Recent Court Decisions Impacting Juveniles

Introduction

The Journal staff has reviewed recent cases impacting juvenile law in the areas of education, delinquency and dependency. These include a sampling of state Supreme Court cases, Federal Circuit Courts of Appeals, Federal District Courts and United States Supreme Court cases.

Dependency

Adoption of: J.D.T. And J.T.T., 796 A.2d 992 (Pa. Super. Ct. 2002).

York County Children and Youth Services "Agency" placed J.D.T and J.T.T. with their maternal grandparents when the boys were only a month old. The issue before the court was whether grandparents should be exempted from the requirement of agency approval when attempting to adopt their grandchildren. At the time of placement both parents were struggling with drug addiction. The Agency placed the children in foster care when it determined the grandparents were no longer able to care for the infants. Both the foster family and maternal grandparents expressed interest in adopting the boys. The court found that grandparents need not meet the same requirements applied to unrelated adoptive parents, exempted them from the requirement of agency approval, and allowed them to petition for adoption.

In re Antoinette S., 129 Cal. Rptr. 2d. 15 (2002).

Biological father appealed an order terminating his parental rights. He claimed the court's failure to comply with

the Indian Child Welfare Act (ICWA) divested the court of its jurisdiction in the matter. The Orange County Social Services Agency (SSA) investigated the child's potential Native American heritage. The father, while claiming Native American ancestry, could not name his grandparents, recount their birth-dates, nor recall the tribe to which they allegedly belonged. SSA sent a notice to the Bureau of Indian Affairs and the other appropriate agencies as required by ICWA. At trial none of the parties raised the ICWA issue and the court terminated parental rights. The father appeals the termination based on SSA's failure to follow the notice requirements under ICWA. The lower court held its termination hearing less than 10 days after the Bureau of Indian Affairs received notice of the child's potential Indian heritage. The court of appeals found this to be harmless error and upheld the trial court's exercise of jurisdiction.

C.B. v. B.C., 851 So. 2d 847 (Fla. Dist. Ct. App. 2003).

A mother appealed termination of the father's parental rights because the termination was entered without reference to his status as a sexual predator. S.A.C.'s father molested her and her half-sister while he lived with them and their mother resulting in the father being sentenced to eleven years in prison for the molestation. Based on this conviction, the mother petitioned to have the father's parental rights terminated. Subsequently, the father voluntarily surrendered his parental rights. At the hearing, the father argued that the court need only base the termination of his rights on his voluntarily relinquishment. The trial court terminated the father's parental rights on the basis of his voluntary surrender alone. Remanding the case, the appellate court held that in its order the court must include the act or acts supporting the termination of parental rights.

Education

In re Interest of Michael R., 662 N.W.2d 632 (Neb. 2003).

The Nebraska court of appeals ruled that a juvenile's Fourth Amendment rights were not violated when school officials searched his vehicle on school grounds. The court held the search, which was based on the juvenile's comments to another student about "big bags," did not exceed the bounds of reasonableness. The juvenile appealed on grounds that such remarks could have referred to something legal and that searching his vehicle violated his Fourth Amendment rights. The court found, however, that such a comment raised reasonable suspicion that the juvenile was in violation of school policy by bringing contraband onto school property. The school officials' inferences and actions were justified, permitting their search of the juvenile and his vehicle. Such measures were not excessively intrusive, because they were reasonably related to the search and the type of suspected infraction – the sale of illegal drugs.

In re William V., 4 Cal. Rptr. 3d 695 (2003) (certified for partial publication).

The reasonable suspicion standard used for school officials also applies to a city police officer assigned to a high school as a "school resource officer." At trial, the officer testified there had been incidents related to gang violence at the school in prior weeks. He further testified that the color of the juvenile's bandanna indicated his gang affiliation and that the manner in which it was folded signaled an imminent confrontation. The court held that in confiscating the bandanna, conducting a pat down search, and taking the juvenile to the principal's office for discipline, the officer was acting reasonably. Lifting the juvenile's jacket to check the waistband of his pants did not excessively intrude because it was reasonably related to the search and its objectives. The court made no distinction between a "school resource officer" and a school official or security officer. Questions regarding the officer's employer and specialized training were therefore irrelevant.

Leebaert v. Harrington, 332 F.3d 134 (D.Conn. 2003).

Plaintiff, filing on behalf of himself and his minor son, argued that he has a constitutional right to direct the upbringing and education of his son. He brought this suit against school board and superintendent of schools seeking that his son be excused from attending mandatory health education classes. Under Connecticut law, the knowledge, skills, and attitudes required to understand and avoid the effects of alcohol, nicotine, and drugs on mental and physical development is taught every academic year to all public school students. Plaintiff argued that his right to excuse his son is "fundamental" and that his son would be required to attend these health classes only if such a requirement withstood "strict scrutiny". The court held the mandatory curriculum need only meet the "rational basis" standard of review. Withstanding the rational basis test, the school district's attendance requirement was upheld.

Wide Ruins Community School, Inc. v. Stago, 2003 U.S. Dist. LEXIS 16147 (D.Ariz. 2003).

Plaintiff school is a tribal corporation claiming immunity from tribal jurisdiction. Originally under the direction of the Bureau of Indian Affairs (BIA), the school was subsequently converted to a tribal school. The court addressed whether employment related claims against the school brought by the principal and others should be adjudicated in federal court or tribal court. 25 U.S.C. § 450f (1959) maintained the legal organization that existed when the school was under the control of the Bureau of Indian Affairs. The school argued under this legal framework, whatever claims could not have been made against the school when it was a BIA school cannot be made against the school now. The court held that tort actions against the school when it was under the direction of the BIA could also be brought against the federal government. All other claims, are to be adjudicated under tribal law. The court ruled that since defendants had not filed tort claims, Navajo tribal law would be applied.

B.H. v. Southington Bd. of Educ., 273 F.Supp. 2d 194 (D. Conn. 2003).

Parents of a child with a pervasive developmental disorder and absence epilepsy brought suit against the Connecticut State Department of Education and local board of education under the Individuals with Disabilities Act (IDEA) and §1983. Plaintiffs alleged that defendants violated their child's rights by failing to implement his individualized education program. The district court held that the parents' failure to submit to a due process hearing deprived the court of subject matter jurisdiction. Jurisdiction notwithstanding, notice to the state department was insufficient to hold defendant's liable for failure to supervise the child's individualized program. The parents' failure to allege that they had obtained and paid for services, which should have been provided by the local board, precluded an award of monetary damages under the IDEA.

In re Angela, 4 Cal. Rptr. 3d 809 (2003).

The people filed a delinquency petition against Angela M. alleging she violated her probation by breaking curfew, missing school, and failing to meet with her probation officer. The juvenile court ordered Angela committed to the California Youth Authority (CYA). While the appellate court held the juvenile court had not abused its discretion in committing Angela to CYA, the lower court did fail to make a statutorily required education need determination before commitment. CAL. WELF. & INST. Code Section 1742 (2003) provides "when a ward of the court is committed to the CYA, part of the treatment and rehabilitative process is to provide the child with an appropriate education, which necessarily includes an awareness of and services for any special educational needs." A psychologist had testified that Angela was suffering from a bipolar disorder and was very addicted to drugs. Based on this testimony, the appellate court remanded the case to determine the extent Angela's special educational needs.

Delinquency

Brazill v. State, 845 So. 2d 282 (Fla. 2003).

On May 26, 2000 Nathaniel Brazill shot and killed Barry Grunow, a teacher at his middle school. Brazil was 13 at the time. Tried and as an adult, Brazill was convicted of second-degree murder and aggravated assault with a firearm. He was sentenced to a mandatory minimum of 28 years for the murder charge and five years for the assault charge, to be served concurrently. Brazill challenged the constitutionality of a Florida statute, which allows 13-year-olds to be tried as adults upon grand jury indictment. The Florida Fourth District Court of Appeal, finding no constitutional or common law right to a juvenile proceeding, upheld his sentence.

People v. Lee, 4 Cal. Rptr. 3d 642 (2003).

Lee appealed a 24 month sentence imposed pursuant to the California "Three Strikes" law. As part of a plea agreement reached in the underlying case, Lee admitted that as a juvenile, he was declared a ward of the court for committing forcible rape. Lee subsequently claimed that this prior juvenile adjudication could not be used as a "strike" because the prior juvenile proceeding did not afford him the right to a jury trial. The court held that by enacting the Three Strikes law, the legislature has not transformed juvenile adjudications into criminal convictions; it simply has said that, under specified circumstances, a prior juvenile adjudication may be used as evidence of past criminal conduct for the purpose of increasing an adult defendant's sentence. Lee's sentence was upheld.

People v. J.W. (In re J.W.), 787 N.E. 2d 747 (Ill. 2003).

12-year-old J.W. was adjudicated delinquent after he admitted to two counts of aggravated criminal sexual assault. He was sentenced to a probationary term of five years during which he was prohibited from entering his hometown, where the offenses took place. He was also required to register as a

sex offender for the rest of his life. On appeal J.W. challenges the Constitutionality of these probationary conditions. The court, rejecting J.W.'s contention that he was being held to an adult standard, found that the non-punitive nature of the registration requirement precluded any Eighth Amendment violation. Citing the rehabilitative needs of both the victims and J.W. himself, the court upheld the banishment condition although it ultimately remanded for further clarification of the terms.

City of Northglenn v. Ibarra, 62 P.3d 151 (Colo. 2003).

Defendant, a foster care provider, appeals her conviction under a city ordinance prohibiting unrelated, registered sex offenders from living together in a single family home within the residential zones. Defendant was prosecuted after she provided a foster home for three unrelated adjudicated delinquent children who were also registered sex offenders. The Colorado Supreme Court reversed the conviction holding that the state's interest in regulating the placement of adjudicated children preempted the city's interest in regulating land uses. The Court limited the preemption specifically to adjudicated delinquent children whom the state places and supervises in state-created foster care families.

Rodriguez v. Commonwealth, 578 S.E. 2d 78 (Va. 2003).

When he was only 14 years old Jose Rodriguez stabbed and killed Mario Rubio-Martinez. Rodriguez confessed and was subsequently convicted of second-degree murder. Appealing his conviction, Rodriguez challenged the constitutionality of a Virginia statute allowing an offense committed by a juvenile 14 years or older to be certified to the grand jury. He argued that certification without a transfer hearing violated his constitutional rights. Upholding the conviction, the Virginia court of appeals held that juveniles have no specific constitutional right to a transfer hearing.

In re K.G., 781 N.E.2d 700 (Ind. 2002).

The state filed delinquency petitions against four separate juvenile defendants for various offenses. As the Indiana juvenile code did not provide for such competency hearings, the court applied the corresponding adult code section. Subsequently, competency determinations revealed that all were retarded and had attention deficit hyperactivity disorder. The court found the defendants incompetent to stand trial and committed the children to the division of mental health. The State Family and Social Services administration appealed the ruling, arguing that the adult competency statute had been erroneously applied. The Indiana court of appeals, holding that juveniles, like adults, have a constitutional right to have their competency determined before trial, upheld the ruling.