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From Parens Patriae to the Texas Juvenile Justice Code

The Evolution of the American Juvenile Justice Model and Lessons for Pakistan

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ABSTRACT

The United States created the world's first juvenile court in 1899 and has since developed one of the most extensive bodies of juvenile justice law and practice. This article traces the evolution of the American model and examines its present structure in order to identify lessons for Pakistan, whose separate juvenile justice system dates only from 2000. Using a doctrinal, historical and comparative method, the article first follows the development of American juvenile justice from the English doctrine of parens patriae, through the houses of refuge and reformatories of the nineteenth century and the founding of the Illinois juvenile court, to the due process decisions of the United States Supreme Court and its later rulings limiting the harshest punishments for children. It then examines the federal Juvenile Justice and Delinquency Prevention Act of 1974, which supports state systems through research, funding and minimum standards, and analyses in detail the Juvenile Justice Code of Texas, covering the definition of a child, referral and diversion, the jurisdiction of juvenile courts, transfer to criminal courts, the admissibility of children's statements, the rights of children and parents, arrest and detention, adjudication, disposition and appeal. The article finds that the American model combines a welfare-oriented philosophy with procedural safeguards, a minimum age of responsibility, community-based alternatives to detention and sustained federal investment in prevention. Despite continuing problems, juvenile arrests in the United States have fallen sharply since the late 1990s. The article identifies specific features that Pakistan could adapt, including a fixed minimum age, structured diversion for minor and status offences, a separate and well-resourced juvenile court in every district, and parental accountability.

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1. Introduction

Before the end of the nineteenth century, children who broke the law in the United States were, in most respects, treated as adults. They were arrested, tried and punished under the ordinary criminal law, and they were often held in the same jails and prisons as adult offenders. The prevailing view was that a child who was capable of committing an act was also capable of understanding its consequences, and children as young as ten could be tried as adults. Scientific understanding of child development was limited, and the idea that children might commit serious harm without fully understanding it had little influence on the law.

The creation of the first juvenile court in Illinois in 1899 marked a fundamental change in this approach. Over the following century, the United States developed a separate juvenile justice system, refined it through legislation and constitutional litigation, and invested heavily in research and prevention. The system has many critics and continuing problems, but it has also achieved substantial reductions in juvenile crime and arrests.

Pakistan's experience has been very different. It had no dedicated juvenile justice law until 2000, its first ordinance was struck down within five years, and its current Juvenile Justice System Act 2018 remains largely unimplemented. This article examines the American model in order to identify what Pakistan might learn from it. It asks: how did the American juvenile justice system develop; how is it organised today at the federal level and in a representative state; and which of its features could usefully be adapted in Pakistan? Because juvenile justice in the United States is primarily a matter of state law, the article takes the Juvenile Justice Code of Texas as its main example.

It forms part of a set of three papers based on research for an LL.M thesis at The Islamia University of Bahawalpur; the other two address the causes of delinquency and the juvenile justice statutes of Pakistan.

2. Literature Review

The history of American juvenile justice has been studied extensively. Mennel (1983) reviewed the historiography of attitudes and policies towards delinquency, showing how successive generations of reformers moved between punitive and rehabilitative approaches. Sutton (1988) traced the control of "stubborn children" from the colonial period to the late twentieth century, emphasising the role of institutions and the expansion of state power over families. Ferdinand (1989) challenged the assumption that juvenile justice institutions were simply a response to rising delinquency, arguing that institutional developments, including compulsory schooling, also shaped how delinquency was defined and recorded. Garlock (1979) examined how courts in the nineteenth century developed jurisdiction over "wayward" children, laying the foundation for the modern category of status offences.

Contemporary textbooks describe the American system as a set of state-based systems sharing common principles but differing widely in detail (Merlo & Benekos, 2019). Shoemaker and Jensen (2021) note that in the nineteenth century a number of children were executed for crimes committed before the age of fourteen, that a large proportion of juvenile cases today are handled informally through warnings or counselling, and that juvenile court dispositions generally cannot extend beyond early adulthood unless the young person is transferred to an adult court. They also highlight the growing use of restorative justice, which seeks to make young offenders aware of the effect of their actions on victims and to develop a sense of responsibility. Research on minority over-representation (Bishop et al., 2010) and on access to counsel (Crawford et al., 2007) has drawn attention to continuing inequalities within the system.

By contrast, there has been little comparative work examining the American system with a view to reform in Pakistan. This article seeks to contribute to filling that gap.

3. Methodology

The study uses a doctrinal, historical and comparative method. Primary sources include United States federal legislation, the Texas Family Code and leading decisions of the United States Supreme Court and state courts. Secondary sources include historical studies, textbooks on juvenile justice and official reports of the Office of Juvenile Justice and Delinquency Prevention (OJJDP). The comparative analysis follows a functional approach: it asks how each system addresses common problems, such as the age of responsibility, the handling of minor offences, the jurisdiction of courts and the treatment of serious offenders, rather than comparing the two legal systems in the abstract.

4. The Historical Development of American Juvenile Justice

4.1 Parens Patriae

The roots of American juvenile justice lie in the English doctrine of parens patriae, literally "parent of the country". Originating in medieval England, the doctrine described the Crown's responsibility for persons who could not care for themselves, including children. Over time, it came to mean that the state, rather than the monarch, acted as the ultimate guardian of children (Merlo & Benekos, 2019). Under this doctrine, the state could intervene to protect children whose parents were unable or unwilling to care for them, and children who were regarded as at risk of becoming delinquent could be placed in reformatory institutions.

4.2 The Jacksonian Era and Compulsory Schooling

In the early nineteenth century, the growth of trade, industrialisation and migration to cities brought new forms of youthful misbehaviour to American cities. Courts had no jurisdiction over wayward children unless they committed crimes, but the doctrine of parens patriae was increasingly used to allow civil courts to take custody of such children (Garlock, 1979; Sutton, 1988). Children who committed crimes, however, still had no special rights.

The spread of public schooling played an important part in this development. By 1826, Boston had enrolled most of its children of school age (Schultz, 1973). Schools brought large numbers of children under public supervision and made disruptive behaviour more visible. Ferdinand (1989) found that between 1850 and 1880, each one per cent increase in school attendance was associated with a thirteen per cent increase in the rate at which states adopted juvenile reformatories, suggesting that the expansion of schooling and the institutional response to delinquency developed together.

4.3 Houses of Refuge and Reformatories

As retributive punishment failed to reduce juvenile offending, reformers turned to reformation. The first house of refuge opened in New York in 1825. It was intended not only for children who had committed crimes but also for children at risk of falling into a life of crime because of poverty, neglect or lack of parental control (Mennel, 1983). Similar institutions followed in other cities, and reformatories offering discipline, work and education spread across the country.

The legal basis for such intervention was tested in Ex parte Crouse (1839). Mary Ann Crouse had been committed to the Philadelphia House of Refuge on her mother's petition. Her father challenged the commitment on the ground that she had been confined without a jury trial. The Supreme Court of Pennsylvania held that the right of parental custody is natural but not absolute, and that the state, as parens patriae, may intervene where parents are unable or unwilling to bring up a child properly (Ex Parte Crouse, n.d.). Even so, the law remained inconsistent: while most juveniles were sent to juvenile institutions, some continued to be sent to adult prisons, and decisions varied from one court to another.

4.4 The First Juvenile Court

Growing concern about juvenile crime in the late nineteenth century led to calls for a specialised court. In 1899, Illinois enacted the Juvenile Court Act and established the first juvenile court in Cook County, Chicago (Shoemaker & Jensen, 2021). The idea spread rapidly, and by 1945 every state had a juvenile court. Judge Ben Lindsey of Denver, an early champion of the movement, described the juvenile court as resting on the principle of love, combined with firmness and justice, because leniency without firmness would be dangerous but there could be no justice without love. Julian Mack, one of the first juvenile court judges in Chicago, argued that the purpose of the court was not to determine guilt and impose punishment but to find out what the child needed and to provide it (Mack, 1909/2005).

The constitutionality of this approach was upheld in Commonwealth v. Fisher (1905), where the Supreme Court of Pennsylvania held that the legislature may provide for the salvation of a child at risk of becoming a criminal by bringing it under the guardianship and protection of the state, if its parents or guardians are unable or unwilling to do so. The decision gave the state broad authority to intervene in the lives of delinquent and neglected children.

4.5 The Due Process Revolution

The informality of the early juvenile courts came at a cost. Because proceedings were regarded as protective rather than punitive, children were denied many of the procedural safeguards available to adults. In the 1960s, the United States Supreme Court began to correct this. In Kent v. United States (1966), it held that a juvenile court must hold a hearing and give reasons before transferring a child to adult court. In In re Gault (1967), it held that children in delinquency proceedings that could lead to confinement are entitled to notice of the charges, to counsel, to confront and cross-examine witnesses, and to the privilege against self-incrimination. In In re Winship (1970), it held that delinquency must be proved beyond reasonable doubt. However, in McKeiver v. Pennsylvania (1971), the Court held that the Constitution does not require jury trials in juvenile proceedings, leaving the matter to the states.

4.6 Limits on the Harshest Punishments

In the twenty-first century, the Supreme Court drew on developmental research to limit the severest punishments for children. In Roper v. Simmons (2005), it held that the death penalty may not be imposed for offences committed before the age of 18. In Graham v. Florida (2010), it prohibited sentences of life without parole for juveniles convicted of non-homicide offences, and in Miller v. Alabama (2012), it held that mandatory life without parole for juvenile offenders is unconstitutional. These decisions rest on the recognition that children are less mature, more vulnerable to outside pressure and more capable of change than adults.

5. The Federal Framework

5.1 Juvenile Justice as a State Matter

In the United States, criminal law, including juvenile justice, is primarily a matter for the states. Each state determines the age at which a person is treated as an adult, the minimum age of criminal responsibility, and the procedures for the arrest, detention, trial, disposition and transfer of juveniles. The federal government plays a supporting role.

5.2 The Juvenile Justice and Delinquency Prevention Act

The principal federal statute is the Juvenile Justice and Delinquency Prevention Act of 1974 (JJDPA), most recently reauthorised and amended by the Juvenile Justice Reform Act of 2018. In enacting the law, Congress found that allowing one young person to leave school for a life of crime and drug abuse costs society between 1.7 and 2.3 million dollars (Juvenile Justice and Delinquency Prevention Act, 1974). The

Act supports state, tribal and local governments in promoting public safety and accountability while preventing delinquency.

The Act established the Office of Juvenile Justice and Delinquency Prevention within the Department of Justice, under the general authority of the Attorney General. The Office provides funding, technical assistance, research, training and evaluation to state and local governments and supports programmes to prevent delinquency and rehabilitate young offenders. These include community-based facilities and programmes, such as group homes and services located near a young person's family, which offer medical, educational, vocational, social and psychological support.

To receive federal funding, states must comply with core requirements. These include the deinstitutionalisation of status offenders, so that children are not held in secure detention for conduct that would not be criminal for adults; the removal of juveniles from adult jails and lock-ups; "sight and sound" separation of any juveniles held in adult facilities from adult inmates; and efforts to address racial and ethnic disparities in the system (Juvenile Justice Reform Act, 2018). The 2018 reauthorisation strengthened these requirements in several respects. It extended the protection against detention in adult jails to young people awaiting trial as adults, subject to limited exceptions, encouraged states to use evidence-based and trauma-informed programmes, and placed greater emphasis on reducing the use of restraints and isolation in juvenile facilities. In this way, federal funding is used as a lever to raise standards across the states without displacing state responsibility for juvenile justice.

The federal government also collects and analyses data on juveniles, including their age, race, family structure and living conditions, and surveys the conditions of juveniles held in detention or under supervision, including deaths in custody. This information helps federal and state governments to identify where support is most needed and to ensure that the educational, health, safety and employment needs of young people are met so that they can reintegrate into society after release.

6. The Texas Juvenile Justice Code

6.1 Purpose

Texas provides a useful example of a state juvenile justice system. Its juvenile law is contained in Title 3 of the Texas Family Code, known as the Juvenile Justice Code. One of the Code's stated purposes is to provide treatment, training and rehabilitation that emphasise the accountability and responsibility of both the parent and the child for the child's conduct, while also protecting the public and controlling unlawful acts by children (Texas Family Code, § 51.01). The emphasis on parental as well as child responsibility is a distinctive feature.

6.2 Definition of a Child

The Code defines a child as a person who is at least ten years old and younger than seventeen, or a person who is seventeen or older but younger than eighteen who is alleged to have engaged in delinquent conduct or conduct indicating a need for supervision before turning seventeen (Texas Family Code, § 51.02(2)). The Code thus fixes ten as the minimum age at which a child may be brought within the juvenile justice system.

6.3 Referral, Preliminary Investigation and Diversion

Not every child who misbehaves is referred to a juvenile court. The Code distinguishes between delinquent conduct, which would be a crime if committed by an adult, and conduct indicating a need for supervision, which includes certain minor offences and status offences such as running away from home for a substantial period without parental consent. Many such cases are handled without formal court proceedings.

When a child is referred to the juvenile probation department, an officer conducts a preliminary investigation to determine whether the person is a child and whether there is probable cause to believe that the child engaged in delinquent conduct or conduct indicating a need for supervision. If not, the child must be released immediately (Texas Family Code, § 53.01). The Code also allows minor cases to be resolved through first-offender programmes and deferred prosecution, and it provides for community-based services for younger children, so that formal proceedings are reserved for more serious cases (Bruchmiller & Nielsen, 2017).

6.4 The Juvenile Court and Its Jurisdiction

Each county has a juvenile board, which designates one or more courts to hear juvenile matters. A juvenile court must be available in every county at all times, and the Code requires that the judge should, as far as practicable, have a sympathetic understanding of child welfare. The designated court has exclusive original jurisdiction over proceedings involving delinquent conduct and conduct indicating a need for supervision (Texas Family Code, § 51.04). Unlike the federal constitutional minimum established in McKeiver, Texas law gives a child the right to a jury in adjudication hearings.

When a case involving a child is brought in an ordinary criminal court, other than for certain minor offences such as traffic violations and fine-only misdemeanours, that court must transfer the case to the juvenile court and either order the child detained in a designated place or release the child to the parents with instructions to appear (Texas Family Code, § 51.08).

6.5 Transfer to Criminal Court

The Code allows the juvenile court, in defined circumstances, to waive its jurisdiction and transfer a child to an adult criminal court. Transfer may be considered where a child aged fourteen or older is alleged to have committed a capital felony, a first-degree felony or an aggravated controlled substance felony, or where a child aged fifteen or older is alleged to have committed another felony. Before ordering a transfer, the court must conduct a full investigation and hearing and must consider factors such as the seriousness of the offence, the child's maturity and background, and the protection of the public (Texas Family Code, § 54.02). A child who is transferred loses the special protections of the juvenile system and is tried as an adult. Transfer thus serves as a mechanism for dealing with the most serious offenders while preserving the juvenile system for the majority.

6.6 Statements of the Child

The Code contains strict rules on the admissibility of a child's statements. A written statement made while the child is in custody is admissible only if, before making it, the child received warnings from a magistrate that the statement may be used in evidence, that the child may remain silent, and that the child has the right to an attorney, including an appointed attorney if the child cannot afford one, and to have the attorney present during questioning. The statement must be signed in the presence of the magistrate with no law enforcement officer or prosecutor present, except where a law enforcement officer's presence is necessary for safety, in which case the officer may not carry a weapon in the child's presence. The magistrate must be satisfied that the statement is voluntary and that the child understands the warnings (Texas Family Code, § 51.095).

The Code also protects children with mental illness or intellectual disability. Where a child is found to have a mental illness or intellectual disability that prevents meaningful participation in the proceedings, the proceedings are stayed and the court may order appropriate treatment. A child who, because of mental illness or intellectual disability, lacked the capacity to appreciate the wrongfulness of the conduct or to conform it to the law is not responsible for it.

6.7 Rights of the Child and Duties of Parents

A child is entitled to have a parent or guardian present throughout the proceedings. If no parent is available, or if the parents are unable or unwilling to protect the child's interests, the court may appoint a guardian ad litem. Parents are legally required to attend hearings unless excused (Texas Family Code, § 51.11). The child also has the right to be represented by an attorney, and where the family cannot afford one, the court must appoint counsel from a list maintained by the juvenile board.

6.8 Arrest and Detention

A child may be taken into custody under an order of the juvenile court, by a law enforcement officer who has probable cause to believe that the child has engaged in delinquent conduct, or by a probation officer for violation of probation conditions (Texas Family Code, § 52.01). The juvenile court must be notified of the custody promptly. The person taking the child into custody must either release the child to a parent or guardian on a promise to bring the child to court, bring the child to a designated juvenile processing office or detention facility, take the child to a medical facility if needed, or dispose of the case without referral where authorised. The child's parents must be informed of the custody without unnecessary delay. In minor cases and for first offenders, law enforcement officers may resolve the case without formal charges under guidelines issued by the county juvenile board.

Detention is permitted only where it is necessary, for example where the child would not receive suitable care or would pose a danger to himself or the public. Each county provides suitable places of detention, which are inspected by the juvenile court judges and juvenile board at least once a year. Where a facility also holds adults, children must be kept separate from adults so that they can neither see nor communicate with each other.

6.9 Adjudication, Disposition and Appeal

If a child is found to have engaged in delinquent conduct, the court proceeds to disposition. The options range from probation in the child's home or in a suitable placement, to commitment to the Texas Juvenile Justice Department. A child committed to the Department may be held until the age of nineteen. For certain serious offences, Texas also provides for determinate sentencing, under which a juvenile may receive a sentence of up to forty years, beginning in a juvenile facility and possibly continuing in the adult prison system (Texas Family Code, § 54.04). Children found to have committed misdemeanours are generally not committed to secure facilities, and counties with populations of 335,000 or more must provide community-based programmes for them under the guidelines of the Texas Juvenile Justice Department.

Appeals from juvenile court decisions lie to the courts of appeals and, from there, to the Supreme Court of Texas.

6.10 Orders Concerning Parents and Others

The Code also allows the juvenile court to make orders against persons other than the child. Where a person has caused or contributed to a child's delinquency, the court may order that person to do, or refrain from doing, any act that the court considers necessary for the child's welfare, including ending contact with the child. The court may also make orders requiring parents, guardians and other interested persons to attend proceedings, to take part in programmes or to act in the child's interest. Failure to comply may be punished as contempt by up to six months in county jail, a fine of up to 500 dollars, or both (Texas Family Code, § 61.057).

7. Outcomes of the American Model

The United States still arrests large numbers of young people, partly because it treats as unlawful certain conduct, such as running away and truancy, that is not unlawful in many other countries, and partly because crimes are more fully reported. Nevertheless, the long-term trend has been strongly downward.

An estimated 2.4 million arrests of persons under eighteen were made in 2000 (Snyder, 2002), and the number of youth arrests fell by 84 per cent between 1996 and 2020 (Office of Juvenile Justice and Delinquency Prevention [OJJDP], 2022). The decline was steep across most offence categories, including violent and property crimes. Many factors contributed to this decline, but federal investment in research, prevention and community-based alternatives, combined with state reforms that limit detention and expand diversion, are widely regarded as important.

The American system also has serious shortcomings. Racial and ethnic minority youth remain over-represented at every stage of the process (Bishop et al., 2010). Access to effective counsel is uneven (Crawford et al., 2007). Many young people continue to be transferred to adult courts, and conditions in some juvenile facilities have been the subject of litigation and criticism. The model is therefore not one to be copied wholesale, but it contains many elements that can inform reform elsewhere.

8. Lessons for Pakistan

8.1 A Clear Minimum Age

Texas brings no child under ten within its juvenile justice system. Pakistan's position is less clear. Following the 2016 amendments to sections 82 and 83 of the Pakistan Penal Code, children below ten cannot commit an offence and those aged ten to fourteen are presumed incapable unless shown to understand the nature and consequences of their conduct (Criminal Law (Second Amendment) Act, 2016). The 2018 Act, however, is silent on the point, and in practice the presumption protecting older children is rarely tested. A single, clearly stated minimum age, applied together with a structured assessment of maturity, would align Pakistan more closely with Texas practice and with international standards.

8.2 Diversion for Minor and Status Offences

The Texas Code ensures that children who commit minor offences or show a need for supervision are diverted away from formal proceedings and from detention. In Pakistan, children accused of petty offences, such as shoplifting food, are frequently arrested, held in police stations with adults and detained for weeks or months. The Juvenile Justice System Act 2018 introduced diversion, which is a welcome step, but it needs to be implemented systematically, with clear guidelines for police and prosecutors and community-based programmes to which children can be referred.

8.3 Separate Courts and Specialised Judges

Texas requires a juvenile court in every county and expects its judges to have an understanding of child welfare. Pakistan's law provides for juvenile courts, but in practice ordinary courts have mostly been designated to hear juvenile cases in addition to their normal work. Dedicated juvenile courts with trained judges would better protect children's privacy and welfare.

8.4 Transfer for the Most Serious Offences

Texas allows the transfer of older children accused of the most serious offences to adult courts after a full hearing, while keeping the great majority of cases in the juvenile system. Pakistan's 2018 Act grants bail as of right to children under sixteen even for heinous offences, and its approach has been criticised by the Lahore High Court for relying on age alone rather than on the child's maturity. A carefully limited, judicially controlled mechanism for assessing maturity in the most serious cases, with strong safeguards, may help to reconcile the protection of children with public safety, although any such mechanism must comply with Pakistan's international obligations, including the prohibition of the death penalty for juveniles.

8.5 Safeguards During Questioning

The Texas rules on the admissibility of children's statements, which require warnings by a magistrate in the absence of the police, provide a strong safeguard against coercion. In Pakistan, where the use of force to obtain confessions remains a concern, similar rules would offer valuable protection for children.

8.6 Parental Responsibility and Community Programmes

The Texas Code's emphasis on parental accountability, including the power to make orders against parents and others who contribute to delinquency, reflects the importance of the family in the causes of delinquency. Combined with community-based programmes, this approach seeks to address delinquency in the child's own environment. Pakistan could adopt similar measures, including parenting programmes and court-ordered support for families.

8.7 Investment in Prevention and Data

Finally, the American experience shows the value of sustained national investment in research, data and prevention. A federal or national body in Pakistan, with responsibility for collecting data on children in conflict with the law, funding prevention programmes and supporting the provinces, could play a role similar to that of the OJJDP, while respecting the provincial competence over criminal justice that followed the Eighteenth Amendment.

8.8 Rehabilitation and Reintegration after Release

A further lesson concerns what happens after a child leaves custody. American juvenile institutions are expected to provide education, vocational training and life skills, and many states offer aftercare and re-entry programmes that help young people to continue their education or find work after release (Merlo & Benekos, 2019). These programmes are intended to reduce reoffending by ensuring that young people return to their communities with realistic opportunities. In Pakistan, by contrast, rehabilitation facilities are few, education in custody is limited, and many schools refuse to admit young people with a criminal record. Without support on release, children who have served their sentences are likely to return to the conditions that led them into crime. Pakistan's 2018 Act provides for rehabilitation centres, but they need to be established and linked to education, vocational training and employment services.

8.9 Restorative Approaches

Restorative justice has become an increasingly important part of juvenile justice in the United States. It seeks to make young offenders understand the harm their actions have caused, to involve victims and communities in resolving the offence, and to repair harm through apology, restitution or community service (Shoemaker & Jensen, 2021). Pakistan's 2018 Act already contains similar mechanisms in the form of diversion through apology, restitution, reparation and community service. The American experience suggests that these mechanisms work best when they are supported by trained facilitators, clear procedures and the participation of victims, and when they are used early, before a child becomes entrenched in the formal system.

9. Discussion

The American juvenile justice system developed gradually, over more than a century, through a combination of social reform, legislation and constitutional litigation. Its foundations lie in the welfare-oriented doctrine of parens patriae, but experience showed that welfare without procedural safeguards could lead to injustice, and the Supreme Court therefore extended due process rights to children. More recently, developmental research has shaped limits on the harshest punishments. At the federal level, the JJDPA has encouraged states to keep status offenders out of secure detention, to separate children from adults and to invest in prevention.

The Texas Code illustrates how these principles are translated into practice. It sets a minimum age, distinguishes between serious delinquency and conduct requiring only supervision, provides for diversion, guarantees the presence of parents and counsel, protects children during questioning, regulates detention, offers a range of dispositions, and reserves transfer to adult court for the most serious cases. It also holds parents and others accountable for their role in a child's delinquency.

Pakistan's legislation has adopted several of these elements on paper, but its implementation has lagged far behind. The main lesson from the American experience is therefore not only about legal design, but about sustained investment and institutional commitment. Laws alone cannot reduce juvenile delinquency; they must be supported by courts, probation services, community programmes and research.

9.1 Limitations

This article focuses on one American state, Texas, as an example. Juvenile justice laws vary considerably among the fifty states, and Texas is in some respects more punitive than others, for instance in treating seventeen-year-olds as adults. The comparison with Pakistan must also take account of large differences in resources, legal culture and social conditions. Further research could compare Pakistan with other states or with jurisdictions closer to Pakistan's circumstances.

10. Conclusion

The American juvenile justice system began with the recognition that children should not be treated as small adults. From the houses of refuge and the first juvenile court in Chicago, through the due process decisions of the 1960s, to the modern limits on juvenile punishment, the system has evolved to combine care for children with fairness and public safety. The federal JJDPA and state codes such as the Texas Juvenile Justice Code give practical effect to these principles through minimum ages, diversion, specialised courts, protection during questioning, limits on detention, community-based programmes and parental accountability.

The American experience also shows that progress is neither automatic nor permanent: the system has swung between punitive and rehabilitative phases, and its achievements have depended on continuing public investment, judicial oversight and research. Pakistan, whose separate juvenile justice system is barely two decades old, can learn much from this experience. Adapting the features identified in this article to Pakistani conditions, and investing in the institutions needed to implement them, would help Pakistan to protect its children, reduce juvenile delinquency and meet its obligations under the Convention on the Rights of the Child.

References

Bishop, D. M., Leiber, M., & Johnson, J. (2010). Contexts of decision making in the juvenile justice system: An organizational approach to understanding minority overrepresentation. *Youth Violence and Juvenile Justice, 8*(3), 213–233.

Bruchmiller, S., & Nielsen, H. (2017, January–February). The basics of juvenile law. *The Texas Prosecutor*. Texas District and County Attorneys Association. https://www.tdcaa.com/journal/the-basics-of-juvenile-law/

Crawford, C., Dohrn, B., Geraghty, T. F., Moss, M. B., & Puritz, P. (2007). *Illinois: An assessment of access to counsel and quality of representation in delinquency proceedings*. National Juvenile Defender Center.

Criminal Law (Second Amendment) Act, 2016 (Pakistan).

Ex Parte Crouse. (n.d.). In *Encyclopedia of children and childhood in history and society*. Encyclopedia.com.

Ferdinand, T. N. (1989). Juvenile delinquency or juvenile justice: Which came first? *Criminology, 27*(1), 79–106.

Garlock, P. D. (1979). "Wayward" children and the law, 1820–1900: The genesis of the status offense jurisdiction of the juvenile court. *Georgia Law Review, 13*, 341–447.

Juvenile Justice and Delinquency Prevention Act of 1974, 34 U.S.C. § 11101 et seq. (United States).

Juvenile Justice Reform Act of 2018, Pub. L. No. 115-385, 132 Stat. 5123 (United States).

Mack, J. W. (2005). The juvenile court. In D. L. Parry (Ed.), *Essential readings in juvenile justice*. Prentice Hall. (Original work published 1909)

Mennel, R. M. (1983). Attitudes and policies toward juvenile delinquency in the United States: A historiographical review. *Crime and Justice, 4*, 191–224.

Merlo, A. V., & Benekos, P. J. (2019). *The juvenile justice system: Delinquency, processing, and the law* (9th ed.). Pearson.

Office of Juvenile Justice and Delinquency Prevention. (2022). *Arrests of youth declined through 2020* [Data snapshot]. U.S. Department of Justice.

Schultz, S. K. (1973). *The culture factory: Boston public schools, 1789–1860*. Oxford University Press.

Shoemaker, D. J., & Jensen, G. (2021, June 4). Juvenile justice. In *Encyclopedia Britannica*. https://www.britannica.com/topic/juvenile-justice

Snyder, H. N. (2002). *Juvenile arrests 2000* (Juvenile Justice Bulletin). Office of Juvenile Justice and Delinquency Prevention.

Sutton, J. R. (1988). *Stubborn children: Controlling delinquency in the United States, 1640–1981*. University of California Press.

Texas Family Code, Title 3: Juvenile Justice Code (United States).

Cases

Commonwealth v. Fisher, 213 Pa. 48, 62 A. 198 (1905).

Ex parte Crouse, 4 Whart. 9 (Pa. 1839).

Graham v. Florida, 560 U.S. 48 (2010).

In re Gault, 387 U.S. 1 (1967).

In re Winship, 397 U.S. 358 (1970).

Kent v. United States, 383 U.S. 541 (1966).

McKeiver v. Pennsylvania, 403 U.S. 528 (1971).

Miller v. Alabama, 567 U.S. 460 (2012).

Roper v. Simmons, 543 U.S. 551 (2005).

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▸ **Data Availability Statement**	No new data were created or analysed in this study. The article is based on published legislation, case law and secondary literature cited in the references.
▸ **Ethical Statement**	Ethical approval was not required because the study is based exclusively on publicly available legislation, case law and published literature and did not involve human participants.
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