



JUVENILE BRAIN DEVELOPMENT: SCIENCE & LEGAL UPDATE

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WHAT IS IT THAT WE ACTUALLY KNOW?

New Understandings in Adolescent Brain Development

Reconfiguring synapses of grey matter TWICE (see handout)

Ages *generally* impacted

Differing impact on intellectual power and emotional reactions


Impact on speed of learning and emotional intensity

Hormonal development related to sexual reproduction and stress

So? (in a post-Gault world)


CURRENT LEGAL AND PSYCHOLOGICAL ATTITUDES TOWARD NEW FINDINGS

“Psychological testing would provide objective insight into the juveniles’ emotional attitude and maturity level. ***Emotional attitude is partially determined*** by how the juvenile processes information. The ability to process information is best determined by intelligence assessment.” (psychologist)



“[A]dolescents’ ability to control or even understand their behavior may be different from that of adults.” (juvenile defense attorney)

“[Recognizing] the limited impact of adolescent brain science by reference to confirmation bias, as legal decisionmakers filter such evidence through prior beliefs and values.” (child welfare attorney)



“[D]evelopments in psychology and brain science continue to show fundamental differences between juvenile and adult minds. For example, parts of the brain involved in behavior control continue to mature through late adolescence” [Justice Kennedy, Graham v. Florida (U.S. 2010)]

LEGAL POLICY AND SCIENCE

Age of majority?

Age of criminal responsibility?

Sentencing factors?

Reasonable adolescent standard?

Application to admissibility of evidence (prior bad acts)?

Loss of intentional torts against minors?

Reasonable accountability.