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FOREWORD

As Juvenile Law Center celebrates fifty years of advocacy for children, we have once again joined with the *Temple Law Review* to reflect on where we are and where we want to be. For our fourth joint symposium issue, we have chosen to address both current legal challenges and emerging strategies to radically transform our entrenched justice and family regulation systems, recognizing that these systems reinforce historic racist practices and fail in their core mission to protect children, families, and communities.

In the past twenty years, we have seen—and been a part of—momentous legal advances arising from U.S. Supreme Court rulings banning the death penalty and life without parole sentences for children under the Eighth Amendment.[1] As a result of these decisions, more than a thousand people who had been sentenced to die in prison for homicide offenses committed when they were under eighteen have been released.[2] Looking ahead, however, comparable future gains before the Supreme Court are unlikely as a new conservative majority controls the docket and has already signaled its willingness to backtrack on established jurisprudence.[3]

At the same time, our years of advocacy have taught us that a race-neutral approach and traditional legal strategies cannot create the equitable and restorative systems we seek. Although the number of young people involved in the juvenile court system has

1. *See, e.g.*, Roper v. Simmons, 543 U.S. 551, 568 (2005) (abolishing the death penalty for youth under eighteen years old); Graham v. Florida, 560 U.S. 48, 74 (2010) (abolishing life without parole (LWOP) sentences for youth under eighteen years old who commit nonhomicide offenses); Miller v. Alabama, 567 U.S. 460, 465 (2012) (abolishing mandatory LWOP for homicide offenses by youth under eighteen years old).

2. *See* J.Z. Bennett, Daphne M. Brydon, Jeffrey T. Ward, Dylan B. Jackson, Leah Ouellet, Rebecca Turner & Laura S. Abrams, *In the Wake of* Miller *and* Montgomery*: A National View of People Sentenced to Juvenile Life Without Parole*, J. CRIM. JUST., July–Aug. 2024, at 1, 5.

3. *See, e.g.*, Dobbs v. Jackson Women's Health Org., 597 U.S. 215, 231 (2022) (overruling *Roe v. Wade*, 410 U.S. 113 (1973), and *Planned Parenthood of Southeastern Pennsylvania v. Casey*, 505 U.S. 833 (1992)).

decreased substantially, the racial disparities within the system have persisted or even increased.[4] And the family regulation system likewise remains rife with disparities.[5]

Against this backdrop, we invited lawyers, scholars, and activists to consider emerging legal theories and strategies that might provide alternative means to replace harmful state systems with systems of care and healing based on community insights and leadership. Specifically, we asked our colleagues to explore how state constitutional guarantees of individual rights might provide an effective alternative to federal remedies and whether movement lawyering models—prioritizing partnerships with community and embracing a goal of shifting power to those most directly impacted—could help us accomplish these goals.

The following six Essays answered the call. In each piece, our symposium authors deepen our understanding of the problems and offer bold new strategies to tackle them. On the question of state constitutional challenges, Professor Jessica Heldman focuses on successful efforts to enhance youth rights under state due process clauses and grounding state constitutional arguments in a child's right to dignity. Professor Melissa Lee and Professor Jessica Levin provide a close examination of the evidence needed to shore up a case of race-based discrimination in transfer laws under the state of Washington's constitution. And Marsha Levick and Courtney Alexander explore new opportunities to challenge disparities in entry into the family regulation system using Pennsylvania's constitutional protection against race-based discrimination.

In addressing movement lawyering and the need for radical transformation of child-serving systems, Keshia Adeniyi-Dorsey, Professor Sarah Katz, April Lee, Miriam Mack, and jasmine Sankofa explore how an abolitionist lens can disrupt the false dichotomy between children's and parents' rights, allowing for bold new work toward an affirming vision of family justice. Their Essay underscores that we cannot succeed in the fight for family justice unless we root our advocacy in movements and recognize law as a tool, but not the driver. Doreen Govari examines how gender bias contributes to the problem of mass incarceration of children and emphasizes that young people's voices and insights must be central to any advocacy for change. HyeJi Kim's Essay notes that efforts to connect legal work with abolitionist goals can occur through a change in perspective for youth defenders—applying a "Trojan Mouse" strategy to shift understanding not only at the macro-level, but also in the small but vital decisions made daily by trial attorneys.

These Essays, together, offer a starting point in forging a new path for youth advocacy in the years to come.

4. JOSH ROVNER, THE SENT'G PROJECT, TOO MANY LOCKED DOORS: THE SCOPE OF YOUTH CONFINEMENT IS VASTLY UNDERSTATED 4–11 (2022), https://sentencingproject.org/app/uploads/2022/10/too-many-locked-doors.pdf [https://perma.cc/L62K-FHM5].

5. *See generally* Alan J. Dettlaff & Reiko Boyd, *Racial Disproportionality and Disparities in the Child Welfare System: Why Do They Exist, and What Can Be Done To Address Them?*, 692 ANNALS AM. ACAD. POL. & SOC. SCI. 253 (2020) (attributing racial disproportionality in child welfare to structural and institutional racism).