ADJUDICATIVE COMPETENCE IN ADOLESCENT DEFENDANTS
Judges’ and Defense Attorneys’ Views of Legal Standards for Adolescents in Juvenile and Criminal Court

Jodi L. Viljoen
Simon Fraser University

Twila Wingrove
University of Nebraska—Lincoln

Although courts have increasingly required that adolescent defendants be competent to proceed with adjudication, the legal standard for competence in juvenile court is not yet settled. As a first step toward obtaining greater clarification in legal standards, in this study the authors surveyed 338 judges and defense attorneys regarding their beliefs about competence standards. Judges and defense attorneys believe that it is particularly important for juveniles to have competence-related legal capacities, compared to adults. However, lower levels of competence were considered necessary for juveniles adjudicated in juvenile court than for juveniles adjudicated in criminal court. Developmental immaturity was seen as moderately important to juveniles’ competence, although it was rated as less important than mental disorders or cognitive impairments. Furthermore, relatively few judges appear to agree that adolescents should be found incompetent on the basis of developmental immaturity alone. The implications of these findings are discussed.

Keywords: adjudicative competence, competency to stand trial, juvenile offenders, adolescents

Since the 14th century, the law has required that adult criminal defendants be competent to proceed with adjudication, or in other words, competent to stand trial (Bonnie & Grisso, 2000). In particular, criminal defendants must have a factual understanding of legal proceedings, a rational understanding of legal proceedings, and an ability to communicate with and assist their attorneys (Drope v. Missouri, 1975; Dusky v. United States, 1960). In addition, recent case law has been interpreted to mean that defendants must also be able to adequately reason about relevant legal decisions, such as how to plead (Godinez v. Moran, 1993; Grisso, 2003).

Juveniles who are adjudicated in criminal court must presumably, on constitutional grounds, be held to the same legal standard of competence as adults.
adjudicated in criminal court (Scott & Grisso, 2005). However, in the past, the issue of competence was seldom raised in juvenile court (Grisso, 2005). Given the rehabilitative focus of the juvenile justice system, this due process protection was considered unnecessary. As the juvenile justice system in the United States and elsewhere has evolved to enable more serious sanctions (Redding, Goldstein, & Heilbrun, 2005), courts have increasingly required that juvenile defendants be competent in juvenile court (Scott & Grisso, 2005). With the exception of Oklahoma (G. J. I. v. State, 1989), all state courts that have considered this issue have held that juveniles who are adjudicated in court must be competent.

Although it is now generally agreed that juvenile court must adhere to some requirement of competence, at this time the particular legal standard for competence in juvenile court is unsettled (Scott & Grisso, 2005). Some jurisdictions have not yet established formal competence standards for juvenile court in case law or in statute. Among those jurisdictions that have, many jurisdictions have simply adopted criminal court standards, setting a requirement that adolescents in juvenile court have the same types of legal capacities as those of adults in criminal courts (e.g., a factual understanding, a rational understanding, and an ability to communicate with counsel) (Colo. Rev. Stat. Ann. § 16-8-102(3), 2005; In re T. D. W., 1982; Redding & Frost, 2001; Tex. Fam. Code Ann. § 55.31–.32, 2007).

However, other courts have attempted to establish more relaxed competence standards in juvenile court, given the less serious penalties given there (e.g., In re Carey, 2000). One way in which courts have done this is to require lower levels of legal capacities for adolescents than for adults, thus setting a lower threshold for competence. For instance, a Michigan court held that juveniles’ competence should be assessed by juvenile norms rather than by comparing juveniles with adult norms (In re Carey, 2000; see Ohio v. Settles, 1998). Another way of establishing a lower standard might be to require that juveniles have a narrower set of legal capacities than required for adults, such as the foundational legal capacities described in Bonnie’s (1992) theoretical formulation of competence (e.g., a factual understanding, an ability to communicate with counsel) rather than the higher order decisional and reasoning capacities (Bonnie & Grisso, 2000).

Implementing a more relaxed standard of competence in juvenile court could potentially reduce the numbers of juveniles who are found incompetent and could help avoid impasses in adjudicating youths who may be incompetent by adult standards (Scott & Grisso, 2005). Therefore, this may be an attractive option to courts. However, as Scott and Grisso (2005) emphasized, initiating more relaxed competence standards in juvenile court is constitutionally justifiable only if the consequences of adjudication in juvenile court are less severe than the consequences of adjudication in criminal court.

Besides the issue of whether to establish a more relaxed standard of competence within juvenile court, courts face the issue of whether to allow juveniles to be deemed incompetent on the basis of normal developmental immaturity. In adult criminal court, statutes and case law focus on mental disorders and severe cognitive impairments (e.g., mental retardation) as possible causes of incompetence (Grisso, 2003). However, although incompetence in adolescents may at times stem from mental disorders and/or cognitive impairments, some adolescents may simply be incompetent due to their normal, age-appropriate developmental status. For instance, in the MacArthur Juvenile Adjudicative Competence study...
(Grisso et al., 2003), it was found that adolescents aged 15 years and younger were significantly more likely than were older adolescents and adults to demonstrate age-related impairments in legal capacities. This finding has been replicated by other researchers, thus providing strong evidence of the relevance of development to competence (Burnett, Noblin, & Prossor, 2004; Redlich, Silverman, & Steiner, 2003; Viljoen & Roesch, 2005).

Despite evidence that youths may have limited legal capacities due to developmental factors, it remains to be seen whether courts will recognize adolescents’ immature developmental status as a legitimate basis for a finding of incompetence. Some jurisdictions explicitly require that incompetence be due to mental disorders or severe cognitive deficits (Fla. Stat. Ann. § 985.19(2), 2006; Tex. Fam. Code Ann. § 55.31–.32, 2007). However, at least two courts have recognized developmental immaturity as a basis for a finding of incompetence (In re Causey, 1978; In re Hyrum H., 2006). Also, in a recent national survey, two thirds of juvenile court clinicians reported that courts in their jurisdiction find youths incompetent on the basis of developmental immaturity, even when there is not a formal mandate to do so (Grisso, 2005; Grisso & Quinlan, 2005).

Present Study

As a first step toward attaining greater clarification and consistency in competence standards for adolescents, in this study we surveyed judges and defense attorneys about what standards of competence should be applied to juvenile defendants. Legal professionals’ views as to what are appropriate legal standards for juveniles may greatly influence the development and implementation of juvenile competence laws. Specifically, judges’ beliefs might influence the circumstances under which judges find adolescents incompetent, thus shaping case law and subsequent legal decisions. In addition, defense attorneys’ opinions about the legal capacities that adolescent defendants require may determine whether the attorneys even raise the issue of competence.

In this study, defense attorneys and judges from seven states were asked to rate how important various types of legal capacities are for juveniles adjudicated in juvenile court, juveniles adjudicated in criminal court, and adults adjudicated in criminal court; whether juveniles in juvenile and criminal court should be required to have the same levels of legal capacities as adults; and how important developmental immaturity, mental disorders, and cognitive impairments are to defendants’ adjudicative competence.

In our preliminary analyses, we examined possible demographic differences in defense attorneys’ and judges’ beliefs about competence standards so that we could determine whether any variables needed to be controlled in testing our primary hypotheses (described below). We predicted that defense attorneys would consider legal capacities to be more important than would judges and that defense attorneys would consider higher levels of legal capacities to be necessary, given the role of defense attorneys in advocating for defendants. Specifically, defense attorneys might be particularly concerned that compromised legal capacities could jeopardize the reliability and accuracy of a defendant’s adjudication and limit the defendant’s capacity to make autonomous legal decisions. On the other hand, we did not expect significant differences based on respondents’ gender and race.
Also, although some states have adopted different competence standards in juvenile court (Redding & Frost, 2001), we did not expect to find state differences in views because we surveyed legal professionals on their beliefs about what competence standards should be rather than what they actually are.

After completing these preliminary analyses, we tested the following primary hypotheses:

**Hypothesis 1:** With the growing application of competence requirements to juveniles, judges and defense attorneys would believe that it is just as important for juveniles in juvenile and criminal court to have competence-related legal capacities (i.e., factual understanding, rational understanding, communication, and reasoning) as it is for adults to have these legal capacities.

**Hypothesis 2:** Judges and defense attorneys would believe that lower levels or thresholds of legal capacities would suffice for juveniles adjudicated in juvenile court than for juveniles adjudicated in criminal court. Although many courts have not formally adopted a relaxed standard of competence for juvenile court, judges and defense attorneys might, in judging what constitutes an appropriate standard of competence, be sensitive to the possible penalties associated with findings of guilt. As such, they might believe that lower levels of legal capacities are sufficient in juvenile court, where the penalties may be less severe.

**Hypothesis 3:** With respect to the perceived role of developmental immaturity in juveniles’ competence, we predicted that most judges and defense attorneys would believe that developmental immaturity is at least somewhat relevant to the adjudicative competence of juveniles but that judges and defense attorneys might see it as less relevant than psychological symptoms or cognitive impairments, which are the traditionally recognized sources of incompetence.

**Hypothesis 4:** The majority of judges would agree that juveniles should be able to be found incompetent on the basis of developmental immaturity. According to a national survey, clinicians believe that many courts accept developmental immaturity as a possible basis for incompetence findings (Grisso & Quinlan, 2005). Therefore, we expected that judges would show a fairly high support for accepting developmental immaturity as a basis for incompetence.

**Method**

**Procedure**

To obtain a broad sample, we surveyed attorneys and judges from seven states. To choose states, we systematically reviewed bar listings for all of the states. To qualify for inclusion in this study, bar listings had to be publicly available and had to include information about whether an attorney practiced juvenile and/or criminal law. This requirement was established so that we could survey the relevant legal professionals about adjudicative competence in juvenile...
court and criminal court rather than asking legal professionals abstract questions about a legal setting that they did not work in. In addition, we aimed to include states that have adopted different types of competence standards in juvenile court (i.e., states that have adopted criminal court competence standards in juvenile court, states that have developed different competence standards for juvenile court than for criminal court, and states that have not yet formally established competence standards for juvenile court). On the basis of our criteria, Arizona, Arkansas, Colorado, Connecticut, Hawaii, Illinois, and Texas were chosen for inclusion in the study.


After selecting states for participation in the study, a comprehensive database of attorneys who practiced criminal and/or juvenile law in each state was compiled from publicly available state bar association listings. From this database, a random sample of 750 attorneys was selected. This included 250 attorneys who identified juvenile law as a primary area of practice and 500 attorneys who identified criminal law as a primary area of practice. With a similar procedure, a random sample of 750 judges from the seven chosen states was selected from the Bureau of National Affairs’ Directory of State and Federal Courts, Judges, and Clerks (King & Miller, 2005). Comparable with our attorney sample, our judge sample included 250 judges who presided over juvenile courts and 500 judges who presided over criminal courts from the same states.

Potential respondents were sent a letter indicating that they had been invited to participate in a study of their opinions about adjudicative competence standards and indicating that they would receive a copy of this survey the following week. One week after this mailing, respondents were sent a copy of the appropriate survey, a cover letter, and a stamped return envelope. The following week, they were sent a letter thanking them for their participation if they had responded and requesting that they consider participating if they had not responded. Two weeks later, potential respondents from whom a survey had not been received were sent another copy of the survey and a letter inviting them to participate. This survey method was based on procedures successfully used in other studies (e.g., Crosby-Currie, 1996). After completing this survey, all respondents were mailed a summary of survey results and a description of social science findings regarding adolescents’ legal capacities.

In total, 387 surveys were returned completed, making the overall response

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2 In Arkansas, youths aged 13 years and under who are charged with murder are presumed to be incompetent to proceed with adjudication, presumably due to their developmental stage (Ark. Code Ann. § 9-27-502, 2007).
rate 27.0% once undeliverable surveys (n = 65) were excluded. From the pool of
returned surveys, 6 respondents were omitted due to excessive missing data, and
17 respondents were omitted because they were neither an attorney nor a judge.
Although our sampling focused on defense attorneys and judges, 26 respondents
were prosecutors. This was not large enough to analyze separately across the three
versions of the survey because fewer than 10 prosecutors had responded to some
versions of the survey (e.g., juveniles in juvenile court version). Therefore,
prosecutors were omitted from our analyses.\(^3\) The characteristics of our sample
are described in Table 1.

**Materials**

Respondents completed a 20-min survey about their opinions on adjudicative
competence standards. The survey had three different, parallel versions that
focused on juveniles in juvenile court, juveniles in criminal court, or adults in
criminal court. In each of these versions, respondents were asked to rate, for the
particular population they were surveyed about, the importance of various legal
capacities, the levels of legal capacities deemed necessary for competence to stand
trial, and the importance of immaturity, mental disorders, and cognitive impair-
ments to competence. Legal professionals in juvenile court settings received the
version of the survey that focused on juveniles who were adjudicated in juvenile
court, and legal professionals in criminal court settings were, by random assign-
ment, asked about either adults or adolescents in criminal court. At the end of the
survey, participants were asked about their demographic characteristics, including
age, gender, race or ethnicity, position, and years of experience.

In developing the survey, we reviewed the relevant literature, including case
law, statutes, and psychological theory and research, as described further below.
Also, after we completed an initial draft of the survey, it was sent to three
consultants, a forensic psychologist and two attorneys with expertise on adjudi-
cative competence, for suggestions on item content and wording. The survey was
then revised on the basis of the suggestions of these consultants. The items, which
were included in the final version of the survey, are included in Tables 2 and 3 and
in the scale descriptions. In addition, a copy of this survey is available from Jodi
L. Viljoen upon request.

**Survey Scales and Questions**

*Perceived importance of factual understanding, rational understanding, communication, and reasoning.* To measure how important legal professionals
consider particular legal capacities to be, we developed four subscales, namely
Factual Understanding, Rational Understanding, Communication With Counsel,
and Reasoning subscales (*Drope v. Missouri*, 1975; *Dusky v. United States*, 1960;
\(^3\) On the basis of our analyses with the small group of prosecutors that completed this study,
prosecutors rated rational understanding, communication, and reasoning as less important than did
other legal professionals (i.e., judges and defense attorneys), \(t(364) = 2.40, p = .017, d = .25;\)
\(t(364) = 3.64, p < .001, d = .38;\) and \(t(363) = 3.19, p = .002, d = .33,\) respectively. However,
there were not significant differences between prosecutors and other legal professionals in the level
of legal capacities they believed were necessary for juveniles.
These subscales were developed by examining published competency assessment instruments and checklists such as the MacArthur Competence Assessment Tool—Criminal Adjudication (Poythress et al., 1999), the Evaluation of Competency to Stand Trial—Revised (Rogers, Tillbrook, & Sewell, 2004), the Competence Assessment for Standing Trial—Mental Retardation (Everington & Luckasson, 1992), and the Fitness Interview Test–Revised (Roesch, Zapf, & Eaves, 2006). In addition, we reviewed key legal cases regarding adjudicative competence in criminal court (e.g., Dusky v. United States, 1960) and state appellate and Supreme Court cases pertaining to adjudicative competence in juvenile court (e.g., Ex parte Brown, 1989; G. J. I. v. State, 1989; In re Williams, 1997; State v. Cleary, 2003).

The Factual Understanding subscale included 9 items (e.g., understanding the meaning of guilty and not guilty pleas), the Rational Understanding subscale included 3 items that paralleled those included in the Rational Understanding scale of the Fitness Interview Test–Revised (Roesch et al., 2006; e.g., appreciation of the likely outcome of the case), the Communication With Counsel subscale included 14 items (e.g., ability to communicate relevant facts about case to attorney), and the Reasoning subscale included 8 items (e.g., ability to rationally

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Table 1

Demographic Characteristics of Sample

<table>
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<tr>
<th>Demographic</th>
<th>Attorneys</th>
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<th>Judges</th>
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<tr>
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<td>%</td>
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<tr>
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<tr>
<td>Male</td>
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<td>Female</td>
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<tr>
<td>European American</td>
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<tr>
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<td>1.3%</td>
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<tr>
<td>Asian/Pacific Islander</td>
<td>2</td>
<td>1.3%</td>
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<tr>
<td>Other</td>
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<td>3.3%</td>
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</tr>
<tr>
<td>Age (years)</td>
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<td></td>
<td>47.29</td>
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<tr>
<td>Experience (years)</td>
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<td></td>
<td>18.17</td>
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<tr>
<td>Survey version received</td>
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<tr>
<td>Youth in juvenile court</td>
<td>57</td>
<td>36.8%</td>
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<tr>
<td>Youth in criminal court</td>
<td>53</td>
<td>34.2%</td>
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<tr>
<td>Adults in criminal court</td>
<td>45</td>
<td>29.0%</td>
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Note. For attorneys, n = 155; for judges, n = 183.

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Godinez v. Moran, 1993). These subscales were developed by examining published competency assessment instruments and checklists such as the MacArthur Competence Assessment Tool—Criminal Adjudication (Poythress et al., 1999), the Evaluation of Competency to Stand Trial—Revised (Rogers, Tillbrook, & Sewell, 2004), the Competence Assessment for Standing Trial—Mental Retardation (Everington & Luckasson, 1992), and the Fitness Interview Test–Revised (Roesch, Zapf, & Eaves, 2006). In addition, we reviewed key legal cases regarding adjudicative competence in criminal court (e.g., Dusky v. United States, 1960) and state appellate and Supreme Court cases pertaining to adjudicative competence in juvenile court (e.g., Ex parte Brown, 1989; G. J. I. v. State, 1989; In re Williams, 1997; State v. Cleary, 2003).

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4 We also reviewed the Georgia Court Competence Test—Mississippi State Hospital (Wildman et al., 1980), the Competence to Stand Trial Assessment Instrument (Laboratory of Community Psychiatry, Harvard Medical School, 1973), the Competence Screening Test (Laboratory of Community Psychiatry, 1973), and Grisso’s (2003) list of functional abilities. At the time of this survey, the Juvenile Adjudicative Competence Interview (Grisso, 2005) had not yet been published.
weigh the benefits and risks of decisional options). A complete list of items on these subscales is provided in Table 2. For items on each subscale, respondents were asked to rate how important each legal capacity was on a 5-point rating scale, which consisted of the following: 1 = not at all important, 2 = slightly important, 3 = moderately important, 4 = very important, and 5 = extremely important. A mean item score for each subscale was calculated. Coefficient alphas were .86, .71, .93, and .89 for Factual Understanding, Rational Understanding, Communication With Counsel, and Reasoning subscales, respectively, indicating that these subscales had adequate internal consistency (Cronbach, 1990; Nunnally, 1978).

Levels of legal capacities considered necessary. A scale was created to measure the level of legal capacities that defense attorneys and judges considered necessary for juveniles. The Level of Legal Capacities Scale consisted of four items (i.e., factual understanding, rational understanding, communication with counsel, and reasoning). For each item, respondents were asked to rate what level of that particular legal capacity (e.g., factual understanding) should be required of juveniles in juvenile court or juveniles in criminal court. A 5-point rating scale was used, which consisted of the following: 1 = much lower level than adults, 2 = moderately lower level than adults, 3 = slightly lower level than adults, 4 = same level as adults, and 5 = higher level than adults. This scale was administered to respondents who were surveyed about juvenile defendants (in either juvenile or criminal court). A scale score was obtained by calculating the mean score for the items on this scale. The coefficient alpha for this scale was .93.

Perceived importance of developmental immaturity. To measure the perceived importance of developmental immaturity to competence, we examined recent work on maturity among juvenile defendants, including the work of Scott and colleagues (Scott, Reppucci, & Woolard, 1995), Steinberg and colleagues (Steinberg & Cauffman, 1996), and Salekin and colleagues (Salekin, Rogers, & Ustad, 2001; Salekin, Salekin, Clements, & Leistico, 2005; Salekin, Yff, Neumann, Leistico, & Zalot, 2002). In addition, we examined general developmental theories regarding maturation (e.g., Erikson, 1959, 1968; Greenberger & Sorensen, 1974; Kohlberg, 1981). On the basis of this review, we compiled an 18-item scale, which was labeled the Developmental Immaturity Scale. This scale tapped into cognitive, psychosocial, and emotional immaturity (e.g., cognitive immaturity, lack of awareness of long-term consequences of decisions, and lack of awareness of possible risks of decisions). A complete list of items on this scale is provided in Table 3. Respondents were asked to rate how important each item was to competency to stand trial, for the particular population whom they were surveyed about, on a 5-point rating scale that consisted of the following: 1 = not at all important, 2 = slightly important, 3 = moderately important, 4 = very important, and 5 = extremely important. A scale score was obtained by calculating the mean score for the items on this scale. The coefficient alpha for this scale was .98.

Also, to examine the degree of support for finding juveniles incompetent on the basis of developmental immaturity, judges were asked, “Do you believe that the law should allow youths to be found incompetent to stand trial in juvenile [criminal] court based on developmental immaturity alone?” Respondents were asked to report whether they agreed or disagreed with this statement on a 6-point
Likert scale that consisted of the following: 1 = strongly disagree, 2 = somewhat disagree, 3 = slightly disagree, 4 = slightly agree, 5 = somewhat agree, and 6 = strongly agree. In examining results on this question, we dichotomized responses into agree (strongly agree, somewhat agree, or slightly agree) and disagree (strongly disagree, somewhat disagree, or slightly disagree). This question was unfortunately not included in the attorney survey, which was mailed out at an earlier date.

**Perceived importance of mental disorders.** To measure the perceived importance of mental disorders to competence, we compiled 14 items (e.g., depression, mania, and hyperactivity) based on a review of the *Diagnostic and Statistical Manual of Mental Disorders* (American Psychiatric Association, 2000) and of commonly used psychopathology assessment tools, such as the Child Behavior Checklist (Achenbach & Rescorla, 2003), the Diagnostic Interview Schedule for Children–IV (Wasserman, McReynolds, Fisher, & Lucas, 2005), and the Structured Clinical Interview for DSM-IV Axis I Disorders (First, Spitzer, Gibbon, & Williams, 1995). A complete list of items on the Mental Disorders Scale is provided in Table 3. Respondents were asked to rate how important each item was to competence on the same 5-point rating scale used for the Developmental Immaturity scale. A scale score was obtained by calculating the mean score for the items on this scale. The coefficient alpha for this scale was .95.

**Perceived importance of cognitive impairments.** To measure the perceived importance of cognitive impairments to competence, we developed an 11-item Cognitive Impairments Scale, which consisted of items such as mental retardation, learning disability, and poor memory. In forming this scale, we reviewed major cognitive theories, such as Carroll’s and Horn’s hierarchical theories of intelligence (Carroll, 1993; Horn, 1994) and Piaget’s theory of formal operations (Inhelder & Piaget, 1958), as well as well-known cognitive assessment tools, including Wechsler Intelligence Scales (Wechsler, 1997, 2003), Woodcock–Johnson III (Woodcock, McGrew, & Mather, 2001), and Stanford–Binet Intelligence Test, fifth edition (Roid, 2003). A complete list of items on this scale is provided in Table 3. Respondents were asked to rate how important each item was to competence on the same 5-point rating scale as was used for the Mental Disorders Scale. A scale score was obtained by calculating the mean score on these items. The coefficient alpha for this scale was .95.

**Participants**

The final sample included 183 judges and 155 defense attorneys. In total, 82 surveys were obtained from Arizona, 29 from Arkansas, 47 from Colorado, 17 from Connecticut, 13 from Hawaii, 29 from Illinois, and 121 from Texas. Demographic information on respondents is provided in Table 1. Not surprisingly, judges were significantly older than defense attorneys, \( t(323) = 7.56, p < .001 \), and had more years of experience than did defense attorneys, \( t(328) = 7.73, p < .001 \). In addition, a greater proportion of judges than defense attorneys were male, \( \chi^2(1, N = 332) = 3.87, p = .049 \), and were from ethnic minority groups, \( \chi^2(1, N = 329) = 6.52, p = .011 \).
Results

Preliminary Analyses: Demographic Differences in Views About Legal Standards

In our first set of analyses, we tested for position (defense attorney vs. judge), gender, race, and state differences on the following dependent variables: perceived importance of factual understanding, rational understanding, communication, and reasoning; level of legal capacities considered necessary; and perceived importance of developmental immaturity, mental disorders, and cognitive impairments to competence. These analyses allowed us to determine whether we needed to control or further examine any of these demographic variables in testing our primary hypotheses.

Preliminary Hypothesis A: Defense attorneys would consider legal capacities to be more important than would judges, and defense attorneys would consider higher levels of legal capacities to be necessary.

Using multivariate analyses of covariance (MANCOVAs), we examined whether there were differences in defense attorneys’ and judges’ scores on the scales measuring the perceived importance of legal capacities (factual understanding, rational understanding, communication, and reasoning), the levels of legal capacities considered necessary, and the perceived importance of developmental immaturity. Because we expected that there would be some differences in importance ratings and levels of legal capacities, depending on the manipulations of defendant type (i.e., whether the respondent was surveyed about juveniles in juvenile court, juveniles in criminal court, or adults in criminal court), defendant type was controlled in these analyses. There was a significant main effect for position (judge vs. defense attorney), $F(5, 326) = 2.41, p = .036$. Defense attorneys rated rational understanding, $F(1, 330) = 5.60, p = .018, \eta^2_p = .02$, and reasoning, $F(1, 330) = 4.68, p = .031, \eta^2_p = .01$, as more important than did judges, although the effect sizes, as measured by partial eta-squared values ($\eta^2_p$) were small by Cohen’s classification (Cohen, 1988). Judges and defense attorneys did not differ on the levels of legal capacities they saw as necessary for juveniles or on the importance placed on factual understanding, communication, or developmental immaturity.

Preliminary Hypothesis B: There would be few, if any, state differences in legal professionals’ views about the importance of legal capacities, the level of legal capacities considered necessary, and the perceived importance of developmental immaturity to competence.

Using MANCOVAs to control for defendant type (juveniles in juvenile court, juveniles in criminal court, or adults), we examined whether legal professionals from specific states differed from the rest of the sample on their views about competence standards. These individual state comparisons were only made for states from which 20 or more legal professionals responded to the survey (i.e., Arizona, Arkansas, Colorado, Illinois, and Texas). No significant state differences were found in perceived importance of legal capacities, the level of legal capaci-
ities considered necessary, or the perceived importance of developmental immaturity.

In addition, for those respondents who received the juvenile court version of the study, we compared groups of states with similar types of juvenile court competence standards on these scales. Specifically, a multivariate analysis of variance was conducted in which we compared states that have applied adult criminal competence statutes to juvenile court (Colorado, Illinois, and Texas), states that have developed separate competence standards for juvenile court that include reference to developmental immaturity (Arizona and Arkansas), and states that have not yet established formal competence standards for juvenile court (Connecticut and Hawaii). This allowed us to test whether, for instance, professionals from states that have applied adult criminal competence statutes to juvenile court would consider higher levels of legal capacities to be needed than would professionals from other states. However, no significant state differences emerged in these comparisons. In summary, these analyses indicate that there is a high degree of consistency across states in legal professionals’ views regarding competence standards.

Preliminary Hypothesis C: There would be no racial or gender differences in legal professionals’ views about the importance of legal capacities, the levels of legal capacities considered necessary, and the perceived importance of developmental immaturity to competence.

On the basis of a MANCOVA, in which defendant type was controlled, no significant racial differences (ethnic majority group [European American] vs. ethnic minority group) were found in views about the importance of legal capacities, the level of legal capacities considered necessary, and the perceived importance of developmental immaturity. Unexpectedly, women’s responses differed significantly from men’s, \( F(5, 321) = 5.65, p < .001 \). Specifically, women rated factual understanding, \( F(1, 325) = 22.06, p < .001, \eta^2_p = .06 \); rational understanding, \( F(1, 325) = 10.26, p = .001, \eta^2_p = .03 \); communication, \( F(1, 325) = 6.33, p = .012, \eta^2_p = .02 \); and reasoning, \( F(1, 325) = 12.76, p < .001, \eta^2_p = .04 \), as more important than did male respondents, although the effect sizes were small. Also, female respondents rated developmental immaturity, \( F(1, 325) = 6.02, p = .015, \eta^2_p = .02 \), as more important to competence than did male respondents. Female respondents and male respondents did not score significantly differently on the levels of legal capacities they saw as necessary.

Primary Analyses

Our preliminary analyses indicated that there were some important gender and position (defense attorney vs. judges) differences in the dependent variable. As such, when appropriate, these variables were controlled in testing the following primary hypotheses.

Hypothesis 1: Legal professionals would believe that it is just as important for juveniles in juvenile court and juveniles in criminal court to have competence-related legal capacities as it is for adults to have these legal capacities.
For juveniles adjudicated in juvenile and criminal court, mean item scores for the perceived importance of factual understanding, rational understanding, communication, and reasoning corresponded with a rating of moderately important (see Table 2). To examine whether the importance ratings for legal capacities varied for juveniles in juvenile court and adult defendants, we conducted MANCOVAs in which defendant type (juveniles in juvenile court vs. adults in criminal court) was entered as an independent variable, and respondents’ scale scores on the perceived importance of factual understanding, rational understanding, communication, and reasoning were the dependent variables. Respondents’ position (judge vs. defense attorney) and gender were controlled. There was no main effect for defendant type, $F(4, 222) = 1.77, p = .14$, although a number of between-subjects effects were significant. Specifically, legal professionals rated factual understanding, $F(1, 225) = 4.58, p = .034, \eta^2_p = .02$; communication, $F(1, 225) = 4.94, p = .027, \eta^2_p = .02$; and reasoning, $F(1, 225) = 4.88, p = .028, \eta^2_p = .02$, as more important for juveniles tried in juvenile court than they did for adults tried in criminal court, although effect sizes were small (Cohen, 1988).

To examine whether the importance ratings for legal capacities varied for juveniles in criminal court and adult defendants, we conducted a similar MANCOVA. There was a main effect for defendant type, $F(4, 205) = 2.54, p = .041$. Legal professionals rated factual understanding, $F(1, 208) = 7.96, p = .005, \eta^2_p = .04$, and rational understanding, $F(1, 208) = 7.39, p = .007, \eta^2_p = .03$, as more important for juveniles tried in criminal court than they did for adults tried in criminal court, and there was a trend wherein reasoning, $F(1, 208) = 3.67, p = .057, \eta^2_p = .02$, was rated as more important for juveniles in criminal court than for adults. In contrast, no significant differences were found in the perceived importance of factual understanding, rational understanding, communication, and reasoning for juveniles adjudicated in juvenile court and juveniles adjudicated in criminal court, suggesting that these legal capacities are considered comparable in importance for juveniles who are adjudicated in either setting. In summary, these results suggest that legal professionals believe that it is particularly important for juveniles in either juvenile court or criminal court to have competence-related legal capacities compared to adult criminal defendants.

**Hypothesis 2:** Legal professionals would believe that lower levels of legal capacities would suffice for juveniles adjudicated in juvenile court than for juveniles adjudicated in criminal court.

As expected, the results of an analysis of covariance, which controlled for gender and position, indicated that juveniles adjudicated in juvenile court were rated as needing significantly lower levels of legal capacities than were needed by juveniles adjudicated in criminal court, $F(1, 211) = 27.47, p < .001, \eta^2_p = .12$. The partial eta-square value indicates a large effect size (Cohen, 1988). The score on the levels of legal capacities scale for juveniles in juvenile court was 3.31 ($SD = 0.79$), which roughly corresponds to a rating that juveniles need a slightly lower level (of legal capacity) than adults, whereas the score for juvenile in criminal court was 3.81 ($SD = 0.57$), which nearly, but does not quite, correspond to a rating of the same level (of legal capacity) as adults.

We also tabulated the numbers of legal professionals who rated it acceptable
Table 2
Importance Ratings of Factual Understanding, Rational Understanding, Communication, and Reasoning

<table>
<thead>
<tr>
<th>Item</th>
<th>Juveniles in juvenile court</th>
<th>Juveniles in criminal court</th>
<th>Adults in criminal court</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>M</td>
<td>SD</td>
<td>M</td>
</tr>
<tr>
<td>Factual Understanding (average item mean)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Understanding of the role of key participants (e.g., judge)</td>
<td>3.08</td>
<td>0.83</td>
<td>3.06</td>
</tr>
<tr>
<td>Understanding of his/her own role in trial</td>
<td>3.29</td>
<td>0.71</td>
<td>3.23</td>
</tr>
<tr>
<td>Understanding of the legal process</td>
<td>2.86</td>
<td>0.87</td>
<td>2.80</td>
</tr>
<tr>
<td>Understanding of the meaning of an oath</td>
<td>3.33</td>
<td>0.73</td>
<td>3.12</td>
</tr>
<tr>
<td>Understanding of what can be used as evidence</td>
<td>2.61</td>
<td>0.97</td>
<td>2.71</td>
</tr>
<tr>
<td>Level of certainty required for a finding of guilt</td>
<td>2.86</td>
<td>0.91</td>
<td>2.91</td>
</tr>
<tr>
<td>Understanding of the meaning of guilty and not guilty pleas</td>
<td>3.55</td>
<td>0.62</td>
<td>3.58</td>
</tr>
<tr>
<td>Understanding of the available plea options</td>
<td>3.48</td>
<td>0.65</td>
<td>3.55</td>
</tr>
<tr>
<td>Rational Understanding (average item mean)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Appreciation of range and nature of possible penalties</td>
<td>3.50</td>
<td>0.62</td>
<td>3.63</td>
</tr>
<tr>
<td>Appreciation of available legal defenses</td>
<td>3.13</td>
<td>0.82</td>
<td>3.20</td>
</tr>
<tr>
<td>Appreciation of likely outcome of case</td>
<td>3.32</td>
<td>0.72</td>
<td>3.39</td>
</tr>
<tr>
<td>Communicate With Counsel (average item mean)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ability to communicate facts about case</td>
<td>3.51</td>
<td>0.58</td>
<td>3.48</td>
</tr>
<tr>
<td>Ability to understand attorney’s inquiries</td>
<td>3.40</td>
<td>0.61</td>
<td>3.33</td>
</tr>
<tr>
<td>Ability to relate to attorney</td>
<td>2.89</td>
<td>0.79</td>
<td>2.82</td>
</tr>
<tr>
<td>Willingness to trust and disclose information</td>
<td>3.32</td>
<td>0.72</td>
<td>3.52</td>
</tr>
<tr>
<td>Ability to engage in their defense</td>
<td>3.19</td>
<td>0.76</td>
<td>3.06</td>
</tr>
<tr>
<td>Ability to use legal safeguards such as appeals</td>
<td>2.62</td>
<td>0.95</td>
<td>2.50</td>
</tr>
<tr>
<td>Ability to use legal strategies such as plea bargains</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Motivation to defend himself/herself</td>
<td>2.85</td>
<td>0.98</td>
<td>2.76</td>
</tr>
<tr>
<td>Ability to inform attorney about inaccuracies in witnesses’ testimony</td>
<td>3.29</td>
<td>0.72</td>
<td>3.09</td>
</tr>
<tr>
<td>Ability to control emotions while testifying</td>
<td>2.74</td>
<td>0.93</td>
<td>2.77</td>
</tr>
<tr>
<td>Ability to communicate coherently and appropriately while testifying</td>
<td>3.16</td>
<td>0.75</td>
<td>3.13</td>
</tr>
<tr>
<td>Ability to pay attention in court</td>
<td>2.99</td>
<td>0.66</td>
<td>2.79</td>
</tr>
<tr>
<td>Ability to avoid disruptive behavior in court</td>
<td>3.27</td>
<td>0.82</td>
<td>3.28</td>
</tr>
<tr>
<td>Reasoning (average item mean)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ability to understand legal decisions</td>
<td>2.96</td>
<td>0.55</td>
<td>2.93</td>
</tr>
<tr>
<td>Ability to appreciate the significance of legal decisions</td>
<td>2.85</td>
<td>0.80</td>
<td>2.88</td>
</tr>
<tr>
<td>Ability to weigh the benefits &amp; risks of options</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ability to consult with attorney about decisions</td>
<td>3.19</td>
<td>0.66</td>
<td>3.17</td>
</tr>
<tr>
<td>Ability to consider attorney’s advice</td>
<td>3.38</td>
<td>0.60</td>
<td>3.31</td>
</tr>
<tr>
<td>Ability to handle disagreements with attorney</td>
<td>3.42</td>
<td>0.57</td>
<td>3.37</td>
</tr>
<tr>
<td>Ability to plan legal strategy</td>
<td>2.85</td>
<td>0.76</td>
<td>2.81</td>
</tr>
<tr>
<td>Participation in legal decision-making</td>
<td>2.27</td>
<td>0.99</td>
<td>2.23</td>
</tr>
</tbody>
</table>

Note. 0 = not at all important, 1 = slightly important, 2 = moderately important, 3 = very important, and 4 = extremely important.
for juveniles to have slightly, moderately, or significantly lower levels of legal capacities than adult criminal defendants in one or more of the four legal capacity domains that were included in this scale (i.e., factual understanding, rational understanding, communication, and/or reasoning). Approximately 61.2% of legal professionals ($n = 71$) reported that it would suffice if juveniles adjudicated in juvenile court had lower levels of legal capacities than did adults in one or more domains, whereas approximately one quarter (26.5%, $n = 27$) reported that it would suffice if juveniles adjudicated in criminal court had lower legal capacities than adults in one or more domains.

**Hypothesis 3:** Most legal professionals would believe that developmental immaturity is at least somewhat relevant to the adjudicative competence of juveniles, but they would see it as less relevant than mental disorders or cognitive impairments.

As described earlier, scores on the scales measuring perceived importance of developmental immaturity, mental disorders, and cognitive impairment were derived by calculating the mean importance rating of all the items on that scale. The score on the Developmental Immaturity scale for juveniles adjudicated in juvenile court ($M = 1.94, SD = 0.95$) and for juveniles adjudicated in criminal court ($M = 1.99, SD = 0.96$) corresponded to a rating of *moderately important*, suggesting that developmental immaturity is considered quite relevant to juveniles’ competence. Although there were no significant differences in the perceived importance of developmental immaturity for juveniles in juvenile court and juveniles in criminal court, the score on the Developmental Immaturity scale was significantly higher for juveniles in juvenile or criminal court than for adults, $t(231) = 2.71, p = .007, d = .36$, and $t(213) = 2.96, p = .003, d = .41$, indicating that immaturity was considered more important to juveniles’ competence than adults’ competence.

As predicted, despite views that developmental immaturity was *moderately important*, the results of pairwise $t$ tests indicated that scores on the Developmental Immaturity scale were significantly lower for juveniles adjudicated in juvenile or criminal court than were scores on the Mental Disorders Scale, $t(218) = 11.18, p < .001, d = .48$, or Cognitive Impairments Scale, $t(220) = 9.96, p < .001, d = .37$, with effect sizes falling in the moderate range (Cohen, 1988). In other words, developmental immaturity was considered less important to juveniles’ competence than mental disorders or cognitive impairments. Because we found gender differences in perceived importance of developmental immaturity (see previous analyses on demographic differences), we examined whether this same pattern held when female and male respondents were examined separately. Equivalent patterns were found across gender; for both female and male respondents, scores on the Development Immaturity Scale were significantly lower than scores on the Mental Disorders Scale, $t(54) = 4.80, p < .001, d = .43$ (female respondents) and $t(161) = 10.12, p < .001, d = .50$ (male respondents), and Cognitive Impairments Scale, $t(54) = 5.09, p < .001, d = .42$ (female respondents), and $t(163) = 8.44, p < .001, d = .36$ (male respondents).

In addition to examining scale scores, we also looked at individual items on these scales to see whether certain items might be outliers (see Table 3). Although
Table 3
Importance Ratings of Mental Disorders, Cognitive Impairments, and Developmental Immaturity

<table>
<thead>
<tr>
<th>Item</th>
<th>Juveniles in juvenile court</th>
<th>Juveniles in criminal court</th>
<th>Adults in criminal court</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>M  SD</td>
<td>M  SD</td>
<td>M  SD</td>
</tr>
<tr>
<td>Mental Disorders Scale (average item mean)</td>
<td>2.30 0.84</td>
<td>2.48 0.79</td>
<td>2.02 0.77</td>
</tr>
<tr>
<td>Depression</td>
<td>2.06 1.16</td>
<td>2.39 1.17</td>
<td>1.79 1.01</td>
</tr>
<tr>
<td>Mania</td>
<td>2.46 1.06</td>
<td>2.47 1.10</td>
<td>2.16 1.16</td>
</tr>
<tr>
<td>Anger or irritability</td>
<td>1.73 1.16</td>
<td>2.04 1.20</td>
<td>1.60 1.12</td>
</tr>
<tr>
<td>Suicidality</td>
<td>2.62 1.11</td>
<td>2.72 1.11</td>
<td>1.88 1.20</td>
</tr>
<tr>
<td>Anxiety</td>
<td>1.88 1.11</td>
<td>2.00 1.13</td>
<td>1.64 2.27</td>
</tr>
<tr>
<td>Psychotic disorders such as schizophrenia</td>
<td>3.45 0.76</td>
<td>3.63 0.63</td>
<td>3.28 0.94</td>
</tr>
<tr>
<td>Attention deficits</td>
<td>2.00 1.09</td>
<td>2.27 1.15</td>
<td>1.64 1.00</td>
</tr>
<tr>
<td>Hyperactivity</td>
<td>1.68 1.12</td>
<td>1.93 1.12</td>
<td>1.41 0.95</td>
</tr>
<tr>
<td>Conduct-disorder or antisocial behavior</td>
<td>2.06 1.33</td>
<td>2.11 1.23</td>
<td>1.77 1.17</td>
</tr>
<tr>
<td>Uncooperativeness or oppositionality</td>
<td>1.82 1.26</td>
<td>2.06 1.20</td>
<td>1.76 1.16</td>
</tr>
<tr>
<td>Substance abuse or dependence (alcohol or drugs)</td>
<td>2.16 1.20</td>
<td>2.23 1.20</td>
<td>1.63 1.02</td>
</tr>
<tr>
<td>Previous mental health services</td>
<td>2.61 1.03</td>
<td>2.73 1.13</td>
<td>2.44 1.06</td>
</tr>
<tr>
<td>Previous psychiatric hospitalizations</td>
<td>2.97 1.03</td>
<td>3.13 0.97</td>
<td>2.85 1.02</td>
</tr>
<tr>
<td>Previous psychiatric medication</td>
<td>2.79 1.02</td>
<td>3.13 0.92</td>
<td>2.62 1.05</td>
</tr>
<tr>
<td>Cognitive Impairments Scale (average item mean)</td>
<td>2.26 0.84</td>
<td>2.33 0.83</td>
<td>1.84 0.81</td>
</tr>
<tr>
<td>Mental retardation</td>
<td>3.56 0.71</td>
<td>3.69 0.58</td>
<td>3.24 0.87</td>
</tr>
<tr>
<td>Learning disability</td>
<td>2.43 0.99</td>
<td>2.66 0.98</td>
<td>2.06 0.97</td>
</tr>
<tr>
<td>Limited intelligence (low IQ)</td>
<td>2.95 0.94</td>
<td>2.90 0.91</td>
<td>2.32 1.07</td>
</tr>
<tr>
<td>Poor memory</td>
<td>2.18 1.09</td>
<td>2.13 1.04</td>
<td>1.70 1.02</td>
</tr>
<tr>
<td>Poor attention</td>
<td>1.89 1.06</td>
<td>2.05 1.03</td>
<td>1.56 0.98</td>
</tr>
<tr>
<td>Poor verbal abilities</td>
<td>1.92 1.12</td>
<td>2.08 1.06</td>
<td>1.65 1.04</td>
</tr>
<tr>
<td>Poor reasoning abilities</td>
<td>2.13 1.07</td>
<td>2.25 1.15</td>
<td>1.90 1.07</td>
</tr>
<tr>
<td>Limited ability to plan and carry through goals</td>
<td>1.92 1.08</td>
<td>1.99 1.07</td>
<td>1.55 1.03</td>
</tr>
<tr>
<td>Limited ability to process information quickly</td>
<td>1.96 1.06</td>
<td>1.97 1.07</td>
<td>1.54 0.92</td>
</tr>
<tr>
<td>Limited capacity to learn from teaching</td>
<td>2.21 1.09</td>
<td>2.08 1.06</td>
<td>1.59 0.91</td>
</tr>
<tr>
<td>Limited academic achievement (average item mean)</td>
<td>1.73 1.06</td>
<td>1.75 1.00</td>
<td>1.24 0.91</td>
</tr>
<tr>
<td>Developmental Immaturity Scale (average item mean)</td>
<td>1.94 0.95</td>
<td>1.99 0.96</td>
<td>1.62 0.85</td>
</tr>
<tr>
<td>Cognitive immaturity or low mental age</td>
<td>2.57 1.07</td>
<td>2.58 1.08</td>
<td>2.08 1.12</td>
</tr>
<tr>
<td>Young age</td>
<td>2.62 1.09</td>
<td>2.50 1.21</td>
<td>1.77 1.18</td>
</tr>
<tr>
<td>Inability to recognize and express feelings</td>
<td>1.78 1.07</td>
<td>1.87 1.01</td>
<td>1.49 0.96</td>
</tr>
<tr>
<td>Inability to appropriately cope with frustrations and stress</td>
<td>1.88 1.11</td>
<td>2.05 1.06</td>
<td>1.54 0.97</td>
</tr>
<tr>
<td>Lack of assertiveness</td>
<td>1.45 1.11</td>
<td>1.38 1.00</td>
<td>1.14 0.91</td>
</tr>
<tr>
<td>Inability to ask for help</td>
<td>1.72 1.14</td>
<td>1.70 1.08</td>
<td>1.42 1.02</td>
</tr>
<tr>
<td>Unreceptiveness to others’ advice</td>
<td>1.69 1.16</td>
<td>1.79 1.18</td>
<td>1.62 1.14</td>
</tr>
<tr>
<td>Inability to form trusting relationships</td>
<td>1.79 1.19</td>
<td>1.78 1.18</td>
<td>1.43 1.04</td>
</tr>
<tr>
<td>Inability to handle disagreements</td>
<td>1.68 1.16</td>
<td>1.67 1.09</td>
<td>1.34 0.96</td>
</tr>
<tr>
<td>Lack of self-confidence</td>
<td>1.46 1.09</td>
<td>1.49 1.09</td>
<td>1.14 0.90</td>
</tr>
<tr>
<td>Inability to make appropriate social judgments</td>
<td>1.79 1.15</td>
<td>1.70 1.15</td>
<td>1.40 1.04</td>
</tr>
<tr>
<td>Lack of consideration of long-term consequences of decisions</td>
<td>2.14 1.25</td>
<td>2.34 1.24</td>
<td>1.88 1.16</td>
</tr>
</tbody>
</table>
scores on the Developmental Immaturity Scale were generally lower than were scores on the Mental Disorders and Cognitive Impairments Scales, it is, for instance, possible that there were several items on the Developmental Immaturity Scale that respondents rated as particularly important. As shown in Table 3, item scores on the Developmental Immaturity Scale ranged from 1.38 to 2.62 for juveniles adjudicated in either juvenile or criminal court, and none of the items on the Developmental Immaturity Scale reached or exceeded a score of 3.00, which corresponds to a rating of very important. Of the items on the Developmental Immaturity Scale, those with the highest mean scores were young age and cognitive immaturity (see Table 3), indicating that these factors appear to be considered particularly important to juveniles’ competence.

**Hypothesis 4:** The majority of judges would believe that juveniles should be able to be found incompetent in juvenile court or criminal court on the basis of developmental immaturity.

Contrary to our expectations, only 24.5% \((n = 13)\) of judges reported that they agreed that juveniles adjudicated in juvenile court should be able to be found incompetent on the basis of developmental immaturity. Slightly more judges agreed that juveniles adjudicated in criminal court should be able to be found incompetent on the basis of developmental immaturity \((32.6\%, n = 15)\), although this difference was not significant. Using chi-square tests, we tested whether there were differences by gender, race, or state in support for finding juveniles incompetent on the basis of developmental immaturity. Race and state were not significant predictors. However, female judges were significantly more likely than...
were male judges to agree that the law should recognize developmental immaturity as a source of incompetence, $\chi^2(1, N = 97) = 8.46, p = .004$.

**Discussion**

Although most courts now require that adolescent defendants be competent to proceed to adjudication, the particular legal standard for competence in juvenile court is unsettled. This current ambiguity and inconsistency may make it challenging to treat adolescent defendants in a manner that is fair and consistent with the underlying purposes of competence laws. Also, at a more practical level, it may make it difficult for juveniles’ attorneys to know when to raise the issue of adjudicative competence, for judges to reach determinations as to whether adolescents are competent, and for forensic clinicians to evaluate adolescents’ competence. As a first step toward attaining greater clarification and consistency in legal standards, in the present study we investigated judges’ and defense attorneys’ views regarding competence standards for adolescents, including adolescents adjudicated in juvenile court and those in criminal court.

Our results suggest that as predicted, legal professionals consider it important for juveniles to have competence-related legal capacities, believe lower levels of competence will suffice for juvenile court, and recognize the relevance of developmental immaturity but consider it to be less important than mental disorders and cognitive impairments. Fewer legal professionals than expected appear to believe that juveniles should be able to be found incompetent as a result of immature development. Also, contrary to expectations, our results indicate that defense attorneys and judges may have fairly similar views about competence standards and that there may be some important gender differences in views. These primary findings are discussed in more detail below.

**Primary Findings**

*Legal professionals believe juveniles’ competence is important (Hypothesis 1).* As predicted, legal professionals believe that it is just as important for juveniles to have competence-related legal capacities as it is for adults. In fact, judges and defense attorneys may believe that these legal capacities are even more important for juveniles than for adults. Legal professionals rated factual understanding, communication, and higher order legal capacity for reasoning as significantly more important for juveniles adjudicated in juvenile court than for adult criminal court defendants, although the effect sizes were small. Also, legal professionals rated legal capacities as significantly more important for juveniles adjudicated in criminal court than for adults adjudicated in criminal court. In contrast, legal capacities were seen to be relatively equal in importance for juveniles in juvenile court and juveniles in criminal court.

Although the higher importance placed on the legal capacities of juveniles than on the legal capacities of adults is somewhat surprising, it is possible that legal professionals may perceive there to be elevated rates of legal deficits in juvenile clients and may therefore consider adequate legal capacities to be particularly important. Also, legal professionals could believe that the consequences of impaired legal capacities may be particularly significant for juveniles, as there has historically been greater discretion in the penalties that have been
applied to juveniles. These and other possible explanations could be tested in future research.

**Lower levels of competence are considered sufficient for juvenile court (Hypothesis 2).** Despite the fact that competence is seen as important in juvenile court, as hypothesized, most legal professionals believe that slightly lower levels of legal capacities will suffice for juveniles who are adjudicated in juvenile court than for juveniles who are adjudicated in criminal court. This suggests that in judging what constitutes an appropriate legal standard for juveniles, judges and defense attorneys consider the context in which a defendant is being adjudicated. Given that juvenile court penalties are generally considered less severe, they may see a more relaxed standard of competence in juvenile court as sufficient to protect defendants’ rights.

In contrast, most legal professionals believe that juveniles adjudicated in criminal court should have levels of legal capacities equivalent to adults adjudicated in criminal court. We were somewhat surprised that despite constitutional requirements to apply the same competence standard to all criminal court defendants, approximately one quarter of legal professionals (26.5%) did not appear to believe that juveniles adjudicated in criminal court should be required to have the same level of legal capacities as adults in one or more domains of competence (i.e., factual understanding, rational understanding, communication, or reasoning). It is possible that this subset of legal professionals may have concerns that holding transferred (waived) juveniles to the same standard as adults could lead to large numbers of youths being found incompetent for developmental reasons, thus making it difficult to prosecute them; they may support a slightly lower standard as an attempt to balance due process with societal and legal needs to adjudicate juveniles who commit delinquent acts. This concern may be unfounded. Although juveniles aged 15 years and under often have more limited legal capacities than adults, most transferred juveniles are 16 or 17 years old, and research has suggested that youths this age are actually quite similar to adults in their legal capacities (Grisso et al., 2003). In fact, Poythress, Lexcen, Grisso, & Steinberg, (2006) found that there were no significant differences in the legal capacities of juvenile defendants who were transferred to criminal court through a direct file mechanism and adult criminal defendants.

**Developmental immaturity is considered relevant (Hypothesis 3).** As hypothesized, legal professionals considered developmental immaturity to be relevant to juveniles’ adjudicative competence, rating it as *moderately important*. Furthermore, legal professionals rated maturity as more relevant to juveniles’ competence than to adults’ competence. This suggests that legal professionals are aware of the possible influence of adolescent development on legal capacities.

At the same time, legal professionals did not consider developmental maturity to be as important as mental disorders or cognitive impairments to juveniles’ competence. Instead, the specific factors that were seen to be most important to juveniles’ competence were psychotic disorders and mental retardation. Given that these are the most common causes of incompetence among adults, this suggests that legal professionals may view incompetence in juveniles as being quite similar to incompetence in adults. Furthermore, it is possible that legal professionals may have a relatively restricted conceptualization of how maturity relates to competence, which focuses on young age and cognitive immaturity. Of
the items on our Developmental Immaturity Scale, these particular items received
the highest important ratings. Although scholars have recently emphasized the
importance of psychosocial aspects of development (e.g., autonomy, perceptions
of risk and future consequences) to competence and legal judgment, judges and
defense attorneys may not currently consider psychosocial immaturity to be as
relevant (Grisso, 2005; Grisso et al., 2003; Scott et al., 1995; Steinberg &
Cauffman, 1996).

Mixed views regarding developmental factors as basis for incompetence
findings (Hypothesis 4). Contrary to our expectations, less than one third of
judges agreed slightly, somewhat, or strongly with the idea that adolescents
should be found incompetent on the basis of developmental immaturity alone,
even though judges rated developmental immaturity as moderately important
to juveniles’ competence. One possible explanation for this finding is that judges
might be concerned that the recognition of developmental immaturity as a basis
for incompetence findings could lead to a dramatic increase in juveniles who are
found incompetent. A second possibility is that judges may consider immaturity
to be relevant to juveniles’ competence but may not believe that juveniles should
be found incompetent on the basis of developmental immaturity alone. Instead,
they may view mental disorders and cognitive impairments as the proper basis for
finding juveniles incompetent, comparable with the standards used in many
criminal courts. Finally, the meaning of this question may not have been clear to
judges; for example, the meaning of the term developmental immaturity may not
have been clear.

It is suggested that in future research, this issue should be examined again,
with further definition of the term developmental immaturity and with the question
framed in different manners, to ensure that judges’ views can be better under-
stood. It may be that although judges believe developmental immaturity is an
important consideration, they might place little weight on this factor in making
actual decisions about juveniles’ competence. Other researchers have noted im-
portant discrepancies between beliefs and legal decisions. For instance, Brannen
et al. (2006) found that although judges rated amenability to treatment to be
important considerations in decisions regarding waiver of adolescents to adult
court, they appeared to place limited weight on this factor in decision making.

Demographic differences in views. Contrary to our expectations, we found
quite limited evidence for differences in the views of defense attorneys and
judges. Defense attorneys rated rational understanding and reasoning as more
important than did judges, but there were no differences in the perceived impor-
tance of factual understanding and communication or in the levels of legal
capacities viewed as necessary. Therefore, despite the different roles of defense
attorneys as advocates and of judges as impartial triers of fact, these groups of
legal professionals appear to have relatively consistent views. As predicted, there
was also a high degree of consistency across states in views about competence
standards.

Our findings may however suggest that there are important gender differences
in legal professionals’ views about competence standards for juveniles. Female
legal professionals were significantly more likely than were male legal profes-
sionals to believe that developmental immaturity is relevant to juveniles’ com-
petence and to believe that legal standards should recognize immaturity as a basis
for findings of incompetence. This could possibly reflect a greater emphasis on or understanding of developmental issues among female legal professionals, possibly as a result of roles and experience in childrearing. In addition, female legal professionals also considered it more important for defendants to have competence-related legal capacities than did male legal professionals. This could suggest that female legal professionals are more supportive of due process rights regarding competence. Although there is little research that directly tests this, several studies have reported that women are more supportive of bestowing certain rights to adolescents, specifically nurturance rights, such as the right to an attorney (Peterson-Badali, Ruck, & Ridley, 2003; Rogers & Wrightsman, 1978).

**Limitations**

In interpreting these findings, it is important to note possible limitations in the generalizability of findings. First, although our response rate of 27% is comparable with other studies and is considered a moderate response rate for academic surveys (Baruch, 1999; Díaz de rada, 2005; Salekin et al., 2005, 2002), it is lower than desirable. In addition, our sample is not a national sample but rather a sample of judges and attorneys from seven selected states. As described, our results indicate that among the states that were included, there were no significant state differences in views about legal standards, although the included states have diverse types of competence standards for juvenile court. Therefore, there is not necessarily reason to believe that the results would differ much if other states were examined. However, this should be further tested in comprehensive national samples of defense attorneys and judges.

In addition, there may be limitations in the measures used in this study. We developed our scales by reviewing relevant literature (e.g., competency assessment instruments and checklists, developmental theory), statutes, and case law, and all scales had adequate internal consistency. However, because our goal was to make the items understandable and thorough, yet of a manageable length, some of our scales (e.g., Rational Understanding, levels of legal capacities) were quite short and might not capture all of the concepts that are relevant to competence. We recommend that future researchers continue to examine this issue using different methods and measurement strategies. We believe it is particularly important to further examine judges’ support for finding youths incompetent on the basis of developmental immaturity by asking this question in different ways.

**Policy Implications**

The development of appropriate legal standards for juveniles is clearly a difficult task. Due to their lesser maturity, compared with adults, juveniles aged 15 years and under have significantly higher rates of deficits in competence-related legal capacities than do adults (Grisso et al., 2003). Also, juveniles who are incompetent for developmental reasons may be particularly difficult to remediate (Viljoen & Grisso, 2007). Our results suggest that perhaps as a way of balancing due process rights with the competing demand to adjudicate youth, legal professionals support establishing a slightly more relaxed competence standard in juvenile court. Furthermore, a subset of legal professionals appears reluctant to hold juveniles in criminal court to the same standard of competence.
as adult criminal defendants or to find juveniles incompetent as a result of developmental factors. These results point to several implications for the development of policy and juvenile competence standards.

Policy Implication 1: Prior to establishing a more relaxed standard of competence in juvenile court, it is important to decide whether this is justifiable and how such a standard could be defined.

Our results indicate that most legal professionals support establishing a more relaxed standard of competence in juvenile court. Specifically, they believe that juveniles should be expected to have slightly, but not substantially, lower levels of legal capacities than adult criminal defendants are expected to have. At this time, few jurisdictions have explicitly adopted a lower threshold of competence for juvenile court defendants. In fact, many courts that have established formal standards for juvenile court have simply applied the criminal court competence standard (Redding & Frost, 2001), thus establishing a requirement that juveniles adjudicated in juvenile court have equivalent levels of legal capacities as criminal court defendants. However, it is possible that courts apply lower standards even without an explicit mandate to do so or without realizing they are doing so.

As recently noted in an empirical investigation of competence standards for juveniles, setting a lower threshold of competence for juvenile court may significantly reduce the number of juveniles who could be classified as having impaired competence-related abilities than if adult thresholds of competence were required (Viljoen, Zapf, & Roesch, 2007). Therefore, establishing a lower threshold may be an attractive option for the juvenile courts. However, courts that wish to adopt a more relaxed legal standard for competence should carefully consider several important issues. First, as Scott and Grisso (2005) noted, a lower threshold standard for juvenile court appears constitutionally justifiable only if juvenile court dispositions are less severe than adult sentences. Therefore, courts must carefully consider whether, for their particular jurisdiction, the penalties that are applied in juvenile court are less severe than those administered in criminal court. Some juvenile courts have recently adopted punitive, adultlike sanctions within juvenile court; such jurisdictions may not be justified in establishing a lower standard of competence for juvenile court.

Beyond the issue of whether more relaxed standards are justified, it is necessary for courts to carefully consider specifically how a lower threshold requirement for juveniles could be defined. One option is to require that adolescents adjudicated in juvenile court have legal capacities equivalent to the juvenile norm, as Minnesota has done (e.g., In re Carey, 2000). This type of definition poses some challenges (Viljoen et al., 2007). Research indicates that there are developmental differences in legal capacities, with younger adolescents showing greater competence-related legal impairments than do older adolescents. Therefore, it is unclear how a juvenile norm would be defined. Furthermore, if adolescents were compared with same-age peers in determining competence (e.g., compare a 10-year old with typical 10-year olds), this would essentially set a lower standard for younger adolescents than for older adolescents. For instance, a 10-year old might be competent relative to other 10-year olds but might be incompetent relative to older adolescents. Although this standard may be legally
permissible within juvenile court systems, it would be difficult to apply. Therefore, as an alternative, courts may wish to consider requiring some kind of minimal level of competence regardless of age. This type of legal standard would avoid some of the difficulties with comparing adolescents with some sort of adolescent norm.

Policy Implication 2: Courts may wish to monitor the standard of competence that is applied to juveniles who are adjudicated in criminal court.

With respect to competence standards for juveniles adjudicated in criminal court, it is necessary, under constitutional law, that criminal court standards of competence be applied (Drope v. Missouri, 1975; Scott & Grisso, 2005). Furthermore, a number of studies indicate that for serious offenses, youths transferred to criminal court receive sanctions at least as severe as both youths tried in juvenile court and adult criminal offenders (Grisso, 1996; Kurlychek & Johnson, 2004; Levin, Langan, & Brown, 2000; Podkopacz & Feld, 1996; Rainville & Smith, 2003); this provides additional support for using the same competence standard for juveniles adjudicated in criminal court as adults adjudicated in criminal court.

Although most legal professionals appear to support the premise that juveniles in criminal court must be held to criminal court competence standards, a proportion of legal professionals appear willing to accept a somewhat lower threshold of competence for juveniles adjudicated in criminal court than for adults. To ensure that potential incompetence is not missed when juveniles are transferred to adult court and that youths’ rights are adequately protected, it may be useful to monitor the standard of competence that is applied to juveniles who are adjudicated in criminal court. Also, it may be useful to establish, as some jurisdictions have already done (Redding & Frost, 2001), a requirement that the competence of juveniles be automatically evaluated when a motion is made to try a juvenile in criminal court.

Policy Implication 3: Social scientists should strive to assist the courts in forming juvenile competence standards that are sensitive to juveniles’ developmental status.

Although our findings indicate that legal professionals see developmental immaturity as relevant to competence, some judges may be reluctant to recognize developmental immaturity as a basis for findings of incompetence. Excluding developmental immaturity as a basis for a finding of incompetence may be inconsistent with the underlying purpose of competence laws. An adolescent whose legal capacities are impaired due to developmental stage may have just as serious impairment as an adolescent whose legal capacities are impaired due to mental disorders or mental retardation (see Goldstein, Thomson, & Osman, 2002; Grisso, 2005; Grisso et al., 2003).

To assist courts and policymakers in developing juvenile competence standards that are sensitive to juveniles’ developmental status, researchers could examine reasons why some judges might be reluctant to recognize developmental immaturity as a source of incompetence, so that these concerns could be better evaluated. Some legal professionals might believe that the recognition of devel-
Developmental immaturity as a basis for incompetence findings could greatly increase the numbers of juveniles who are found incompetent. This may not, in fact, occur. Although there is evidence that developmental immaturity contributes to competence-related legal impairments in adolescents, it may be that very few adolescents are incompetent because of developmental immaturity alone. Instead, incompetence in young adolescents may often stem from a complex combination of immaturity, mental disorders, and/or cognitive impairments. To assist courts, who are faced with the difficult task of balancing the developmental issues, the due process rights, and the need to adjudicate delinquent youth, these and other issues should be examined by researchers.

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