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When Children Are Not Children: A 10-Year Old Murder Suspect Is Charged as An Adult

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10-year-old **Tristen Kurilla** has been charged as an adult in Pennsylvania in the murder of a 90-year-old woman in his grandfather's care. According to reports, the woman yelled at the fifth-grader after he asked her a question and, in response, he reportedly held a cane to her neck and beat her with his fists. Kurilla is being held in an adult facility, separated from the other inmates.

To be sure, these are brutal allegations. But let's be clear about one thing: Even if he is charged as an adult, Kurilla is not an adult. He is a 10-year-old child.

Neuroscience and development psychology demonstrate that juveniles are developmentally different from adults. As any parent can attest, and as the research shows, adolescents are less able to make mature decisions than their adult counterparts. They are less able to self-regulate, and have greater difficulty resisting social and emotional impulses.

In addition, juveniles are much less risk-averse than adults. They engage in spur-of-the-moment behavior, without appropriate weighing of the risks and long-term consequences. They do not have the same life-experiences on which to draw, and are less able than adults to plan for the future. These abilities -- to resist and control emotional impulses, and to weigh and understand the consequences of actions -- do not develop until late in adolescence, and sometimes not until a person is in their 20s.

These developmental differences are part of the reason that the law treats children differently than adults. We have a juvenile justice system that is separate and apart from the adult criminal justice system because we recognize that juveniles are less mature. In apparent recognition of that emotional immaturity, states around the country prohibit juveniles under the age of 18 from voting, serving on a jury, drinking alcohol, gambling, buying cigarettes and even, in some places, from getting a tattoo.

Another reason for a separate juvenile justice system is because we recognize that the character of a juvenile is not fully formed. Children are malleable -- they have the potential to reform and change. Unlike the adult criminal justice system, the juvenile justice system includes rehabilitation of the offender as part of its goal. It embraces the idea that children, no matter how awful the act, are capable of change.

Treating children as adults negates that possibility.

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Yet, Pennsylvania has a tradition of treating juvenile offenders as adults. According to the [Juvenile Law Center](#), there are over 2,600 inmates throughout the country that are serving life without parole for offense they committed as juveniles. Over 450 of those inmates are from Pennsylvania, more than any other state. In other words, there are hundreds of people in Pennsylvania who will die in prison with no possibility of release -- ever -- for crimes they committed as children.

This is not to say that young people can't do terrible things, or cause irreparable harm. But they need to be shown that their actions have consequences, in a developmentally appropriate way that accounts for their youth.

Tristen Kurilla is accused of a terrible crime. But he is extraordinarily young. It would be difficult for a 10-year-old to understand the "forever-ness" of death, the harm that he caused, or the prospect of an entire life in prison. Hopefully, the court will take Kurilla's extreme youth into account when it is asked to release Kurilla on bond or to transfer his case back to juvenile court where it belongs.

But the very fact that a 10-year-old could be charged as an adult in the first place should give us great pause.

When a child is charged as an adult, the state is engaging in a legal fiction -- that commission of a criminal act somehow transforms the actor. With a swish of a legal wand, a child becomes an adult who can be punished as if he were an adult.

Except, of course, in reality. In reality, a child remains a child, no matter what the law says.

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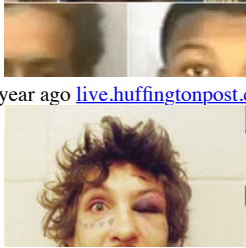
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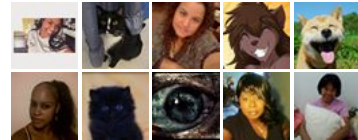
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