

2013

Understanding the Role and Decision-Making Process of the Juvenile Court Judge: A Descriptive Survey

Nathan C. Lowe

Adam K. Matz

Amy J. Messer

Follow this and additional works at: <https://digitalcommons.pvamu.edu/cojpp-contemporaryissues>



Part of the [Child Psychology Commons](#), [Criminology and Criminal Justice Commons](#), [Social Control, Law, Crime, and Deviance Commons](#), and the [Social Work Commons](#)

Recommended Citation

Lowe, Nathan C.; Matz, Adam K.; and Messer, Amy J. (2013) "Understanding the Role and Decision-Making Process of the Juvenile Court Judge: A Descriptive Survey," *Contemporary Issues in Juvenile Justice*: Vol. 6 : Iss. 1 , Article 2.

Available at: <https://digitalcommons.pvamu.edu/cojpp-contemporaryissues/vol6/iss1/2>

This Article is brought to you for free and open access by Digital Commons @PVAMU. It has been accepted for inclusion in Contemporary Issues in Juvenile Justice by an authorized editor of Digital Commons @PVAMU. For more information, please contact hvkoshy@pvamu.edu.

Understanding the Role and Decision-Making Process of the Juvenile Court Judge: A Descriptive Survey

Nathan C. Lowe
University of Kentucky

Adam K. Matz
Indiana University of Pennsylvania

Amy J. Messer
University of Kentucky

The role and decision-making process of the juvenile court judge continue to remain important areas of both research inquiry and judicial practice. These areas, however, have remained understudied within the research literature. The current study attempts to extend the research surrounding this topic by surveying a sample of juvenile court judges ($n = 40$) from Kentucky. Judges were asked to respond to a series of questions to gauge their attitudes and perceptions on factors that influence their decision-making processes, as well as how they define their role in the juvenile court system, with the goal to inform judicial research and practice for the betterment of juvenile justice. Our findings suggest that judges perceive their roles as being unique and distinct from their counterparts in adult criminal court, and that judges place a great deal of weight on individual behaviors of juveniles in making disposition decisions. Strengths and weaknesses of this study are discussed, in addition to areas for future research.

Keywords: judges, juvenile justice, judicial roles, decision-making, survey

The role of the juvenile court judge has undergone significant changes over the years, and it seems these changes have been driven mainly by changes in the juvenile court system. Since its inception, the juvenile court has placed emphasis on the offender and his or her rehabilitative needs in contrast to the adult courts' emphasis on the offense and a "just deserts" judicial philosophy (Farnworth, Frazier, & Neuberger, 1988). This changed in large part, however, with *In re Gault* (1967) when the U.S. Supreme Court (the Court, hereafter) granted numerous constitutional rights to juveniles, more consistent with adult rights, which many believe has moved the juvenile court towards operating like criminal court (Hemmens, Steiner, & Mueller, 2004; Sanborn, 2001). The Court further reiterated the need for juvenile court judges to operate as impartial fact-finders, more so than parental figures. *In re Winship* (1970) raised the burden of proof necessary for adjudication from "preponderance of the evidence" to "beyond a reasonable doubt." Despite these changes, many of the workers in juvenile justice still feel the rehabilitation of juvenile offenders should remain the juvenile court judge's top priority (Bazemore &

Feder, 1997; Cullen, Latessa, Burton, & Lombardo, 1993; Sanborn, 2001; Whitehead & Lindquist, 1992).

Similarly, the decision-making process of the juvenile court judge has undergone changes over the years as well. Although there are many people whose decisions will impact juvenile justice, none are more pronounced and set the tone for the system at large as the juvenile court judge (Edwards, 1992). Beyond the judge's impartial legal fact-finding role, the juvenile court deviates somewhat from this purpose to include the general welfare and well-being of the offending juvenile. This may involve consideration of services or treatment to be rendered in order to best meet the needs of the juvenile. In many respects, the juvenile court judge serves as a "gatekeeper" for youth to access various social service organizations, detention centers, community corrections, and correctional institutions. The ways in which the judge handles delinquency sets the precedent for responses from other justice professionals in the field (e.g., police, probation, etc.) and, unless contested by a court of equal or greater authority, will remain the standard for juvenile case processing.

What the juvenile court judge perceives as his or her role in the court system, and the factors that influence the judge's decision-making process in handling cases, remains important areas of both research inquiry and judicial practice. These areas, however, have remained understudied within the research literature. The current study attempts to extend the research surrounding this topic by surveying a sample of juvenile court judges. Judges were asked to respond to a series of questions to gauge their attitudes and perceptions on factors that influence

Nathan C. Lowe, Department of Sociology, University of Kentucky; Adam K. Matz, Department of Criminology, Indiana University of Pennsylvania; Amy J. Messer, Department of Sociology, University of Kentucky.

The authors would like to thank Dr. Tanja Link for her contributions to the development of this study.

Correspondence concerning this article should be addressed to Nathan C. Lowe. E-mail: nathan.lowe@uky.edu

their decision-making processes, as well as how they define their role in the juvenile court system, with the goal to inform judicial research and practice for the betterment of juvenile justice.

Role of the Juvenile Court Judge in a Dynamic System

Juvenile court was created as a separate entity from adult criminal courts amidst the recognition that youth are developmentally different from adults (Lewis, 1999). Judges typically handle a wide range of cases to include child custody and support, truancy, and delinquency. The court has typically rested on the notion that delinquent youth are more amenable to treatment and rehabilitation than adult criminals, which has created a separation function, if you will, of the court altogether. With this as a focal point, the juvenile court developed with an emphasis on rehabilitation as opposed to punishment and incapacitation as has been traditionally found in adult criminal courts (see Bartollas & Miller, 1994; Krisberg, 2005; Parry, 2005; Siegel, Welsh, & Senna, 2006).

Despite its early premise, however, the juvenile court has suffered criticisms that the courts are, at times, "too soft" on offenders, which has led to a greater emphasis on "criminalization" of offenders in juvenile court. As a result, changes in state legislatures have altered the juvenile courts' scope, diminished its discretionary powers, and hardened its punitive practices (Arthur, 1998; Lewis, 1999). For example, in *Wilkins v. Missouri* (1989), the Court did not find the death sentence of a 16-year old to be unusually cruel or unconstitutional despite not finding a similar sentence since 1959 (Hurst, 1999). As with any decision made by the Court, the *Wilkins v. Missouri* decision set a precedent for future harshness.

Additional evidence can be found at the state level. In the mid-to-late 1970s, New York State made various revisions to its felony statutes to encourage the practice of giving harsher sentences to offenders in the juvenile court system, including sentencing juveniles to five years of incarceration for certain felonies and reclassifying any offender age 13 or older charged with a class A or B felony as criminal. Similarly, Florida was one of the first states to implement a mandatory waiver for juveniles to be transferred to adult court.

The change in focus from rehabilitation to criminal accountability was motivated by a growing perception of youth violence across the country. From the early 1980s to the 1990s, arrest rates for juvenile crimes increased by an alarming 41% (Hurst, 1999). Though adult arrest rates increased at a similar rate (43%) over the same time period, there was a stark increase in juveniles charged with homicides of 93%, compared to the adult homicide increase of 11%. This increase garnered much attention and legislative changes were put into motion that still affect juvenile courts today despite changing trends in juvenile homicide since the mid-1990s. This philosophical shift in policy clearly has an influential impact on judicial practice. For example, how have changes in policy altered judicial decision-making, if at all? Are judges predisposed to be harsh towards juveniles or does a *parens patriae* philosophy pervade? How have dynamic factors such as prior record, gender, race, and perceptions of youth coalesce to form the crux of a

judicial decision? Answers to these questions require further inquiry by researchers.

Factors that Influence Judicial Decision-Making in Juvenile Court

The factors that impact the decision-making process of the juvenile court judge are wide-ranging. Research has found interesting relationships between specific factors and the outcomes of delinquency cases. For instance, legal factors such as the severity of the offense and history of detention placements are consistently more predictive of severity in dispositions than other social and situational factors (Applegate, Turner, Sanborn, Latessa, & Moon, 2000; Bortner & Reed, 1985; Campbell & Schmidt, 2000; Leiber & Mack, 2003; Leiber & Stairs, 1999; Schwalbe, Hatcher, & Maschi, 2009; Wu, 1997). A juvenile's prior record in general has been found to be a strong factor to impact decision-making among judges (Champion, 1989; Butts, 1997; D'Angelo, 2002; Nimick, Szymanski, & Snyder, 1986; Rubin, 1985; Torbet et al., 1996).

Demographic characteristics have been shown to have an impact on juvenile justice decision-making as well. In the case of gender, scholars have found girls to receive more restrictive dispositions than boys, although females with severe family problems and substance abuse issues typically receive less restrictive sanctions than males (Schwalbe et al., 2009). With regard to race, African American youth are also at risk of more severe dispositions than European American youth (Bishop & Frazier, 1988, 1996; Leiber & Fox, 2005; Schwalbe et al., 2009). Specifically, African American males who are older and living in impoverished home environments have been found to receive more severe dispositions (Poole & Regoli, 1980).

A youth's risk to public safety, responsiveness to rehabilitation, and availability of treatment has been found to be influential as well (Shook & Sarri, 2007). Some research has found that juveniles with a history of alcohol and drug abuse are more likely to receive harsher dispositions (Campbell & Schmidt, 2000; Fader, Harris, Jones, & Poulin, 2001; Schwalbe et al., 2009). In addition, Campbell and Schmidt (2000) found the parent-child relationship, parental substance abuse, parental supervision, and prior involvement with child protection is associated with institutional placement. Fader et al. (2001) also found maternal substance abuse, history of family violence, and history of dependency referrals to be related to institutional placement. Moreover, several studies have found that the amount of prior services utilized and a history of chronic offending were predictive of disposition severity (Sanborn, 1996; Lyons, Baerger, Quigley, Erlich, & Griffin, 2001; Schwalbe et al., 2009). Finally, factors such as the parents' willingness to cooperate and the youth's responsiveness to rehabilitation can also have some effect on judicial decisions (Applegate et al., 2000). The juvenile court judge's own demographic characteristics (e.g., race, gender, political beliefs, etc.) have been shown to lead to discrepancies in judicial decision-making (D'Angelo, 2002). Other research suggests that the more years a judge has served on the bench the more their decision-making tends to be more punitive (Sanborn, 2001; Schumacker & Anderson, 1979; Susman, 1973)

In furtherance of the literature pertaining to the role of juvenile judges and their decision-making processes, this study examines the perceptions of a sample of juvenile court judges from Kentucky. A series of items were constructed to gauge judicial perceptions of various factors, informed by the literature, known to influence decision-making. Given this, several research questions guided the construction of the survey items and the study altogether:

1. How do the judges generally view juvenile justice matters, including the interventions used to deter future delinquency?
2. What factors do the judges consider important in making decisions at dispositions for cases involving juvenile offenders?
3. What factors external to the court do the judges perceive as affecting the amount and use of their judicial discretion?
4. How do juvenile court judges conceptualize their role in the juvenile court system; that is, should judges espouse a *parens patriae* disposition or focus strictly on accountability more consistent with adult criminal courts?
5. Finally, how do the judges' own demographic factors impact their decision-making processes?

Method

Sample

The sample of this study is comprised of Kentucky district court judges. In Kentucky, district court judges handle juvenile matters, city and county ordinances, misdemeanors, violations, traffic offenses, probate of wills, arraignments, felony probable cause hearings, small claims and civil cases involving \$4,000 or less, voluntary and involuntary mental commitments and cases relating to domestic violence and abuse (Kentucky Court of Justice, n.d.). Between July and September of 2009, all district court judges who held judgeships across the state's eight regions and 60 districts ($n = 103$) were sent an invitation letter via postal mail to participate in an online survey. Contact information for all judges in the state is in the public domain. The names and mailing addresses for the judges were obtained on the website of the Kentucky Court of Justice. In addition, all judges who were currently enrolled in the state's senior judge program (i.e., retired judges who fill open judgeships) and who had experience as a judge in district court matters ($n = 65$) were invited to participate in the survey. The contact information for judges in the senior judges program cannot be accessed via a public web domain. In order to obtain this information, the researchers contacted the Kentucky Administrative Office of the Courts (AOC). The names and mailing addresses for these 65 judges were provided by an AOC employee.

Of the final original sample ($n = 168$), approximately 40 participants provided a usable survey, which yielded an overall response rate of 23.8%. Such a low response rate was surprising, as the researchers implemented a methodology similar to Dillman's tailored design method (see Dillman, Smyth, & Christian, 2009). Initially, informative letters were sent via postal mail to the eight chief regional district court judges across the state. The primary purpose of the letters were to inform these judges of the forthcoming commencement of the study in case any judge within their district posed questions or

concerns to them upon receiving the invitation to participate in the study. As the first follow-up, invitation letters were sent via postal mail to all of the respondents in the sample. These letters provided the link to online survey for the respondents to complete. All respondents were provided with unique identifying numbers in order to track the completed surveys. All respondents who had not completed the online survey were then sent postcard reminders via postal mail. As a final point of contact, invitation letters were once again sent to all non-responsive respondents via postal mail.

Table 1 (below) provides the descriptive statistics of the sample. The sample was mostly male (72.5%), white (92.5%), married (95.0%), and between the ages of 45 and 59 (67.5%). Approximately 90% of the sample had children. Respondents varied to some degree across their political beliefs at the time of completing the survey. Over a third of the sample (37.5%) indicated their political beliefs as "somewhat liberal," while about one-third of the respondents (32.5%) reported their political beliefs as "moderate." Eleven respondents (27.5%) reported their political beliefs as either "somewhat conservative" or "very conservative." Interestingly, most of the respondents were retired judges in the senior judges program (40.0%). About half of the sample (47.5%) indicated having practiced law less than 10 years prior to becoming a judge, while a majority of the respondents (62.5%) reported having been a judge for well over a decade and, in some cases, about three decades. When asked about the types of positions they held throughout their professional careers prior to becoming a judge, nearly all of the respondents indicated having worked in a private law practice (95.0%). In addition, about one-third of the sample reported having working either in the adult criminal justice system (30.0%) or juvenile justice system (30.0%). Finally, when asked whether they would like to continue to serve as a judge in juvenile court, many of the judges reported wanting to remain in this role throughout the duration of their careers (59.0%).

Measures

The measures used for this study were developed based on previous studies of the decision-making processes of judges and probation officers in the juvenile justice system (Lowe, Dawson-Edwards, Minor, & Wells, 2008; Sanborn, 2001; Sarri et al., 2001). The survey was comprised of four areas of data. The first area pertained to the respondents' general views on juvenile justice and the types of state and community intervention that juvenile delinquency might require, in addition to the respondents' opinions on factors that help juveniles turn away from further involvement in delinquency and crime. Respondents were asked to indicate how much they generally agreed or disagreed with approximately 20 statements to assess their general views. Their responses were measured using a Likert scale ranging from "strongly disagree" (= 1) to "strongly agree" (= 5). Respondents were also asked to rate the importance of 10 factors in helping juveniles turn away from further involvement in delinquency and crime. The respondents rated the factors using a Likert scale ranging from "not important at all" (= 1) to "very important" (= 5).

Table 1.
Descriptive Statistics of Sample

Variable	N (%)
Gender	
Male	29 (72.5)
Female	11 (27.5)
Age	
30-44	9 (22.5)
45-59	27 (67.5)
60-70	4 (10.0)
Marital Status	
Married	38 (95.0)
Separated	1 (2.5)
Divorced	1 (2.5)
Race/Ethnicity	
White	37 (92.5)
Black	1 (2.5)
Other	2 (5.0)
Have Children?	
Yes	36 (90.0)
No	4 (10.0)
Current Political Beliefs	
Very Conservative	2 (5.0)
Somewhat Conservative	9 (22.5)
Moderate	13 (32.5)
Somewhat Liberal	15 (37.5)
Very Liberal	0 (0.0)
Formal Job Title	
Retired Judge	16 (40.0)
District Judge	15 (37.5)
Chief District Judge	3 (7.5)
Vice Chief District Judge	6 (15.0)
Chief Regional District Judge	0 (0.0)
Number Yrs Practiced Law Prior to Judgeship	
1-10	15 (37.5)
11-20	19 (47.5)
21-30	6 (15.0)
Work Prior to Judgeship	
Prosecutor?	23 (57.5)
Public Defender?	14 (35.0)
Private Law Practice?	38 (95.0)
Adult Criminal Justice System?	12 (30.0)
Juvenile Justice System?	12 (30.0)
Social Service Agency?	2 (5.0)
Other Professional/Voluntary Activities?	19 (47.5)
Job Satisfaction - Continue to Serve as Judge in Juvenile Court	
Duration of Career	23 (59.0)
Beyond Current Term, Evaluate Re-Election	1 (2.5)
Complete Current Term, Not Seek Re-Election	0 (0.0)
Retired Judges' Program	15 (38.5)

The second area of the survey pertained to the respondents' opinions on factors they considered in making decisions at dispositions for cases involving juvenile offenders. Respondents were asked to indicate how much they generally agreed or disagreed with 13 statements to assess the factors they considered to be critical at the time of dispositions. Their responses were measured using a Likert scale ranging from "strongly disagree" (= 1) to "strongly agree" (= 5). Additionally, respondents were asked to rate the importance of 22 factors in helping make decisions for adjudicated juvenile offenders in most cases. The respondents rated the factors using a Likert scale ranging from "not important at all" (= 1) to "very important" (= 5).

The third area of the survey pertained to the respondents' opinions on factors external to the court that may affect the amount and use of judicial discretion, in addition to the respondents' opinions on the role of the juvenile court judge. The judges were asked to indicate how much they agreed or disagreed with six statements to assess the factors they deemed to affect, or to not affect, the amount and use of judicial discretion. Their responses were measured using a Likert scale ranging from "strongly disagree" (= 1) to "strongly agree" (= 5). Respondents were also asked to indicate how much they agreed or disagreed with 12 statements to assess their opinions on the role of the juvenile court judge again using the five-point Likert scale.

Several factor-weighted attitude scales were created based on the items from these three areas of data using principal components factor analysis. The formation of the scales was guided in part by previous research, as mentioned above (Sanborn, 2001; Sarri et al., 2001). Two scales were created based on the judges' orientations toward juvenile justice. *Punitive orientation* is a nine-item additive scale, ranging from 16-35 ($\alpha = .75$), computed to represent factors in which respondents' degree of punitiveness could be ascertained (see Appendix A for all scales). *Rehabilitative orientation* is also a nine-item additive scale, ranging from 26-40 ($\alpha = .71$), computed to represent factors which respondents deemed important and statements with which respondents agreed that were more generally rehabilitative.

Four scales were created based on factors the judges' considered when making disposition decisions on juvenile offender cases. *Legal* is a three-item additive scale, ranging from 10-15 ($\alpha = .61$), computed to represent legal factors which respondents considered important when making disposition decisions. *Victim* is a four-item additive scale, ranging from 13-20 ($\alpha = .64$), computed to represent factors related to the victims of delinquency and crime which respondents considered important when making disposition decisions. *Individual behavior* is also a four-item additive scale, ranging from 14-20 ($\alpha = .67$), computed to represent factors pertained to the attitudes and behaviors of juvenile offenders which respondents deemed important when making disposition decisions. Finally, *family* is a three-item additive scale, ranging from 10-15 ($\alpha = .66$), computed to represent factors related to juvenile offenders' families which respondents deemed important when making disposition decisions.

Two final scales were created based on factors the judges thought may affect judicial discretion. *Legal code and resources* is a three-item additive scale, ranging from 6-15 ($\alpha = .59$),

computed to represent factors related to the juvenile code and appropriate, available resources which respondents indicated may affect judicial discretion. *Politics and public opinion* is also a three-item additive scale, ranging from 3-14 ($\alpha = .67$), computed to represent factors related to politics and public opinion which respondents indicated may affect judicial discretion.

The final area of the survey pertained to demographic and background information of the respondents. Table 1 provides many of the variables under this area. General demographics included: age as of last birthday in years; sex (male = 1, female = 2); race/ethnicity (African American/Black = 1, Non-Hispanic Caucasian/White = 2, Hispanic/Latino = 3, Asian American/Asian = 4, American Indian = 5, other = 6); marital status (single = 1, married = 2, separated = 3, divorced = 4, widow/widower = 5); no children (no = 0, yes = 1); number of children under age 6; number of children between ages 6-10; number of children between ages 11-15; number of children between ages 16-20; number of children ages 21 and over; field of study of Bachelor's degree; field of study of Master's degree, if applicable; and current political beliefs (very conservative = 1, somewhat conservative = 2, moderate = 3, somewhat liberal = 4, very liberal = 5). Additional background information gathered on the respondents included: type of college/university where law degree was received (public = 1, private = 2); formal job title (retired judge = 1, district judge = 2, chief district judge = 3, vice-chief regional district judge = 4, chief regional district judge = 5); length of time respondents practiced law prior to becoming judges, in years; length of time respondents have been judges, in years; worked as a prosecutor prior to or in addition to your duties as judges (no = 0, yes = 1); worked as a public defender prior to or in addition to your duties as judges (no = 0, yes = 1); worked in a private law practice prior to or in addition to your duties as judges (no = 0, yes = 1); worked in the adult criminal justice system prior to or in addition to your duties as judges (no = 0, yes = 1); worked in the juvenile justice system prior to or in addition to your duties as judges (no = 0, yes = 1); worked in a social service agency prior to or in addition to your duties as judges (no = 0, yes = 1); participated in other professional or voluntary activities involving child caring, development, or youth services prior to or in addition to your duties as judges (no = 0, yes = 1); and how long would respondents like to continue serving as judges (duration of career = 1, beyond current term and evaluate seeking re-election = 2, finish current term and not seek re-election = 3, retired judges' program = 4).

Analysis

Analysis of the data was performed using the SPSS® version 18 data analysis and statistical software program. Due to the small sample size in this study, we were unable to use advanced and multivariate statistical techniques to examine the relationships between the data; thus, we performed descriptive and, where applicable, bivariate analyses on the data. The primary goal of the data analysis was to examine the variation in how the respondents perceived their roles as juvenile court

judges. A secondary goal of the analysis was to examine the bivariate relationships between the factor-weighted attitude scales and selected demographic and background variables. In the end, the underlying intent was to gain a better understanding of the respondents' attitudes and perceptions regarding their roles and decision-making processes as judges in the juvenile court system.

Results

Building on previous research (Sanborn, 2001), the primary goal of the data analysis was to examine the variation in how the respondents perceived their roles as judges in the juvenile court system. The respondents' perceptions were assessed by asking them to respond to 12 statements; these statements were then categorized into three areas. Table 2 provides the means and standard deviations of the 12 items as categorized into the three areas.

The first area was comprised of six items that pertained to the special roles, conflict, and concerns of juvenile court judges. Respondents were first asked whether they believed the role of the juvenile court judge should be different than of the judge in adult criminal court. The respondents overwhelmingly agreed ($\bar{X} = 4.05$) that their roles as juvenile court judges should be different from adult criminal court judges. This finding was reinforced when respondents were asked whether there is anything special about the role of juvenile court judges, as they disagreed ($\bar{X} = 2.08$) with the provided statement, "There's nothing special about a juvenile court judges' role." Additionally, respondents undeniably agreed ($\bar{X} = 4.38$) that it is good practice for judges to study each case on an individual basis. These responses collectively seem to indicate that the judges perceived their roles as unique in the juvenile court and that their approach to cases should be systematic. Interestingly, respondents were mixed ($\bar{X} = 3.49$) in their responses to whether the best interest of the youth should be the paramount concern. They were also mixed on whether judges typically experience role conflict ($\bar{X} = 2.80$) and whether judges should always follow the juvenile code ($\bar{X} = 3.20$), although the former had the most variation ($SD = 1.04$) among the six items.

The second area was comprised of only two items, although they represented the special relationships, status, and training of juvenile court judges. When asked about the training of juvenile court judges, respondents disagreed ($\bar{X} = 2.23$) with the statement, "'Special training' is not needed for juvenile court judges." Such an overall response by respondents within the sample was indicative of their favorability for juvenile court judges to undergo specific training to conduct their judicial duties in the most effective ways. Respondents were also asked whether judges should be more involved with opposing counsel and juvenile probation officers; they were mixed ($\bar{X} = 3.37$) in their responses, which may mean they believed they were involved enough or that they preferred to remain neutral with all members of the courtroom workgroup.

Table 2.
Means and Standard Deviations of Judges' Perceptions of their Roles (N=40)

Variable	Mean	SD
Special Roles, Conflict, and Concerns		
Role should be different than in criminal court	4.05	0.82
Best interest of the youth should be paramount concern	3.49	0.97
Judges typically experience role conflict	2.80	1.04
Judges should always follow the juvenile code	3.02	0.97
Nothing special about juvenile court judge's role	2.08	0.92
Good practice for judge to study each case on individual basis	4.38	0.59
Special Relationships, Status, and Training		
"Special training" is not needed for juvenile court judges	2.23	1.10
Judges should be more involved with opposing counsel and PO	3.37	1.10
Types, Power, and Needed Changes		
Judges have too much power in juvenile court	1.73	0.55
Different types of judges appear in juvenile court	3.95	0.86
Should be more uniformity and consistency across judges	3.18	0.93
Not enough oversight of juvenile court judges	2.20	0.76

Note. Range of Mean: 1 = Strongly Disagree; 2 = Disagree; 3 = Neutral; 4 = Agree; 5 = Strongly Agree

The final area of examining the respondents' perceptions of their roles was comprised of four items that pertained to the types and power of judges in juvenile court, as well as needed changes among judges in juvenile court. Respondents strongly disagreed ($\bar{X} = 1.73$) with the statement that judges have too much power in juvenile court, while most of the judges agreed ($\bar{X} = 3.95$) that different types of judges appear in juvenile court. So while judges in general do not bestow a great deal of power in the juvenile court system, there is a variation among the orientations and judicial styles of judges in the courtroom.

A secondary goal of the data analysis was to examine the bivariate relationships between the factor-weighted attitude scales and selected demographic and background variables. This allowed us to gain a better understanding of whether statistical associations existed between the respondents' judicial orientations, the factors they deemed important at the time of disposition decisions, the factors they believed affected judicial discretion, and certain demographic and background variables. Table 3 provides the Pearson bivariate correlation matrix between these variables. As would be expected, respondents with rehabilitative orientations were less inclined to also have punitive orientations with regard to their judicial approach. Respon-

dents who indicated that factors relating to victims' rights are important in making decisions at juvenile dispositions tended to take on more punitive orientations. The individual behaviors and attitudes of juveniles, such as their attitudes and demeanors toward intervention efforts and school performance, appeared to be among the most important factors that respondents considered in making disposition decisions; that is, in relation to other factors. For instance, respondents who favored the individual behaviors and attitudes of juveniles also considered factors relating to a youth's family, victims' rights, and legal factors as important in making disposition decisions. With regard to the selected demographic and background factors, surprisingly, there were not any statistical differences between the respondents' ages or gender. Statistical significance was reached, however, regarding the respondents' political beliefs and the number of years they have held a judgeship with the attitude scales. Respondents who indicated more liberal political beliefs were less inclined to have a punitive orientation, nor consider victims' rights as entirely important in making disposition decisions. Finally, respondents who had served longer times as judges were more likely to be older and have liberal political beliefs.

Table 3.
Cohen's *d* Effect Size Difference Scores

Variable	1	2	3	4	5	6	7	8	9	10	11	12
1. Punitive Orientation	--											
2. Rehabilitative Orientation	-.374*	--										
3. Victims' Rights	.572**	.045	--									
4. Individual Behavior	.209	.235	.522**	--								
5. Family	.037	.205	.204	.593**	--							
6. Legal Factors						--						
7. Legal Code and Resources	-.070	-.009	.242	.220	.064	.213	--					
8. Politics and Public Opinion	.035	.008	-.103	-.284	-.114	-.078	.017	--				
9. Age	-.014	.218	-.062	.033	.018	.101	.022	.178	--			
10. Gender	-.133	.215	.100	.084	.112	.267	-.186	-.008	-.304	--		
11. Political Beliefs	-.580**	.234	-.476**	-.081	.032	.124	-.216	.029	.295	.153	--	
12. Years Been Judge	-.179	.111	-.185	-.078	-.174	.020	.258	.061	.559**	-.86	.383*	--
M	2.94	3.75	4.13	4.24	4.25	4.42	3.17	2.56	52.30	1.28	3.05	12.98
SD	0.52	0.41	0.46	0.43	0.46	0.40	0.79	0.77	8.26	0.45	0.92	7.85
Range	1.8-3.9	2.9-4.4	3.3-5.0	3.5-5.0	3.3-5.0	3.3-5.0	2.0-5.0	1.0-5.0	33-70	1-2	1-4	1-29

Note. * $p < .05$; ** $p < .01$

Discussion

This study began with the focus to gauge a sample of judges' attitudes and perceptions on factors that influence their decision-making processes, as well as how they define their role in the juvenile court system, with the goal to inform judicial research and practice for the betterment of juvenile justice. Our analysis produced several points of interest in relation to this focus. Firstly, the judges who comprised our sample indicated that the role of the judge should be undoubtedly unique and distinct from their counterparts in adult criminal court. This supports the limited research that has investigated the perceptions of juvenile court judges with respect to their roles in juvenile court proceedings (see Sanborn, 2001). The characteristics that should constitute the juvenile court judge's role, however, remain somewhat unclear from our data. We can only surmise that judges should study each case on an individual basis, thereby possibly investing more time and exhausting resources than judges in adult criminal courts. Obviously, such a conclusion cannot be generalized to represent the perceptions of juvenile court judges, altogether. Thus, further research needs to be conducted in order to continue to investigate this inquiry.

Secondly, somewhat in relation to the characteristics that comprise the juvenile court judge's role, the judges in our sample indicated that "special training" would be beneficial to juvenile court judges. As we did not clearly define "special training," we were left with yet another area for future research to explore. One way to gain a better understanding of such train-

ing is to develop a survey question that asks judges to rate the level of importance for a number of different factors that are necessary for judges to effectively manage cases in the juvenile court. Future research should also continue to investigate role conflict among juvenile court judges and their relationships between other courtroom workgroup members, such as attorneys and juvenile probation officers. It seems by further investigating these areas we will eventually be able to more accurately depict the underlying role of the juvenile court judge.

This study was also interested in learning more about the factors that influence the decision-making processes of juvenile court judges. By examining the relationships between the respondents' judicial orientations, the factors they deemed important at the time of disposition decisions, the factors that affect judicial discretion, and certain demographic and background variables, we were able to gain a better understanding of such decision-making processes. For instance, we found that judges believed the individual behaviors and attitudes of juveniles are among the most influential with regard to making disposition decisions. This is consistent with the finding of the respondents stressing the need for juvenile court judges to individualize cases, rather than having a fairly discrete approach in determining appropriate outcomes for juvenile offenders. Overall, it seems the judges in our sample believed in the practice of taking comprehensive approaches in making decisions in the juvenile court. This finding seems to hold true with the nature of the contextual factors and dynamics that are evident with juvenile court cases, such as family relationships,

the offenders' legal history, and the nature of committing offenses (e.g., was anyone hurt?).

With respect to the demographic and background variables, although we were not surprised that the respondents' gender did not impact the decision-making processes of judges, we were surprised that statistical significance was not achieved for age. We hypothesized that age, along with the number of years that respondents have served as judges, would influence the decision-making processes; as those judges who are older and with more experience in the courtroom would have a different approach in making decisions for cases. Of course, this may be a result of our sample. Future research should continue to examine this issue, among others discussed above.

The drawbacks of this study are noteworthy. Our small sample size, as a result of a low response rate on the survey, was not ideal. This greatly limited our ability to examine the relationships among the variables statistically, which had weight on the conclusions that we may draw from our research. It may be that judges are a secretive population to survey and they have difficulty in providing information about their job duties and processes, as they deal with sensitive materials; therefore, face-to-face interviews may just be the most appropriate methodological technique for collecting data from this population. Furthermore, of the respondents who comprised the sample, a sizable number of judges surveyed were retired. This may have been due to the lack of time constraints among retired judges. This may have greatly influenced the overall responses to the survey among the sample. Future research should develop more rigorous methods in collecting data from juvenile court judges, specifically survey data. This is an area of scholarship that needs further investigation in order to address more high-level research questions, as was attempted in this study.

Another drawback is with respect to the measures used in this study. Although we built upon previous research to develop many of the measures employed in the survey, some of the measures seemed incomplete in overcoming the ambiguity surrounding the roles and decision-making processes of juvenile court judges. For instance, rather than simply asking whether juvenile court judges need to undergo "special training," researchers should ask the possible factors that comprise such training, as described above. Again, this may be an issue of methodology where interviews would work better than surveys. Only future research will be able to answer these questions and concerns.

The roles and decision-making processes of juvenile court judges are undeniably important for the purposes of case processing and outcomes in juvenile court and the juvenile justice system. Unfortunately, research is limited in this area and is deserving of further attention. It seems we are only in the early stages of fully understanding these issues; yet, these issues are imperative for us to continue to investigate in order to gain a comprehensive understanding of how the judge's role and decisions ultimately affect individual cases and the process of the juvenile court system altogether.

References

- Applegate, B. K., Turner, M. G., Sanborn, J. B., Jr., Latessa, E. J., & Moon, M. M. (2000). Individualization, criminalization, or problem resolution: A factorial survey of juvenile court judges' decisions to incarcerate youthful felony offenders. *Justice Quarterly*, 17(2), 309-331.
- Arthur, L. G. (1998). Abolish the juvenile court? *Juvenile and Family Court Journal*, 49, 51-58.
- Bartollas, C., & Miller, S. J. (1994). *Juvenile justice in America*. Englewood Cliffs, NJ: Regents/Prentice Hall.
- Bazemore, G., & Feder, L. (1997). Rehabilitation in the new juvenile court: Do judges support the treatment ethic? *American Journal of Criminal Justice*, 21(2), 182-212.
- Bishop, D. M., & Frazier, C. E. (1988). The influence of race in juvenile justice processing. *Journal of Research in Crime and Delinquency*, 25, 242-263.
- Bishop, D. M., & Frazier, C. E. (1996). Race effects in juvenile justice decision-making: Findings of a statewide analysis. *Journal of Criminal Law & Criminology*, 86, 392-414.
- Bortner, M. A., & Reed, W. L. (1985). The preeminence of process: An example of refocused justice research. *Social Science Quarterly*, 66, 413-425.
- Butts, J. A. (1997). *Delinquency cases waived to criminal court, 1985-1994*. Washington, DC: U.S. Department of Justice.
- Campbell, M. A., & Schmidt, F. (2000). Comparison of mental health and legal factors in the disposition outcome of young offenders. *Criminal Justice and Behavior*, 27, 688-715.
- Champion, D. J. (1989). Teenage felons and waiver hearings: Some recent trends, 1980-1988. *Crime and Delinquency*, 35(4), 577-585.
- Cullen, F. T., Latessa, E. J., Burton, V. S., Jr., & Lombardo, L. X. (1993). The correctional orientation of prison wardens: Is the rehabilitative ideal supported? *Criminology*, 31, 69-92.
- D'Angelo, J. M. (2002). Juvenile court judges' perceptions of what factors affect juvenile offenders' likelihood of rehabilitation. *Juvenile and Family Court Journal*, 53(3), 43-55.
- Dillman, D. A., Smyth, J. D., & Christian, L. M. (2009). *Internet, mail, and mixed-mode surveys: The tailored design method* (3rd ed.). Hoboken, NJ: John Wiley & Sons.
- Edwards, L. P. (1992). The role of the juvenile court judge. *Juvenile and Family Court Journal*, 43(2), 1-45.
- Fader, J. J., Harris, P. W., Jones, P. R., & Poulin, M. E. (2001). Factors involved in decisions on commitment to delinquency programs for first-time juvenile offenders. *Justice Quarterly*, 18, 323-341.
- Farnworth, M., Frazier, C. E., & Neuberger, A. R. (1988). Orientations to juvenile justice: Exploratory notes from a statewide survey of juvenile justice decision makers. *Journal of Criminal Justice*, 16, 477-491.
- Hemmens, C., Steiner, B., & Mueller, D. (2004). *Criminal justice case briefs: Significant cases in juvenile justice*. Los Angeles, CA: Roxbury.
- Hurst, H., III. (1999). Juvenile court: As we enter the millennium. *Juvenile and Family Court Journal*, 50(4), 21-27.
- In re Gault, 387 U.S. 1 (1967).
- In re Winship, 397 U.S. 385 (1970).
- Krisberg, B. (2005). *Juvenile justice: Redeeming our children*. Thousand Oaks, CA: Sage.
- Kentucky Court of Justice. (n.d.). *District court*. Retrieved from <http://courts.ky.gov/districtcourt/>
- Leiber, M. J., & Fox, K. C. (2005). Race and the impact of detention on juvenile justice decision making. *Crime & Delinquency*, 51, 470-497.

- Leiber, M. J., & Mack, K. Y. (2003). The individual and joint effects of race, gender, and family status on juvenile justice decision-making. *Journal of Research in Crime and Delinquency*, 40, 34-70.
- Leiber, M. J., & Stairs, J. M. (1999). Race, contexts, and the use of intake diversion. *Journal of Research in Crime and Delinquency*, 36, 56-86.
- Lewis, J. D. (1999). America's juvenile and family courts: 100 years of responding to troubled youth and their families. *Juvenile and Family Court Journal*, 50, 3-7.
- Lowe, N. C., Dawson-Edwards, C., Minor, K. I., & Wells, J. B. (2008). Understanding the decision to pursue revocation of intensive supervision: A descriptive survey of juvenile probation and aftercare officers. *Journal of Offender Rehabilitation*, 46, 137-170.
- Lyons, J., Baerger, D., Quigley, P., Erlich, J., & Griffin, E. (2001). Mental health service needs of juvenile offenders: A comparison of detention, incarceration, and treatment settings. *Children's Services: Social Policy, Research, and Practice*, 4, 69-85.
- Nimick, E., Szymanski, L., & Snyder, H. (1986). *Juvenile court waiver: A study of juvenile court cases transferred to criminal court*. Pittsburgh, PA: National Center for Juvenile Justice.
- Parry, D. L. (2005). *Essential readings in juvenile justice*. Upper Saddle River, NJ: Pearson Education.
- Poole, E. D., & Regoli, R. M. (1980). An analysis of the determinants of juvenile court dispositions. *Juvenile & Family Court Journal*, 31(3), 23-32.
- Rubin, H. T. (1985). *Juvenile justice: Policy, practice, and law*. New York, NY: Random House.
- Sanborn, J. B., Jr. (1996). Factors perceived to affect delinquent dispositions in juvenile court: Putting the sentencing decision into context. *Crime & Delinquency*, 42, 99-113.
- Sanborn, J. B., Jr. (2001). *A parens patriae figure or impartial fact finder: Policy questions and conflicts for the juvenile court judge*. *Criminal Justice Policy Review*, 12(4), 311-322.
- Sarri, R., Shook, J. J., Ward, G., Creekmore, M., Albertson, C., Goodkind, S., & Soh, J. C. (2001). *Decision making in the juvenile justice system: A comparative study of four states*. Ann Arbor, MI: University of Michigan, Institute for Social Research.
- Schumacker, R. E., & Anderson, D. B. (1979). An attitude factor in juvenile court decision-making. *Juvenile & Family Court Journal*, 30(3), 31-35.
- Schwalbe, C. S., Hatcher, S. S., & Maschi, T. (2009). The effects of treatment needs and prior social services use on juvenile court decision making. *Social Work Research*, 33(1), 31-40.
- Shook, J. J., & Sarri, R. C. (2007). Structured decision making in juvenile justice: Judges' and probation officers' perceptions and use. *Children and Youth Services Review*, 29, 1335-1351.
- Siegel, L. J., Welsh, B. C., & Senna, J. J. (2006). *Juvenile delinquency: Theory, practice, and law* (9th ed.). Belmont, CA: Thomson Higher Education.
- Susman, J. (1973). Juvenile justice: Even-handed or many handed? An empirical investigation of decision-making processes in dispositional hearings. *Crime & Delinquency*, 19, 493-507.
- Torbet, P., Gable, R., Hurst, H., IV, Montgomery, I., Szymanski, L., & Thomas, D. (1996). *State responses to serious and violent juvenile crime: Research report*. Pittsburgh, PA: National Center for Juvenile Justice.
- Whitehead, J. T., & Lindquist, C. A. (1992). Determinants of probation and parole officer professional orientations. *Journal of Criminal Justice*, 20, 13-14.
- Wilkins v. Missouri, 492 U.S. 361 (1989).
- Wu, B. S. (1997). The effect of race on juvenile justice processing. *Juvenile & Family Court Journal*, 48, 43-51.

Appendix A: Factor-Weighted Attitude ScalesOrientation towards Juvenile Justice**Punitive** (Alpha=.75; Range=16-35; Mean=26.45)

- ♦Deterring juvenile offenders through punitive punishment practices and protecting the community should be the primary principles of juvenile court
- ♦Many community-based programs for juvenile offenders in secure placement is a serious problem facing juvenile justice decision makers today
- ♦Fearing more severe punishment
- ♦Losing freedom through restrictive supervision
- ♦More emphasis should be placed on the extent of harm or loss to victims
- ♦Too much emphasis is placed "least restrictive" and de-institutionalized approaches to disposition
- ♦Too much emphasis is given to the "best interest" of the juvenile offender
- ♦More emphasis should be placed on punishment
- ♦More juvenile offenders should be transferred to the adult system

Rehabilitative (Alpha=.71; Range=26-40; Mean=33.73)

- ♦Sympathetic understanding is the key to helping juvenile offenders
- ♦Juvenile offenders do not need to be punished in order to be rehabilitated
- ♦Many juvenile offenders currently placed in secure institutions could be adequately handled in less restrictive programs
- ♦Receiving counseling, therapy, or mental health services
- ♦Having positive work or employment experiences
- ♦Increasing community service and involvement
- ♦Improving the family environment
- ♦More emphasis should be placed on the juvenile's need for treatment and social services
- ♦More emphasis should be placed on the dangers to the health and safety of youth in disadvantaged homes

Factors Considered when making Disposition Decisions**Legal** (Alpha=.61; Range=10-15; Mean=13.26)

- ♦Seriousness of present offense
- ♦Prior offense record
- ♦Placement history

Victim (Alpha=.64; Range=13-20; Mean=16.52)

- ♦Understanding that offenses harm other people
- ♦Being required to pay back their victims
- ♦More emphasis should be placed on the extent of harm or loss to victims
- ♦Loss or harm to the victim

Individual Behavior (Alpha=.67; Range=14-20; Mean=16.95)

- ♦Attitude and demeanor towards intervention efforts
- ♦Level of drug use
- ♦School attendance and performance
- ♦Peer group associations

Family (Alpha=.66; Range=10-15; Mean=12.75)

- ♦Stability of the family
- ♦Parent's/Parents' presence in the court
- ♦Degree of parental cooperation with intervention efforts

Factors that may affect Judicial Discretion**Legal Code and Resources** (Alpha=.59; Range=6-15; Mean=9.53)

- ♦Changes in the juvenile code have significantly restricted judicial discretion
- ♦Changes in the juvenile code have reduced the ability of judges to order the most appropriate program for a juvenile offender
- ♦Range of available and appropriate resources significantly restricts effective judicial decision-making

Politics and Public Opinion (Alpha=.62; Range=3-14; Mean=7.67)

- ♦Public opinion influences judicial decision-making
- ♦Current national trends in juvenile justice influence judicial decision-making
- ♦Local and/or state political climate influences judicial decision-making