



## GENERATION JUSTICE

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# Criminals vs. Kids

1

**CRIMINALS HAVE A CONSTITUTIONAL RIGHT TO “A SPEEDY AND PUBLIC TRIAL” UNDER THE SIXTH AMENDMENT.** Criminals have a right to have their cases adjudicated, in most cases, within 150 days. The right to a speedy trial is so fundamental that in *Strunk v. United States*, the Supreme Court ruled that if a defendant’s right to a speedy trial is violated, then the indictment must be dismissed or the conviction overturned.



**SUBSTANCE-EXPOSED NEWBORNS HAVE NO RIGHT TO HAVE THEIR CASES ADJUDICATED ON A TIMELY BASIS, AND FREQUENTLY WAIT YEARS FOR A FINAL DISPOSITION.** The average child waits three years. Some spend their entire lives as wards of the state. The Rocket Docket requires the state meet deadlines so cases can be adjudicated in a predictable and timely manner. Foster care should be a temporary safe haven, not a life sentence.

2

**IN ARIZONA, IT IS NOT CONSIDERED A CRIME AGAINST THE INFANT TO USE HEROIN WHILE PREGNANT,** although heroin during pregnancy increases the risk of heart defects, cognitive impairments, autonomic dysregulation, physical disabilities, as well as a greatly increased risk of intrauterine death, according to the National Institutes of Health; the penalty for jaywalking is stiffer.



**THE ROCKET DOCKET RECOGNIZES THAT PARENTAL DRUG ABUSE CAN CAUSE LIFELONG PSYCHOLOGICAL AND PHYSICAL DISABILITIES.** Under current law, parents have the right to free court-appointed counsel and programs to become clean and sober. The reform package retains the presumption that infants should be reunified and requires that program supports begin immediately. However, if a parent has given birth to multiple substance-exposed infants, the presumption changes from reunification to the proposed severance of parental rights. Arizona would join 21 other states in this presumption. Parents retain due process rights, the right to get clean and sober, and the right to appeal.

3

**CRIMINALS HAVE THE RIGHT TO AN ATTORNEY AT ALL STAGES OF A CRIMINAL PROCEEDING.** The Supreme Court has stated that a person charged with a crime must receive counsel “to insure fundamental human rights of life and liberty” without which, “justice will not ‘still be done.’”



**SUBSTANCE-EXPOSED NEWBORNS IN ARIZONA HAVE NO RIGHT TO COUNSEL UNTIL AND UNLESS A DEPENDENCY ACTION IS FILED WITH THE COURT.** Arizona’s focus on in-home services for drug abusers does not require that a drug-exposed infant be removed from the home, thus no dependency action is filed. The Rocket Docket improves protections for substance-exposed infants by requiring court involvement for drug-exposed infants of repeat offenders, and provides the infants with the critical safeguard of legal counsel.

4

**CRIMINALS HAVE A MULTITUDE OF PARAMOUNT RIGHTS FIRMLY SECURED BY THE CONSTITUTION** during the justice process including but not limited to fair process in hearings and pertinent information about pending charges.



**FEW CHECKS AND BALANCES EXIST TO PROTECT THE INFANT’S RIGHTS OR TO ENSURE JUSTICE IS CARRIED OUT DURING A DEPENDENCY ACTION.** The Rocket Docket requires the infant’s Guardian ad Litem to backstop agency actions and to report unnecessary delays in a dependency action. The Rocket Docket requires key government actors responsible for an infant’s case, including the Court and DCS, to meet clear deadlines. It further protects the liberty interests of infants by giving citizens the right to sue and recover attorney’s fees if the government violates the law.