

Rethinking the Jurisdiction of Status Offenses

Yi-Chen Huang^{*}

Abstract

Before our present juvenile law was enacted, there was an intense debate between those who advocated for court trials for status offenders, and those who thought such cases should be referred to educational or social institutions. The policy adopted was the court approach, and, even after several revisions, the law remains basically the same today. This article argues that it is bad policy to subject status offenders to a court process, because this means treating status offenses and delinquencies as if they were on the same level, which can lead to incarceration for status offences even though they are not crimes. Far better to regard status offenders as reformable young persons, educating and rehabilitating them in the hope of their becoming useful members of society. Even if the present policy were to be upheld, there is need to establish a better process to protect the procedural rights of those accused.

Keywords: juvenile, status offense, parens patriae, rights of parents, social defense, education, welfare, process rights

^{*} Judge of Chiayi District Court.
E-mail: ptderic@hotmail.com