



The Children's  
Law Center



A Fact Sheet by the ACLU, The  
Children's Law Center & The Office of  
the Ohio State Public Defender

# Ensuring Access to Counsel in Ohio: A Demographic Profile of Children in the Juvenile Justice System

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**C**hildren in the juvenile justice system, who are indigent and thus eligible for appointed counsel, often come from poor educational settings. In addition, researchers have found that a high proportion of these children are of below-average intelligence and many have educational, mental health or other disabilities that impede their ability to protect their own legal interests. For example, a recent pilot study found that court-involved children in Massachusetts do not understand the legal terminology used during court proceedings, particularly when waiving rights or taking a plea. Of the 98 children participating in the study: none correctly defined the word "disposition" or the phrase "presumption of innocence;" only three children correctly defined the words "plea" and "waiver;" only seven correctly defined "counsel" (lawyer); and only nine correctly defined the word "right."<sup>1</sup>

According to currently available information, the demographics of children in Ohio's juvenile justice system suggest that, like their counterparts nationally, they cannot effectively navigate the complex and adversarial juvenile justice system on their own.

## JUVENILE JUSTICE POPULATION IN OHIO

- Roughly 75% of incarcerated youth need mental health services.<sup>2</sup> 55% of the girls incarcerated in the Scioto Correctional Facility have a mental health disorder; 42% take psychiatric medication.<sup>3</sup>
- Over 44% of children committed to ODYS have special educational needs as compared to 14% of children in the general Ohio school population<sup>4</sup> and 10% of children nationally.<sup>5</sup>
- According to ODYS, almost half of incarcerated youth with special educational needs are emotionally disturbed, roughly 24% have a specific learning disability and 22% have cognitive disabilities.<sup>6</sup>

## JUVENILE JUSTICE POPULATION NATIONALLY

- Many children in the juvenile justice system have been victims of abuse or neglect. Children who are abused and neglected are 50% more likely than other children to be arrested

while a juvenile, 40% more likely to be arrested as an adult for a violent crime, and 33% more likely than other children to abuse drugs.<sup>7</sup>

- Nationally, 70% of incarcerated girls report physical and sexual abuse.<sup>8</sup>
- Nearly 60% of female juvenile offenders had symptoms that were diagnosed as an Anxiety Disorder, as compared to 32% among boys.<sup>9</sup>
- One study found that 48.9% of the female juvenile offenders sampled were experiencing symptoms of post-traumatic stress disorder at the time of the study and that female offenders were 50% more likely to suffer from PTSD than their male counterparts.<sup>10</sup>

## ENDNOTES

<sup>1</sup> Barbara Kaban & Judith C. Quinlan, *Rethinking a 'Knowing, Intelligent and Voluntary Waiver' in Massachusetts' Juvenile Courts*, Journal of the Center for Families, Children & the Courts (2004) at 35-55.

<sup>2</sup> NAMI Ohio. *To Lift the Burden: Reducing the Costs of Untreated Mental Illness in Ohio While Improving Care* (April 2005) at 3-4.

<sup>3</sup> Fred Cohen, Esq. *Interim Report: Scioto Juvenile Correction Facility: Girls Units* (September 2004) at 3-4.

<sup>4</sup> Ohio Coalition for the Education of Children with Disabilities Forum. *Students with Disabilities Over-represented in Juvenile Justice System; Does Disability = Delinquency?* Vol. XXII, Issue 4 (Nov-Dec 2004) at 1.

<sup>5</sup> Murphy 1985; Brier 1989; Winteres 1997; Robinson and Rapport 1999; National Center on Education, Disability and Juvenile Justice 2001; U.S. Department of Education 2001; National Council on Disability 2002b; Rutherford et al. 2002.

<sup>6</sup> *Students with Disabilities Over-represented in Juvenile Justice System* at 2.

<sup>7</sup> R. Famularo, R. Kinscherff, T. Fenton, and S.M. Bolduc. *Child Maltreatment Histories Among Runaway and Delinquent Children*. Clinical Pediatrics 29 (12) (December 1990) at 713-718.

<sup>8</sup> Evans, W. et al. *Suicide ideation, attempts, and abuse*. Child & Adolescent Social Work Journal, 13 (1996) at 1.

<sup>9</sup> Coalition for Juvenile Justice, *Handle with Care: Serving the Mental Health Needs of Young Offenders* (2000).

<sup>10</sup> Cauffman, E. et al. *PTSD Among Female Juvenile Offenders*. Journal of American Academy of Child and Adolescent Psychiatry, 37 (1998).