



F5 Bioethics and Emerging Trends in Texas for Mirandizing Juveniles

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Learning Overview: The goal of this presentation is for attendees to better understand how Texas has taken steps to protect the rights of juvenile suspects without creating an undue burden on law enforcement. Attendees will also have a greater understanding of emerging trends in courts that provide more protections to persons who are deemed to be in need.

Impact on the Forensic Science Community: This presentation will impact the forensic science community by detailing the progressive measures Texas has taken to protect the rights of juvenile defendants.

The purpose of this presentation is to educate attendees about trends in juvenile interrogations within the Criminal Justice System. This presentation will help the audience understand the differences in juvenile interrogations across the United States, specifically related to confession admissibility. The progressive, more protective standard that Texas follows will be highlighted in contrast with the other jurisdictions that Mirandize juveniles similarly to adults.

Unlike most states, Texas has statutorily protected the rights of juveniles and set out requirements for law enforcement to follow in order to admit the statement of a juvenile in court. As a result, Texas law provides greater protections for juveniles than most jurisdictions, as well as more safeguards than the United States Supreme Court, which ruled most recently on issues pertaining to custodial juvenile statements in *J.D.B. v. North Carolina*.¹ In *J.D.B.*, the Supreme Court applied a totality of circumstances test for juvenile statement admissibility; a test which the Court decided permits consideration of a juvenile's age.²

Today, most states follow the totality of circumstances standard, which incorporates Miranda warnings and the consideration of age; however, other than implementing those requirements, each state has the discretion to apply their own standards regarding the admissibility of juvenile statements gathered by law enforcement. As the Supreme Court has yet to add a universal standard, there is a large discrepancy in how jurisdictions handle Mirandizing juveniles.

While all states have policies in place, very few are as progressive as Texas. For example, in *U.S. v. Guzman*, the Court applied a totality of circumstances test for juvenile statement admissibility, but declined to expand juvenile protections to require the presence or notification of a parent or guardian for police questioning.³

Texas is considered more conservative when handling matters of legislation, but the policies concerning Mirandizing juveniles are forward-thinking. In Family Code 51.095, the State of Texas requires juvenile suspects be given warnings by a magistrate outside the presence of law enforcement. That being said, Texas allows for the protection of the rights of the juvenile without imposing an undue burden on law enforcement.⁴

Furthermore, while most states follow a totality of circumstances test, it can be very subjective. West Virginia is an exception to this standard and requires juveniles in custody be immediately taken before a magistrate, circuit judge, or referee before any statements given to law enforcement be admissible in court.⁵

Reference(s):

1. See generally *J.D.B. v. North Carolina*, 564 U.S. 261 (2011).
2. *Id.* at 281.
3. *United States v. Guzman*, 879 F. Supp. 2d 312, 321 (E.D.N.Y. 2012).
4. See generally *In re H.V.*, 179 S.W.3d 746, (Tex. App.—Fort Worth 2005), *aff'd in part, rev'd in part*, 252 S.W.3d 319 (Tex. 2008).
5. *State v. Rush*, 639 S.E.2d 809, 815 (2006).

Juvenile, Protection, Statement