

# **“She’s Nobody’s Child/The Law Can’t Touch Her at All”: Seeking to Bring Dignity to Legal Proceedings Involving Juveniles**

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## **Abstract:**

Recent Supreme Court decisions declaring unconstitutional both capital punishment (*Roper v. Simmons*, 2005) and life without parole (*Graham v. Florida*, 2010) in cases involving juveniles might lead a casual observer to think that we are now in an era in which dignity of juveniles is privileged in the legal system and in which humiliation and shame are subordinated. This observation, sadly, would be wrong.

Inquiries into a range of issues involving juveniles – commitment to psychiatric institutions; trials in juvenile courts; aspects of criminal procedure that, in many jurisdictions, bar juveniles from raising the incompetency status or the insanity defense; waivers that allow juveniles (some younger than 14) to be tried as adults; caselaw that has developed on the question of the validity of *Miranda* waivers in juvenile cases; conditions in juvenile punishment facilities -- reveal that, regularly, juveniles are subject to shame and humiliation in all aspects of the legal system that relate to arrest, trial, conviction and institutionalization, shame and humiliation that are often exacerbated in cases involving racial minorities and those who are economically impoverished. In our presentation, we will discuss this wretched state of affairs, and will look to both therapeutic jurisprudence and international human rights laws as approaches that should be relied upon to remediate the current state of affairs and infuse this system with some badly-needed dignity.