

# Increasing Juvenile Appeals

An Underused Critical Check on the Juvenile Delinquency System

More than **300,000** times a year, children are found delinquent by the juvenile court system. These children often face severe consequences, ranging from secure confinement to probation.<sup>1</sup>

Yet, only **1 in every 2,707** juvenile cases is appealed every year.<sup>2</sup>

**1 in 3** juvenile appeals is **successful**<sup>3</sup>

## Basis for Successful Arguments

- 1.** The lower court misinterpreted a statute or other legal provision.
- 2.** There was insufficient evidence to establish a claim.
- 3.** The lower court did not have jurisdiction.

## The purpose of filing appeals:



protects children's due process rights



safeguards against inaccurate findings of fact and legal errors



ensures uniformity and a critical check on the juvenile court system



improves the law for all future children facing delinquency proceedings

All children have a right to appeal their case and juvenile defense attorneys are required to discuss this right to appeal with their clients.<sup>4</sup>

## References

1. Melissa Sickmund, Anthony Sladky, and Wei Kang, *Easy Access to Juvenile Court Statistics*, NAT'L CTR. FOR JUVENILE JUSTICE, <http://www.ojjdp.gov/ojstatbb/ezajcs/> (narrowed data by adjudicated cases in 2013).
2. NAT'L JUVENILE DEFENDER CTR., 50-STATE ANALYSIS ON JUVENILE DELINQUENCY APPEALS (2016) (research on file with author) (NJDC analyzed all appeals arising out of juvenile delinquency court from 2009 to 2013 using the Thomson Reuters Westlaw Online Database. Only cases with precedential value were included in the analysis.). The number cited reflects the total number of appeals with precedential value arising out of juvenile delinquency court from 2009 to 2013, compared with the number of total juvenile adjudications from 2009 to 2013.
3. *Id.* The statistic cited reflects the number of successful juvenile appeals from 2009 to 2013.
4. See Megan Annitto, *Juvenile Justice on Appeal*, 66 U. Miami L. Rev. 671, 683 (2012); NAT'L JUVENILE DEFENDER CTR., NATIONAL JUVENILE DEFENSE STANDARDS § 7.2 Disclose the Right to an Appeal (2012).



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The National Juvenile Defender Center (NJDC) is a non-profit, non-partisan organization dedicated to promoting justice for all children by ensuring excellence in juvenile defense. NJDC provides support to public defenders, appointed counsel, law school clinical programs, and non-profit law centers to ensure quality representation in urban, suburban, rural, and tribal areas. NJDC also offers a wide range of integrated services to juvenile defenders, including training, technical assistance, advocacy, networking, collaboration, capacity building, and coordination. To learn more about NJDC, please visit [www.njdc.info](http://www.njdc.info).

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