

## **Editor's Note**

It is with great pleasure that we introduce the first issue of the sixteenth volume of the *UC Davis Journal of Juvenile Law & Policy*. In this issue, the *Journal* considers current issues affecting the best interest of youth including: the use of shaming punishments and child custody issues when a parent is mentally ill. The issue also examines the racial disparities that exist in the juvenile justice system as well as in public schools. The articles we have chosen provide a critique of particular problems within these areas of the law and make recommendations on how to repair the system and better serve the interests of children.

We are fortunate to have as our first article, *Judicial Determination of Child Custody When a Parent is Mentally Ill: A Little Bit of Law, A Little Bit of Pop Psychology, and A Little Bit of Common Sense*, written by Ms. Anat Geva, an Associate at Robinson, Curely, & Clayton, P.C. in Chicago, Illinois. In this article, Ms. Geva examines how judges weigh parental mental health when determining the best interest of the child in custody cases, by interviewing 17 judges who oversee child custody determinations. Ms. Geva argues that her study reveals that judges tend to overestimate their understanding of the psychological factors relevant to postdivorce adjustment and do not effectively consider the evidence, opinions, and conclusions offered by evaluators. To address these problems, Ms. Geva makes a number of recommendations including increased training and latitude for judges, and an opportunity for parent rehabilitation before a permanent custody order is implemented.

In our second article, *Rethinking the Shame: The Intersection of Shaming Punishments and American Juvenile Justice*, Ms. Alicia Harden, a law clerk in Eastern District of Kentucky, examines the conflict between shaming punishments and traditional conceptions of juvenile justice. In this article, Ms. Harden argues that shaming is inconsistent with juvenile

justice in four ways: it is likely an ineffective deterrent, it negatively exposes juveniles both physically and emotionally, it removes the traditional shield of juvenile confidentiality, and it is generally inconsistent with individual state's enumerated purposes for juvenile justice. Ms. Harden proposes three potential solutions to resolve this conflict, including banning shaming as a bright-line rule, regulating shaming through legislation, and administering shaming punishments only through plea bargains.

In our third article, *Disproportionate Representation of Minority Youth in the Juvenile Justice System: A Lack of Clarity and Too Much Disparity among States 'Addressing' the Issue*, Professor Elizabeth N. Jones of Western State University College of Law argues that race weighs heavily on our country's juvenile justice system as is evident by the overrepresentation of minority youth in our juvenile delinquency system. Professor Jones argues that a color-blind system of justice is essential to ensuring that each child has an equal opportunity for success. In order to reach this goal, she recommends that federal legislation such as the Juvenile Justice and Delinquency Prevention Act, be revamped in order to better serve as an instrument with which to seek racial parity for minority youth who are already in the juvenile justice system.

Our final piece, *Plugging the School to Prison Pipeline by Addressing Cultural Racism in Public Education Discipline*, written by Professor Patrick S. Metzger of Texas Tech University School of Law, addresses the issues of racial disparity in schools and the juvenile justice system. In this article Professor Metzger outlines the failure of public schools to educate our children by criminalizing and alienating students of color and of economic disadvantage, thereby forcing them out of the schools and into the juvenile justice system. He argues that these negative experiences at school are often the first step to a life of reduced expectations and productivity for youth of color. Professor Metzger proposes that public schools

can improve graduation rates and create a more productive young adult population if they implement modern behavioral modification techniques into their school system.

These articles illustrate the need to reform juvenile law in order to better serve the interest of children. This issue is consistent with the *UC Davis Journal of Juvenile Law & Policy's* longstanding commitment to serving as a venue where legal scholars, practitioners, and children's rights advocates can discuss issues affecting today's youth.

We would like to thank the 2011-2012 staff of the *UC Davis Journal of Juvenile Law & Policy* for their dedication and hard work, and the faculty and staff at UC Davis School of Law for their support and guidance.

Sincerely,  
Anna Bokides & Roya Ladan  
Co-Editors-in-Chief