  
Editor-in-Chief