

Application of isolation measures to juveniles.

Statutory directives and the practice of justice

The purpose of the dissertation is to analyze the implementation of statutory directives when adjudicating isolation measures, i.e. placement in a youth educational center or in a correctional facility. These directives oblige courts to collect information about a juvenile, his family, educational, health and living situation, further including these and many other variables in the adjudication process. This in-depth knowledge of the juvenile it's undoubtedly compatible with assumption of welfare model. On the one hand, this is the duty of the court which has an effect on the compliance of the practice (or not) with the applicable law. On the other hand, making an accurate diagnosis is a requisite for a correct response to unlawful behavior, consistent with the principle of The Child Welfare and individualization. The subject of the study required to use a several different scientific methods, including: historical, theoretical, comparative, legal and statistical analysis. I also used triangulation of quantitative and qualitative research methods: analysis of juveniles case files, nationwide surveys and qualitative interviews. These methods were the basis for the preparation of a dissertation consisting of four chapters. The first of them is devoted to models of proceeding with juveniles. In the second one, I provide a description of the methodology of the conducted research, the results of which I discuss in two subsequent chapters. The third chapter concerns the collection of information about juveniles in the practice of Polish courts. The last chapter is devoted to The Child Welfare principle and individualization in the practice of Polish courts. The analyzes carried out show that courts in general, before applying isolation measures, collect appropriate material providing knowledge about juveniles, although disturbing irregularities are also visible in this regard. However, it should be noted that juveniles courts are not able to realize the statutory directives themselves. Therefore, supporting institutions, including in particular professional family probation officers and consultative teams of court expert, are necessary for the realization of these directives. Juvenile court cooperation with these institutions is recommended. The adoption of a specific model of proceeding with juveniles is associated with the need to ensure conditions in which this model will have a chance to be realized. One of them is the appropriate (quantity and quality) background of supporting institutions. However, the analyzes carried out show that the quantitative condition has not been met.