

JUVENILE AGE JURISDICTION 2019



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SENIOR DEPUTY PROSECUTOR
KITSAP COUNTY JUVENILE**

WAPA JUVENILE TRAINING

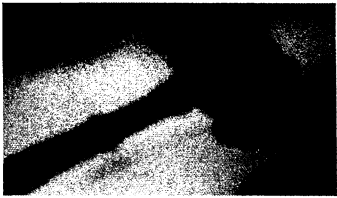
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JUVENILE AGE JURISDICTION

2019 Edition

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AGE JURISDICTION



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“JURISDICTION”

POWER & AUTHORITY TO
DO SOMETHING

2

“JURISDICTION”

POWER & AUTHORITY

Originates from the
Constitution

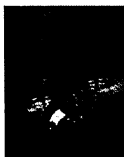


3

“JURISDICTION”

Constitutional Jurisdiction

Granted to the Superior
Courts



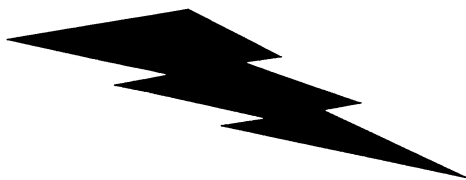
WASHINGTON STATE
CONSTITUTION Art. IV

4

“JURISDICTION”

Constitutional Jurisdiction

**The Power to Hear and Determine
a Case**



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“JURISDICTION”

Constitutional Jurisdiction

Only Two Elements:

1. Person
2. Subject Matter

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“JURISDICTION”

Constitutional Jurisdiction

SUPERIOR COURT

**All persons who commit crimes in
Washington State**

WASHINGTON STATE CONSTITUTION Art. IV, § 6

(Regardless of age)



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THE NATURE OF JUVENILE COURT JURISDICTION

8

**THE NATURE OF JUVENILE COURT
JURISDICTION**

JUVENILE JURISDICTION
OR
JUVENILE COURT
JURISDICTION

IS DIFFERENT

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**THE NATURE OF JUVENILE COURT
JURISDICTION**

JUVENILE JURISDICTION IS
NOT CONSTITUTIONAL
JURISDICTION

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THE NATURE OF JUVENILE COURT JURISDICTION

JUVENILE JURISDICTION IS A STATUTORY PROCESS



JUVENILE COURT IS A "DIVISION" OF SUPERIOR COURT

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THE NATURE OF JUVENILE COURT JURISDICTION

SEPARATION OF POWERS

Legislature cannot divest the court of its Constitutional power and authority

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The Nature of Juvenile Court Jurisdiction

SEPARATION OF POWERS

Legislature can delineate special "sessions" of a court that affect court procedure for certain individuals

```
graph TD; SC[Superior Court] --> JS[Juvenile 'session']; SC --> AS[Adult 'session'];
```

The diagram illustrates the separation of powers within the Superior Court. At the top center, the text "Superior Court" is positioned. Two arrows point downwards from this text to two separate rectangular boxes. The left box is labeled "Juvenile 'session'" and the right box is labeled "Adult 'session'".

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THE NATURE OF JUVENILE COURT JURISDICTION

SEPARATION OF POWERS

A statutory division for juvenile cases
A statutory process for juvenile cases

We deal with them different than adults

A silhouette of a human head in profile, facing right. The interior of the head is filled with a stippled pattern. Inside the head, there are three distinct symbols: a five-pointed star at the top, a smaller five-pointed star in the middle, and a flower-like shape at the bottom.

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THE NATURE OF JUVENILE COURT JURISDICTION

SEPARATION OF POWERS

REVISED CODE OF WASHINGTON TITLE 13

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The Nature of Juvenile Court Jurisdiction


(1) True or False: A court's jurisdiction or power to act comes from the Constitution

True

(2) True or False: In Washington State, juvenile jurisdiction is a statutory process for handling juveniles, primarily Title 13 RCW.

True

(3) It's Friday afternoon and there is no judge in juvenile court. The State needs to get a warrant on a 13 year old juvenile based on probable cause for assault. The State arrives at superior court which is in the process of arraigning several adult in custody defendants. The State steps to the bench and requests the warrant. The judge questions counsel, "*This is not juvenile court. Does this court have jurisdiction to enter a warrant?*"



Does the superior court have jurisdiction to issue the warrant?

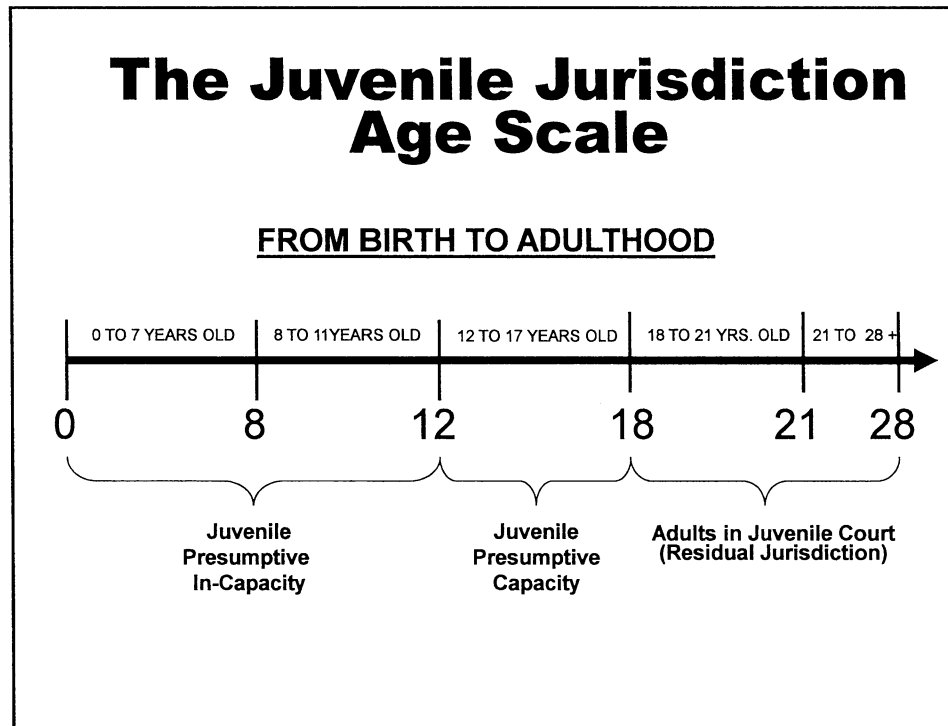
Yes, constitutional subject matter and personal jurisdiction

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The Nature of Juvenile Court Jurisdiction

JUVENILE JURISDICTION IS BASED ON VARIOUS POINTS OF DEVELOPMENT IN AGE

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The Juvenile Jurisdiction Age Scale

CAPACITY AN ISSUE FOR ANYONE UNDER 12 YEARS OF AGE

Juvenile Presumptive In-Capacity

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THE JUVENILE JURISDICTION AGE SCALE

JUVENILE CAPACITY

- KNOWING THE CONDUCT IS WRONG *AT THE TIME*
- DIFFERENT THAN COMPETENCY/INSANITY
- BASED ON CHRONOLOGICAL AGE

Age 0-7 Presumptively Incapable: Can't know act is wrong

Age 8-11 Presumed Incapable: Must overcome presumption

Age 12 Older Capable: No capacity Issues

REMEDY FOR LACK THEREOF IS DISMISSAL (with prejudice)

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THE JUVENILE JURISDICTION AGE SCALE

JUVENILE CAPACITY

OVERCOMING THE PRESUMPTION FOR AGES 8 TO 11

Quality and Nature of the Act: Hitting your parent vs. Sexual touching?

Court Decides After a Hearing:

- Hold within 14 days of first court appearance unless good cause JuCR 7.6(e)
- If you fail to hold the hearing in 14 days then you can hold it anytime up to disposition unless there would not have been grounds to extend and prejudice results *State v. Gilman*, 105 Wn. App. 366, 369, 19 P.3d 1116 (2001)
- Formal hearing can be waived (if there is stipulation and finding of capacity)

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THE JUVENILE JURISDICTION AGE SCALE

JUVENILE CAPACITY

OVERCOMING THE PRESUMPTION FOR AGES 8 TO 11 (Cont.)

Factors the Court Considers (J.P.S. Factors) *State v. J.P.S.*, 135 Wn.2d 34, 38-9 (1998)

- (1) The nature of the crime;
- (2) The child's age and maturity;
- (3) Whether the child showed a desire for secrecy;
- (4) Whether the child admonished the victim not to tell;
- (5) Prior conduct similar to that charged;
- (6) Any consequences that attached to the conduct; and
- (7) Acknowledgment the behavior was wrong and could be detained.

Sexually Aggressive Youth? RCW 26.44.160(2)

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THE JUVENILE JURISDICTION AGE SCALE

JUVENILE CAPACITY

- (1) Bobby is 14 but has the mental ability of a 9 year old – is there a capacity issue?
No, capacity is chronological age...but there may be a competency issue
- (2) Darin is 10 and appears in court for the first time on a charge of assault 4 after failing to show for a diversion appointment – does the juvenile court have jurisdiction to detain or set conditions of release?
Yes, constitutional personal and subject matter jurisdiction

When must the court set a capacity hearing for Darin's case?

Within 14 days by court rule

Oops, we forgot to set a hearing and Darin pled guilty...now what?

Ok up to disposition, but the court can dismiss if it finds

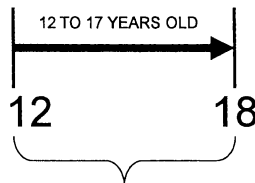
- 1) Lack of grounds to extend
- 2) Prejudice to the respondent



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The Juvenile Jurisdiction Age Scale

“JUVENILE” JURISDICTION
RCW 13.40.020(15)



Juvenile
Presumptive
Capacity

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The Juvenile Jurisdiction Age Scale

RESIDUAL JUVENILE JURISDICTION
No longer a "Juvenile" b/c they are over 18


18 TO 21 YRS. OLD	21 TO 28 +	
18	21	28
+ Adults in Juvenile Court (residual jurisdiction)		

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"JUVENILE" JURISDICTION

STATUTORY DEFINITION OF "JUVENILE"

- 1) UNDER AGE 18
- 2) NOT IN ADULT COURT



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“JUVENILE” JURISDICTION

I. UNDER AGE 18

AGE AT TIME OF *FILING*

NO RIGHT TO JUVENILE JURISDICTION

DELAY VIOLATES GENERAL DUE PROCESS
(14TH AMEND.)



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“JUVENILE” JURISDICTION

I. UNDER AGE 18

“RESIDUAL JURISDICTION” FOR ADULTS

- 1) Written Extension Order
- 2) Disposition/Supervision
- 3) Failed Exclusive Adult

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“JUVENILE” JURISDICTION

I. UNDER AGE 18

1) Written Order

- *Prior to 18 No Nunc Pro Tunc” Orders*

- *Proceedings are Pending*



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“JUVENILE” JURISDICTION

I. UNDER AGE 18

1) Written Order

WHAT ABOUT EX-PARTE ORDERS?

(In Re Matter of Morris)

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