

SHAPING THE FUTURE

2019 ATSA Conference | Wednesday November 6 | 1:30 PM – 5:00 PM

P-30

Assessing Adult Court Transfer of Juveniles Charged with Sex Offenses

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All jurisdictions in the United States allow adolescents who are charged with sexual offenses to be subject to prosecution in adult court. All of these jurisdictions provide a mechanism to transfer adolescents into adult court, or to reverse waive adolescents from adult court to juvenile jurisdiction. The criteria for these transfers has been laid out in US Supreme Court decisions and codified in state statutes. Typically, these decisions are subject to a hearing that includes expert testimony relevant to the transfer process. Several unique issues are presented when a sexual offense charge is the basis for the attempt to prosecute the adolescent as an adult.

This Pre-Conference seminar will provide a foundation for court assessment of juveniles who have been charged with a sexual offense and are subject to adult prosecution. The seminar will review the relevant Supreme Court decisions pertaining to the transfer of juveniles to adult court, and a sampling of state laws that govern this process. The seminar will cover the key domains that are relevant to the court decisions in these cases, with a focus on the specific issues related to sexual misconduct. The seminar will review methods for assessing the relevant domains, including a review of appropriate tests and evaluation procedures. The seminar will provide a sample report outline and review common pitfalls in writing these reports and providing expert testimony.

Learning Goals:

- Upon completion of this educational activity, learners should be better able to describe the relevant US Supreme Court guidelines for moving juvenile cases into adult court.
- Upon completion of this educational activity, learners should be better able to describe the significance of the recent US Supreme Court decisions regarding the death penalty and Life Without Parole.
- Upon completion of this educational activity, learners should be better able to describe the recent national trends in juvenile transfer.
- Upon completion of this educational activity, learners should be better able to understand the relevant statutory provisions for transfer and reverse waiver.
- Upon completion of this educational activity, learners should be better able to understand the primary domains of assessment of juveniles for transfer hearings.

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- Upon completion of this educational activity, learners should be better able to identify methods and procedures for conducting an assessment for transfer purposes.

Michael F. Caldwell, PsyD is a Lecturer in Psychology at the University of Wisconsin – Madison, and a Senior Staff Psychologist and co-developer of the Mendota Juvenile Treatment Center. He serves as Past President of the Wisconsin Association for the Treatment of Sexual Abusers. Dr. Caldwell has conducted research into risk assessment methods and the effectiveness of treatment interventions. He worked as a psychotherapist for 35 years, specializing in treatment refractory patients. He is a Co-Investigator with the MIND Research Network, and has served as a consultant to the MacArthur Foundation Research Network on Juvenile Justice, and the National Academy of Sciences Sackler International Scientific Forum on Neuroscience and the Law, Sandra Day O'Connor School of Law at Arizona State University, the Boyd School of Law at the University of Nevada – Las Vegas, the Mitchell Hamlin School of Law in St. Paul, among many others.