

1: Juvenile Justice (Care and Protection of Children) Act, - Wikipedia

This Digest discusses (1) types and functions of youth courts, (2) the relationship of youth courts to law-related education, (3) student courts in schools, (4) educational effects of youth courts, and (5) the National Youth Court Center.

Youth Courts in Law-Related Education. Youth courts, which comprise teen courts, peer juries, peer courts, student courts, and other courts wherein juveniles sentence juvenile respondents, have rapidly gained popularity. In there were over 50 youth courts in 14 states; by , the number of youth courts grew to more than in 46 states and the District of Columbia. This Digest discusses 1 types and functions of youth courts, 2 the relationship of youth courts to law-related education, 3 student courts in schools, 4 educational effects of youth courts, and 5 the National Youth Court Center. Youth courts involve juveniles in the sentencing of other juveniles, in either a school or a community setting. Young people usually serve as jurors and may also fill the roles of prosecuting attorney, defense attorney, judge, bailiff, or other officers of the court. Respondents usually are referred to a youth court for sentencing, not for a judgment of guilt or innocence. Respondents voluntarily choose youth court, with parental approval, as an alternative to an existent sentencing agency or disciplinary office. Respondents who prefer legal representation or the regular court or disciplinary system can decline referral to youth courts. According to the National Youth Court Center, The American Probation and Parole Association Godwin identified four distinct teen court program models: The Peer Jury Model employs a panel of teen jurors who directly question the respondent. No defense or prosecuting attorney is employed. The judge or presiding juror can be an adult or youth volunteer. The most common of the youth court models is the Adult Judge Model, which employs an adult judge to rule on courtroom procedure and clarify legal terminology and youth volunteers as defense and prosecuting attorneys and jurors. Young people may also serve as bailiff and clerk. The Youth Judge Model is similar to the Adult Judge Model, except that a juvenile serves as judge, usually after service as a youth court attorney. Finally, the Youth Tribunal Model has no peer jury. Instead, the prosecuting and defense attorneys present cases to a panel of three youth judges, who determine the sentence. Youth courts and law-related education share many goals. The Law-Related Education Act of defined LRE as "Education to equip non-lawyers with knowledge and skills pertaining to the law, the legal process, the legal system, and the fundamental principles and values on which these are based. Each youth court case teaches both the student volunteers and the respondents about the rules or laws that were broken, the consequences of the offenses, and how due process is observed by court procedure. In addition, the volunteers and respondents learn about key LRE concepts of justice, power, equality, property, and liberty. Youth courts also help foster important values, attitudes, and beliefs similar to those of LRE. Participants voluntarily commit their time to youth courts in the pursuit of justice. Student volunteers demonstrate a belief in active and responsible participation in civic life, a respect for the rights of the respondent and victim, and an appreciation for a legitimate response to societal conflicts through assigning appropriate responses to the offenses in question. Youth courts also offer a uniquely experiential approach to LRE. Participants are real respondents in real situations, and volunteers must therefore learn the discipline of confidentiality. Youth court participants must weigh conflicting points of view and decide a just and appropriate sentence. They see first-hand the consequences of delinquent behavior. More often, student courts accept referrals only from within the school. Of course, student courts pose special challenges because of the complexity of creating new programs in schools. Some student courts handle only limited types of offenses. One student court handles only traffic offenses on the school grounds, such as parking lot violations. Other student courts handle only truancy and smoking violations. Still others address a wide variety of offenses including insubordination, minor theft of student property, minor vandalism, fighting, cheating, and loitering. For instance, members of the jury may be drawn from applicants throughout the student population by random selection among students in study hall or from among trained student court members. Likewise, student courts employing students as judges or peer jurors may draw from applicants as diverse as the student body, or they may use only the students specially trained as court officers either as an extracurricular activity or as members of a law class meeting throughout the semester. Additional goals are preventing recidivism repeat offenses and influencing

young people to resist the temptation to become delinquent. Evaluations conducted in the s found a decrease in recidivism for respondents who had participated in youth court Hissong , a positive modification of behavior for both respondents and volunteers North Carolina Administrative Office of the Courts , and gains in students test scores on knowledge of law and government Wells and Minor In the U. The project collected data, including recidivism rates, on the youth court participants and a comparison group of youth handled using traditional juvenile court procedures Butts and Buck This evaluation project revealed generally positive results regarding the effects of youth courts on participants. The findings are available at [http:](http://) The Center provides training, technical assistance, and resource materials to youth courts. In addition, the Center maintains an extensive Web site [http:](http://) The following list of resources includes references used to prepare this Digest. However, they can be located in the journal section of most larger libraries by using the bibliographic information provided, requested through Interlibrary Loan, or ordered from commercial reprint services. American Bar Association, Leming and James Downey, Eds. A Focus on Research. An Alternative to Juvenile Court? Juvenile Justice Clearinghouse, North Carolina Administrative Office of the Courts, Teaching Responsibility, Justice, and Authority. Williamson, Deborah, and Paul Knepper. Further, this site is using a privately owned and located server. This is NOT a government sponsored or government sanctioned site.

2: Bill Text - SB Custodial interrogation: juveniles.

Reviews: Digest of the Law Relating to Juveniles and the Courts Reviews: Digest of the Law Relating to Juveniles and the Courts B. Horner SPO, West Yorkshire.

An act to amend Section of the Welfare and Institutions Code, relating to juveniles. Existing law generally provides for the confidentiality of information regarding a minor in proceedings in the juvenile court and related court proceedings and limits access to juvenile case files. Existing law authorizes only certain individuals to inspect a juvenile case file, including, among others, the minor, his or her parents or guardian, and the attorneys for the parties, judges, referees, other hearing officers, probation officers, and law enforcement officers who are actively participating in criminal or juvenile proceedings involving the minor. Existing law also authorizes some of those individuals to receive copies of the case file. Existing law requires a person who is seeking access to a juvenile case file that is privileged or confidential pursuant to any other state or federal law and who is not entitled to access the record to petition the juvenile court for access. This bill would authorize an individual who is not generally authorized pursuant to specified provisions to inspect juvenile case files but received authorization from the juvenile court pursuant to a specified petition process, and who files a notice of appeal or petition for writ challenging a juvenile court order or who is a respondent in that appeal or real party in interest in that writ proceeding, for purposes of that appeal or writ proceeding, to inspect and copy any records in a juvenile case file to which the individual was previously granted access by the juvenile court. The bill would require the Judicial Council to adopt rules to implement these provisions. Section of the Welfare and Institutions Code is amended to read: The confidential information may also be used by the State Department of Social Services in a criminal, civil, or administrative proceeding. The confidential information shall be available only to the judge or hearing officer and to the parties to the case. Names that are confidential shall be listed in attachments separate to the general pleadings. The confidential information shall be sealed after the conclusion of the criminal, civil, or administrative hearings, and may not subsequently be released except in accordance with this subdivision. If the confidential information does not result in a criminal, civil, or administrative proceeding, it shall be sealed after the State Department of Social Services determines that no further action will be taken in the matter. Except as otherwise provided in this subdivision, confidential information shall not contain the name of the minor. The confidentiality provisions of Section shall apply to a juvenile justice commission and its members. Any information relating to another child or which could identify another child, except for information about the deceased, shall be redacted from the juvenile case file prior to release, unless a specific order is made by the juvenile court to the contrary. Except as provided in this paragraph, the presiding judge of the juvenile court may issue an order prohibiting or limiting access to the juvenile case file, or any portion thereof, of a deceased child only upon a showing by a preponderance of evidence that release of the juvenile case file or any portion thereof is detrimental to the safety, protection, or physical or emotional well-being of another child who is directly or indirectly connected to the juvenile case that is the subject of the petition. Upon receiving a petition, the custodian of records shall serve a copy of the request upon all interested parties that have not been served by the petitioner or on the interested parties served by the petitioner if the custodian of records possesses information, such as a more recent address, indicating that the service by the petitioner may have been ineffective. If any interested party, including the custodian of records, objects to the petition, the party shall file and serve the objection on the petitioning party no later than 15 calendar days after service of the petition. The juvenile court shall set the matter for hearing no more than 60 calendar days from the date the petition is served on the custodian of records. The court shall render its decision within 30 days of the hearing. The matter shall be decided solely upon the basis of the petition and supporting exhibits and declarations, if any, the objection and any supporting exhibits or declarations, if any, and the reply and any supporting declarations or exhibits thereto, and argument at hearing. The court may solely upon its own motion order the appearance of witnesses. If no objection is filed to the petition, the court shall review the petition and issue its decision within 10 calendar days of the final day for filing the objection. Any order of the court shall be immediately reviewable by

petition to the appellate court for the issuance of an extraordinary writ. Unless a person is listed in subparagraphs A to P , inclusive, of paragraph 1 and is entitled to access under the other state law or federal law or regulation without a court order, all those seeking access, pursuant to other authorization, to portions of, or information relating to the contents of, juvenile case files protected under another state law or federal law or regulation, shall petition the juvenile court. The juvenile court may only release the portion of, or information relating to the contents of, juvenile case files protected by another state law or federal law or regulation if disclosure is not detrimental to the safety, protection, or physical or emotional well-being of a child who is directly or indirectly connected to the juvenile case that is the subject of the petition. This paragraph does not limit the ability of the juvenile court to carry out its duties in conducting juvenile court proceedings. Further, a juvenile case file, any portion thereof, and information relating to the content of the juvenile case file, may not be made as an attachment to any other documents without the prior approval of the presiding judge of the juvenile court, unless it is used in connection with and in the course of a criminal investigation or a proceeding brought to declare a person a dependent child or ward of the juvenile court. For authorized staff of entities who are licensed by the State Department of Social Services, the confidential information shall be obtained through a child protective agency, as defined in subparagraph H of paragraph 1. In these circumstances, the requirements of paragraph 4 shall continue to apply to the information received. The requirements of paragraph 3 shall continue to apply to any other record, or a portion thereof, in the juvenile case file or made a part of the appellate record. The requirements of paragraph 4 shall continue to apply to files received pursuant to this paragraph. The Judicial Council shall adopt rules to implement this paragraph. This notice shall be expeditiously transmitted by the district superintendent to the principal at the school of attendance. The principal shall expeditiously disseminate the information to those counselors directly supervising or reporting on the behavior or progress of the minor. In addition, the principal shall disseminate the information to any teacher or administrator directly supervising or reporting on the behavior or progress of the minor whom the principal believes needs the information to work with the pupil in an appropriate fashion, to avoid being needlessly vulnerable or to protect other persons from needless vulnerability. If the minor is returned to a school district other than the one from which the minor came, the parole or probation officer having jurisdiction over the minor shall so notify the superintendent of the last district of attendance, who shall transmit the notice received from the court to the superintendent of the new district of attendance. The county superintendent shall provide the court with a listing of all of the schools within each school district, within the county, along with the name and mailing address of each district superintendent. After that time the confidential record shall be destroyed. Upon completion of any requested review and no later than 30 days after the request for the review was received, the principal or his or her designee shall respond in writing to the written request and either shall confirm that the record has been destroyed or, if the record has not been destroyed, shall explain why destruction has not yet occurred.

3: Teen Courts and Law-Related Education. ERIC Digest.

Digest of the law relating to juveniles and the courts by J. W. Moore starting at. Digest of the law relating to juveniles and the courts has 1 available editions to buy at Alibris.

Teen Courts and Law-Related Education. Teen courts, a term used here to include youth courts, peer juries, peer courts, student courts, and other courts using juveniles in determining the sentences of juvenile offenders, have rapidly gained popularity in the s. In there were over 50 teen courts in 14 states; by , the number of teen courts had grown to more than in 45 states and Washington, DC. The growing popularity of teen courts is compelling evidence that they are fulfilling a recognized need. Young people usually serve as jurors and may also fill the roles of prosecuting attorney, defense attorney, judge, bailiff, or other officers of the court. Young offenders usually are referred to a teen court for sentencing, not for a judgment of guilt or innocence. There are, however, many different models of teen courts see below , including some that determine guilt or innocence. Young offenders voluntarily choose teen court, with parental approval, as an alternative to an existent sentencing agency or disciplinary office. Teen court sentences commonly include community service hours , jury duty up to 12 times , restitution, and apologies. Additional sentencing options include counseling, educational workshops on substance abuse or safe driving, essay writing, victim-awareness classes, curfews, drug testing, school attendance, and peer discussion groups. Most teen courts are based in the juvenile justice system or in a community setting. The agencies most commonly operating or administering teen court programs are juvenile courts and private nonprofit organizations. Next are law enforcement agencies and juvenile probation departments. Schools operate about ten percent of teen courts, while a variety of other agencies e. The survey of teen courts by the American Probation and Parole Association Godwin identified four distinct models: The Peer Jury Model employs a panel of teen jurors who question the offender directly. No defense or prosecuting attorney is employed. The judge is usually an adult volunteer. The most common of the teen court models is the Adult Judge Model, which employs an adult judge to rule on courtroom procedure and clarify legal terminology, and youth volunteers as defense and prosecuting attorneys and jurors. Young people may also serve as bailiff and clerk. The Youth Judge Model is similar to the Adult Judge Model, except that a juvenile serves as judge, usually after service as a teen court attorney. Finally, the Tribunal Model has no peer jury. Instead, the prosecuting and defense attorneys present cases to a juvenile judge s , who determines the sentence. The Law-Related Education Act of defined LRE as "Education to equip nonlawyers with knowledge and skills pertaining to the law, the legal process, and the legal system, and the fundamental principles and values on which these are based. Each teen court case teaches both the student volunteers from local secondary schools and the offenders about the rules or laws that were broken, the consequences of the offenses, and how due process is observed by court procedure. In addition, the volunteers and offenders learn about key LRE concepts of justice, power, equality, property, and liberty. Teen courts also help to foster important values, attitudes, and beliefs similar to those of LRE generally. Participants voluntarily commit their time to teen courts in the pursuit of justice. Student volunteers demonstrate a belief in active and responsible participation in civic life, a respect for the rights of the offender and victim, and an appreciation for a legitimate response to societal conflicts through assigning appropriate responses to the offenses in question. Teen courts also offer a uniquely experiential approach to LRE. Participants are real offenders in real situations, and volunteers must therefore learn the discipline of confidentiality. Teen court participants must weigh conflicting points of view and decide a just and appropriate sentence. They see first-hand the consequences of delinquent behavior. Teen court offenders learn through their own sentences the importance of community service. More often, student courts accept referrals only from within the school. Of course, student courts pose special challenges because of the complexity of creating new programs in schools. Student courts are sometimes established to handle very limited types of offenses. One student court handles only traffic offenses on the school grounds, such as parking lot violations. Other student courts handle only truancy and smoking violations. Still others address a wide variety of offenses including insubordination, minor theft of student property, minor vandalism, fighting, cheating, and loitering. For instance, members of the jury in a

trial model may be drawn from applicants throughout the student population by random selection among students in study hall, or from among trained student court members. Likewise, student courts employing students as judges or peer jurors may draw from applicants as diverse as the student body, or may use only the students specially trained as court officers, either as an extracurricular activity or as members of a law class meeting throughout the semester. Preventing repeat offenses recidivism and influencing young people to resist the temptation to become delinquent are also valid goals of teen courts. Since teen courts tend to function on minimal funding, finding the time and money to determine their success in meeting their goals has been difficult. However, a few notable evaluation studies have been conducted. The study found a decrease in recidivism for teenagers who had participated in teen court. The study by James B. Wells and Kevin I. Research shows that teen courts promote understanding of the legal system, reduce recidivism, and encourage participants to accept responsibility for their actions. They provide a positive alternative to traditional juvenile justice and school disciplinary procedures. The Division for Public Education of the American Bar Association has served as a national clearinghouse for information on teen courts since However, they can be located in the journal section of most larger libraries by using the bibliographic information provided, requested through Interlibrary Loan, or ordered from commercial reprint services. Leming and James Downey, Eds. Department of Transportation, North Carolina Administrative Office of the Courts. Teaching Responsibility, Justice, and Authority. Williamson, Deborah, and Paul Knepper. Further, this site is using a privately owned and located server. This is NOT a government sponsored or government sanctioned site.

4: Bill Text - AB Juvenile case files: inspection.

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History[edit] The Ministry of Women and Child Development began contemplating several desired amendments in and a process of consultation with various stake holders was initiated. The Delhi gang rape case in December had tremendous impact on public perception of the Act. One of the accused in the Delhi gang rape was a few months younger than 18 years of age. He was tried in a juvenile court. Demands for a reduction of the age of juveniles from 18 to 16 years were also turned down by the Supreme Court, when the Union of India stated that there is no proposal to reduce the age of a juvenile. The Court asked the juvenile court to delay its verdict. She added that changing the law, which will allow them to be tried for murder and rape as adults, would scare them. The new bill will allow minors in the age group of to be tried as adults if they commit heinous crimes. Families will sign up for foster care and abandoned, orphaned children, or those in conflict with the law will be sent to them. Such families will be monitored and shall receive financial aid from the state. In adoption, disabled children and children who are physically and financially incapable will be given priority. Parents giving up their child for adoption will get 3 months to reconsider, compared to the earlier provision of 1 month. Given to the severe criticism, Bill was referred to a Standing Committee of Parliament which also rejected such provisions. Bill is also criticized for prescribing an opaque Age Determination System and its poor draft. There are numerous drafting errors which have been coming to notice after the Bill has been rolled out for implementation on 15th January Now Government to working on an amendment to sure such errors. The bill now stands Passed in Rajya-Sabha on Tuesday 22 December , after the Nirbhaya case accused juvenile was released. He said that they should be educated instead of being punished. Many experts and activists viewed post December Delhi Gang Rape responses as creation of media sensationalisation of the issue, and cautioned against any regressive move to disturb the momentum of Juvenile Justice Legislation in the Country. However some sections in the society felt that in view of terrorism and other serious offences, Juvenile Justice Act of needed to be amended to include punitive approaches in the existing Juvenile Justice Law, which so far is purely rehabilitative and reformative. Some argued that there is no need of tampering with Juvenile Justice Act for putting up effective deterrent against terrorism. Retired Judge of Delhi High Court, Justice RS Sodhi on 8 August told Hindustan Times, "We are a civilised nation and if we become barbaric by twisting our own laws, then the enemy will succeed in destroying our social structure. We should not allow that but we must condemn this move of sending children to fight their war".

5: Youth Courts in Law-Related Education. ERIC Digest.

Teen courts have gained in popularity in the s. These courts include youth courts, peer juries, peer courts, student courts, and other courts using juveniles to determine the sentences of juvenile offenders. The courts issue sentences that are carried out in a school or community setting and.

I am the author of this a document Location: Dar Es Salaam-Tanzania Date: There is further discussion within the paper on the principle rights of the child, pre-trial, trial and post trial proceedings; and both nature and categorization of juvenile offences in Tanzania. The paper analyses the meaning of a juvenile and operation of Juvenile Court as established under the Law of the Child Act No. Article and Legal Papers Author at academicians websites. Contact details, magallajr gmail. Depending on the context within which the person is referred to, the definition of a child varies. But this section 15 of the Penal Code that defines a child to mean any person under the age of 12 years has been amended by section of the Law of the Child Act of that any child who commits an unlawful act shall be dealt with the Law of the Child Act of because it prevails. Going back hundred years ago, there was no distinction in the processing of juveniles and adults in the criminal justice system. The criteria was to establish whether the accused had reached the age of criminal responsibility of age ten, the police, courts and corrections agencies pretty much handled all cases alike. Changes began to take place in , after first juvenile court in Chicago. It was only then, juveniles began to be viewed as less responsible for their actions and as the century draws to a close, some have returned to the belief that some juveniles should be subject to the same courts and punishments 8 that adults face. This was seen as a highly progressive measure; most of its important provision was establishment of separate juvenile court, which the public were excluded⁹. The narrowing economic base for rural substance farming, forces many rural dwellers to move to the major urban centres. Economic stagnation leaves many juveniles unable to cover their basic needs. All these tremendously affect children. In their efforts to adjust to these new situations, in many cases by themselves, it is natural to expect children to exhibit change in behavior, which may lead to conflicts with the law. Today, based on the change of socio-economic changes and 9 John A. There is a demand for a comprehensive framework for protection and maintaining young people in a peaceful and ordinary society is put in place in each country, to match the need for a robust social justice system. By the late s, legal mechanism for treating children differently and separately from adults had existed for some time. For example, jurisdictions had set the minimum age at which a child could be considered legally responsible for criminal behavior. Minimum age for placements in adult penitentiaries were also enacted during the first half of the s. More over special institutions for dealing with the youths had been in existence since , when the first house of refuge was established in New York city. Yet, cases involving juveniles were still heard in criminal courts. Many of the child savers believed that criminal courts failed to respond adequately to many of the transgressions of the young. The legal philosophy justifying state intervention in the lives of children, the doctrine of *parens patriae* the state as parent was given judicial endorsement in the case *Ex parte Crouse*. In Tanzania it is similar is but different lies in period of establishment. This law is the product of English Act. Cap 58 establishes provision for protection of persons under the age of sixteen years and for the procedure at trial of such persons on criminal charges. The Law of the Child Act establishes juvenile courts at district level and magistrate courts, for the purpose of hearing and conducting all trials against children under the age of majority except in cases where children are charged jointly with adults. In such situation a child will also have his case tried in an adult court. Juvenile courts were first developed in England because of the mushrooming of juvenile delinquency. One of the functions of these courts was to act in lieu of parents who were deemed 10 Section 97 1 of the Law of the Child Act no. This development led to establishment of the court. The court had therefore a duty to assume jurisdiction of st dependent and neglected children. Records shows that on the 1 July the first juvenile court in the world began its legal existence in Chicago USA. In England selection of juvenile court magistrates is done very carefully. Certain additional qualities like love for children, sympathy with their problems and imaginative insights into their problems are qualities needed for a magistrate in a juvenile court. The court system in Tanzania consists of High Court, and lower courts i. Regional magistrate

court, District courts, and Primary courts. Since its enactment it has gone through very few amendments. The law establishes juvenile courts at the level of Regional magistrate courts for the purpose of hearing and conducting all trials against persons under eighteen years of age except in cases where children are jointly charged with adults, therefore regional magistrate shall by virtue 9 of his post be the chairman of the court. It means that when a child or young persons are charged jointly with an adult they may be tried in public, thus violating the principle of protection of the privacy of the child or young persons. However, this Court was not functioning in a manner that was discernably different from any other district court. A further juvenile court will be started in two other districts in , and hopefully more will follow once the Juvenile Court rules have been gazetted. Establishing the Court is not so much a physical and financial problem as a human resource problem. In order to function it is necessary to have at least one, and preferably two, dedicated magistrates in each court. The magistrates, prosecutors, defence lawyers, social welfare officers, detention centre staff and the court administrative staff all have to be trained " not only on the law but on practice. This requires coaching as well as training. The existing Juvenile Court is now working far better but there are still issues to be addressed. This is illustrated in case of Republic v. The appellants challenged the assessment of their ages by the medical doctor. Their parents submitted, inter alia, baptism certificates to enable the court assess the ages of the appellant. It was held by the High Court that evidence of a parent is better than that of a medical doctor as regards to the child age. The evidence must first be relevant, but even relevant evidence will be tested for its admissibility. Admissible evidence is any document, testimony, or tangible evidence used in a court of law. Evidence is typically introduced to a judge or a jury to prove a point or element in a case. Stewart, 18 b Civil Law In civil law, an element of a case is weighed by the standard of preponderance of the evidence, which is a lower standard that "beyond a reasonable doubt. Whether evidence is admissible or not depends on several different factors that the court must analyze. The general rule is that all irrelevant evidence is inadmissible and all relevant evidence is admissible. There are two basic factors that are considered when determining whether evidence is admissible or not: Relevant of evidence must prove or disprove an important fact in the criminal case. There are legal rules that prohibit evidence from being presented at a trial even though it is relevant to a factual proposition that is material and in issue. Two prominent examples of such rules of admissibility or rules of exclusion are the rule against hearsay evidence and the rule against character evidence. The Guidance covers practical issues around initial contact with the witness, consent, when the child can be further interviewed and issues to be considered for very young children, children with disabilities or children who are psychologically disturbed. Although the guidance is advisory and does not constitute a legally enforceable code of conduct, significant departures from the guidance may have to be justified in court if relied upon by the defence to challenge part or all of the evidence of the witness. Prosecutors should Therefore have the Achieving Best Evidence guidance in mind when reviewing cases in which a child is a victim or witness. This research provides detailed practical and legal guidance to all people dealing with cases that involve children and young people as victims and witnesses. Whether a witness is competent, depends on his capacity to understand the question put to him and the capacity to give rational answers 40 the evidence act ,cap 6 21 thereto. By competency to give evidence is meant that there is no legal bar against the person concerned to testify in a court. The Section 1 of the Tanzania Evidence Act, Cap 6 makes all persons as competent to testify the questions put to them or from giving rational answers to those questions a by tender years, b extreme old age, or c disease. Thus understanding is the sole test of competency. The test of competency is the capacity to understand the questions and to give rational answers. The court has to ascertain, in the best way it can, whether from the extent of intellectual capacity and understanding he is able to give a rational account of what he has seen or heard or done on particular occasion. A witness may be competent and yet not compellable he may have the power of understanding the question and may be able to give rational answers thereto, but may not be subject to the authority of the court; that is to say the court cannot compel him to attend and depose before it. In general a witness who is competent may be compellable. Again a witness is competent and also may be compellable yet the law may not force him to answer certain questions. This is called restricted compellability or privilege. Thus, it can be said that every person is competent to give 22 evidence provided he satisfied the test of the being able to understand the questions

which are put to him, and he is in a position to give rational answers to those questions. Any person who satisfies these tests shall be competent to testify. A child, deaf and dumb persons can give evidence. From the above analysis and discussion, we can observe that the juvenile justice system is in need of an overhaul to make the instruments used applicable and implementable this includes many conflicts in the application of instruments used in defining a juvenile, testing their capability and admitting evidence. In trying to achieve a balanced and just juvenile justice system, the following must be adhered to: Designated police officers and units, from the initial stages of the justice system Specialist prosecutors, to carry out the investigation and prosecution of child suspects. A clear distinction between misbehavior and disobedience and criminality brought about by cultural shifts and socio-economic developments. Pre-trial proceedings to determine the evidence and main issues surrounding child. So far in Tanzania there has only been established one juvenile court, even though the Law of the Child Act provides that. This is a result of lack of funding thus lack of establishment of Juvenile Courts, its rules to govern structure, procedures to operate and lack of staffing. Lack of awareness of the law and instruments used to administer juvenile justice by presiding officials; judges, magistrates, police, welfare officers and other relevant institutions. In conclusion, to have a competent and compelling juvenile 24 witness, it is imperative not only that laws and instruments used are compatible, but they should not give doubt to the presiding officers in their application and implementation of the law and procedures. One can observe that the Law of the Child Act leaves much to be desired in the context of the procedures for witness before the court of law to a child. Ensuring the best interests of the children implies also a consideration of their treatment at the time of witness in terms of the limitation of force to be used in the said process. The Law of the Child Act⁴¹ and other laws focus to a large extent on the dissociation between children in conflict with the law and adults in custody. It may be appreciated that legislative organ did not incorporate such provisions in the Law of the Child Act and other laws like the children and young persons Act intentionally for the same to be dealt with by the Procedural of juvenile witness in courts. Goldewijk B and Foreman B.

6: Three Supreme Court Cases That Have Shaped Juvenile Justice | 15 to Life | POV | PBS

ED Youth Courts in Law-Related Education. ERIC Digest. ERIC Development Team www.enganchecubano.com Table of Contents If you're viewing this document online, you can click any of the topics below to link directly to that section.

Existing law authorizes a peace officer to take a minor into temporary custody when that officer has reasonable cause to believe that the minor has committed a crime or violated an order of the juvenile court. In these circumstances, existing law requires the peace officer to advise the minor that anything he or she says can be used against him or her, that he or she has the right to remain silent, that he or she has the right to have counsel present during any interrogation, and that he or she has the right to have counsel appointed if he or she is unable to afford counsel. This bill would require that a youth 15 years of age or younger consult with legal counsel in person, by telephone, or by video conference prior to a custodial interrogation and before waiving any of the above-specified rights. The bill would prohibit a waiver of the consultation. The bill would require the court to consider the effect of the failure to comply with the above-specified requirement in adjudicating the admissibility of statements of a youth 15 years of age or younger made during or after a custodial interrogation. The bill would clarify that these provisions do not apply to the admissibility of statements of a youth 15 years of age or younger if certain criteria are met. This bill would require the Governor, or his or designee, to convene a panel of at least 7 experts, as specified, no later than January 1, . The bill would require the panel to review, and to examine the effects and outcomes related to, the implementation of the above-described requirements, as specified, and to provide, no later than April 1, , certain information to the Legislature and the Governor. This bill would repeal these requirements on January 1, . The Legislature finds and declares all of the following: North Carolina S. Oklahoma U. Baird U. Simmons U. Florida U. People under 18 years of age have a lesser ability as compared to adults to comprehend the meaning of their rights and the consequences of waiver. Additionally, a large body of research has established that adolescent thinking tends to either ignore or discount future outcomes and implications, and disregard long-term consequences of important decisions see, e. William Gardner et al. Jossey Bass, , pp. Ohio U. Colorado U. The law enforcement community now widely accepts what science and the courts have recognized: Arizona U. The consultation may not be waived. A report submitted to the Legislature pursuant to this subparagraph shall be submitted in compliance with Section of the Government Code.

Shaping of Cambridge botany Bajaj fans price list 2015 Sams teach yourself Active Server Pages 2.0 in 21 days Emergence of the weapon system concept: the Air Force and acquisition, 1945-1953 Shakespeares self-portrait Beginning western exercises Helping yourself with psychosymbology The Unofficial Guide to Central Italy Jeffrey pinto project management Bossman vi keeland Functions and Programs Parliaments in Contemporary Western Europe (Library of Legislative Studies) William Carey: Obligated to Go Fieldings Caribbean. I Only Dress the Wounds The Magic Fish (Mike Me) From concord to dissent Bright Good Night Bano qudsia books Adaptive antennas Beginning the therapeutic relationship and obtaining a problem list and diagnosis Mohammad: (peace be upon him the formative years Grace Harlowes Return to Overton Campus Hydraulic pump lecture note Homepages Im World Wide Web The new Bible in pictures for little eyes Printable rebus puzzles worksheet Because of lila abbi glines History of battle-flag day, September 17, 1879. Janes aircraft recognition guide Class conflict and regime crisis in North Korea Jae Jean Suh Baseball monologues Peasantry and nationalism Charles darwin theory of human evolution Tuck everlasting full book Mark Mcgwire (Sports Heroes) Theory of constraints ebook Crete (Directions) Introduction to electrodynamics griffiths solution Evaluating a performance support environment for knowledge workers