Juvenile Delinquent’s Right to a Jury Trial

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In most states, when juvenile delinquents are tried in juvenile court they are not given the full scope of rights as adult defendants in criminal court. This document discusses the right of juvenile delinquents to a trial by jury. In the U.S. Supreme Court case of McKeiver v. Pennsylvania, decided in 1971, the court held that jury trials are not constitutionally required in juvenile court hearings.

As of the end of the 1996 legislative session, in 22 jurisdictions, a statute specifically states that a juvenile delinquent has no right to a jury trial, under any circumstances: Alabama, Arkansas, California, the District of Columbia, Georgia, Hawaii, Indiana, Kentucky, Louisiana, Maryland, Mississippi, Nevada, New Jersey, North Dakota, Ohio, Oregon, Pennsylvania, South Carolina, Tennessee, Utah, Vermont, Washington.

Four states have statutes that specifically allow a juvenile delinquent the right to a jury trial with no further specifications attached. These states are: Alaska, Massachusetts, Michigan, and West Virginia.

Twelve jurisdictions have statutes specifying that a juvenile delinquent has no right to a jury trial at specified stages of the juvenile court hearing process. These jurisdictions are: Colorado, the District of Columbia, Florida, Louisiana, Maine, Montana, Nebraska, New Mexico, North Carolina, Texas, Wisconsin, Wyoming. In this category, both the District of Columbia and Louisiana have general statutes stating that a juvenile does not have the right to a jury trial.

Thirteen states allow a juvenile delinquent the right to a jury trial only in specified circumstances. These states are: Arkansas, Colorado, Idaho, Illinois, Kansas, Minnesota, Montana, New Mexico, Oklahoma, Rhode Island, Texas, Virginia, Wyoming.

In the following states, a statute specifically states that the juvenile delinquent’s right to a jury trial can be waived: Colorado, Connecticut, Illinois, Massachusetts, Montana, Oklahoma, Texas, and Wyoming.

In Connecticut, juveniles typically do not have a right to a jury trial. However, if a proceeding has been designated a serious juvenile repeat offender prosecution and the child does not waive his right to a trial by jury, the court must transfer the case from the docket for juvenile matters to the regular criminal docket of the superior court.

Note: In Arkansas, despite the fact that one statute says a juvenile delinquent has no right to a jury trial, another statute in the juvenile code entitles a delinquent juvenile to a jury trial if the amount of restitution that can be ordered exceeds $10,000.