

Editor's Note

With the upcoming 2016 presidential election, now is an opportune time to discuss significant legal issues that our youth face today. It is our privilege to present three articles that discuss juveniles and their relationship with the criminal justice system, immigration laws and sexual identity laws.

The first article is “The 48-hour Rule and Overdetention in California Juvenile Proceedings” by Sue Burrell, the Policy Director of the Pacific Juvenile Defender Center, a public interest, non-profit organization providing support to lawyers and juvenile advocates across California. Burrell explores the Fourth Amendment right to a prompt determination of probable cause in warrantless arrest cases. According to the U.S. Supreme Court, a determination of probable cause made within 48 hours of an arrest is considered prompt. Burrell analyzes the 48-hour rule in the juvenile context, with a focus on California. She summarizes California statutory law, providing a chart of the implications of current law on days of detention and presenting the results of a statewide survey of actual practice. She argues that California should amend its statutory scheme to require probable cause determinations within 48 hours and hold initial detention hearings at the same time.

Next, we present “Abandoning the Status Quo: Towards Uniform Application of Special Immigrant Juvenile Status” by Gregory E. Catangay, a J.D. candidate at the University of San Diego School of Law. Catangay discusses the challenges faced by unaccompanied alien children (“UACs”) seeking special immigrant juvenile status (“SIJS”) in the United States. He describes the SIJS process and the provisions that affect eligibility of recent UACs. Furthermore, Catangay analyzes the application of SIJS in California, Texas, New York, and

New Jersey to highlight state law differences that implicate SIJS eligibility. He argues for a federal takeover of the SIJS program due to state law variations which result in unequal SIJS application.

Finally, we present “Erasing ‘Gay’ from the Blackboard: The Unconstitutionality of ‘No Promo Homo’ Education Laws” by Ronny Hamed-Troyansky, a graduate of the University of California, Davis School of Law. Hamed-Troyansky questions the legal validity of state “no promo homo” laws – legislation that prohibits lesbian, gay, bisexual, and transgender (“LGBT”) related discussion in public schools. He argues that LGBT-related censorship in resources outside of the classroom curricular boundaries is likely unconstitutional. He further considers the unresolved development of antidiscrimination jurisprudence on the basis of sexual orientation under the Fourteenth Amendment. Hamed-Troyansky argues that with the help of instructive and perennial language found in landmark LGBT victories, “no promo homo” education laws likely fail intermediate scrutiny, and even rational basis review, under the Equal Protection Clause of the U.S. Constitution.

Ultimately, we hope these articles will spark an important conversation in the legal and political community about these significant issues in juvenile law today. We thank our managing editors and the entire staff for all their hard work on this issue. We especially thank our Managing Productions Editor, Roxanne Strohmeier, for her outstanding work and tireless dedication to this journal.

Sincerely,
Lauren Becker and Dana Cruz
Editors in Chief