Juvenile Courts—In Iowa, Statutory Due Process Requires a Separate Hearing on the Question of Transfer Before a Juvenile Court May Properly Waive Jurisdiction to the Criminal Court.—*State v. Halverson* (Iowa 1971).

The sixteen-year-old defendant was originally brought before the Clayton County Juvenile Court on a petition alleging delinquency. The delinquency charge was based on the allegation that the defendant had set fire to two school buildings in Elkader, Iowa. A juvenile court hearing was held. At the outset, the juvenile judge stated that the proceeding was to be a "regular hearing on a petition charging delinquency"[1] and that the state and defendant should present all evidence relevant to the delinquency question. Before hearing any testimony, the judge inquired of the county attorney whether or not he intended to bring criminal charges against the defendant in the event that the juvenile court waived jurisdiction. The county attorney indicated that he would do so; however, no motion to transfer was made. The juvenile court heard testimony from seventeen witnesses and examined twenty-nine exhibits. Most of the evidence was related to the fires and to defendant's alleged connection with the setting of those fires. A psychiatric evaluation and the report of a social investigation were also submitted. At the close of the hearing, the juvenile court made no official finding on the delinquency question but rather waived jurisdiction in favor of the district court, where defendant's plea of former jeopardy was sustained and the indictment dismissed. The state appealed. *Held*, affirmed, three justices dissenting. While rejecting the constitutional argument of double jeopardy, the majority of the court agreed that a denial of the juvenile's statutory right to a separate transfer hearing under section 232.72 of the *Code of Iowa* is grounds for dismissal. *State v. Halverson*, 192 N.W.2d 765 (Iowa 1971).

The question settled by the court in this case is whether a separate transfer hearing is required under a 1967 amendment to the Iowa Juvenile Court Act. The court answered in the affirmative.[2] In arriving at this conclusion, the court studied section 232.72 of the Iowa Code, giving special attention to the phrase "after a hearing,"[3] and analyzed the legislative intent in drafting this provision. The court found that it was the intention of the Iowa Legislature to extend an additional procedural protection to juveniles by more clearly deliniating the stages of the juvenile judicial process. Such a deliniation protects

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1 State v. Halverson, 192 N.W.2d 765, 766 (Iowa 1971).
2 *Id.* at 769.
3 Iowa Code § 232.72 (1971) provides in part:
When a petition alleging delinquency is based on an alleged act committed after the minor's fourteenth birthday, and the court, *after a hearing*, deems it contrary to the best interest of the minor or the public to retain jurisdiction, the court may enter an order making such findings and referring the alleged violation to the appropriate prosecuting authority for proper action under the criminal law. (emphasis added)

the juvenile defendant, according to some authorities,[4] by giving effect to the notice requirements prescribed by the Supreme Court of the United States in *In re Gault*,[5] and, in Iowa by section 232.45 of the Juvenile Court Act.[6] Under the *Gault* decision, it is necessary to notify the defendant, his parents, and his attorney, in writing, of every procedural act;[7] under the Iowa statute, the child's parents must be given notice of the "purpose of the hearing."[8] In the instant case, it might be argued that the blending of the jurisdictional and adjudicatory stages at the juvenile court level would have, in effect, denied defendant both his statutory and his constitutional rights to notice. This argument, however, was not made; and the court did not discuss the issue at all. A separation of the judicial proceedings into definite stages serves another function, besides giving teeth to the notice requirement: it effectively reduces confusion on the double jeopardy issue.[9] Despite the usefulness of the separate transfer hearing in extending protection to juvenile offenders with regard to the issues of notice and jeopardy, the majority of the states leave the handling of certification, or transfer, to the discretion of the juvenile court judge.[10] The result is likely to be a less formal treatment of the transfer question than that required under the recent Iowa enactment. The formalization of the rights of juveniles in Iowa through statutes such as section 232.72, as interpreted by the court, is a predictable manifestation of the legislative attitude toward the juvenile court system in Iowa.[11] Not only does the juvenile court now have exclusive jurisdiction over juveniles under a 1965 statute,[12] which brought about a substantial

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4 GEORGE, *Gault: Notice and Fair Hearing*, in GAULT: WHAT NOW FOR THE JUVENILE COURT? 78 (V. Nordin ed. 1968).

5 387 U.S. 1 (1967).

6 IOWA CODE § 232.45 (1971).

7 *In re* Gault, 387 U.S. 1 (1967).

8 IOWA CODE § 232.45 (1971).

9 GEORGE, *supra* note 6, at 78 states:

> The second is to make effective the double jeopardy provision. This function lies in the future only, as far as Fourteenth Amendment due process is concerned, for the Court has not recently considered the degree to which double jeopardy under the Fifth Amendment is applicable to the States under the Fourteenth. Nothing in *Palko* suggests the possibility of trying adults twice if acquitted in a trial free of legal error. . . . (T)here is . . . no reason to expect that the same specific act of delinquency will ultimately be available for successive delinquency proceedings.

10 Note, *Separating the Criminal from the Delinquent: Due Process in Certification Procedure*, 40 S. CAL. L. REV. 158, 160 (1967).

11 *But see* IOWA CODE § 232.67 (1971). This section of the Juvenile Court Act was amended by the 64th General Assembly to read as follows:

> Jurisdiction obtained by the court in the case of a minor shall be retained by the court until the minor becomes nineteen years of age unless terminated prior thereto by order of court or provision of law. If a child is referred to the juvenile court because of alleged delinquency by reason of the commission of an indictable offense, the court may withhold an adjudication of delinquency, retain jurisdiction of the child, and place the child on probation until he is nineteen years of age at which time he shall be discharged. If the terms of the probation are violated before the person reaches the age of nineteen years, the court may enter an order referring the alleged commission of an indictable offense to the appropriate prosecuting authority for the proper action under the criminal law.

12 IOWA CODE § 232.64 (1971).

change in juvenile law,[13] but under *Halverson*, transfer to the criminal court may only be accomplished subsequent to a hearing held specifically for that purpose, separate from the adjudicatory hearing; and, furthermore, the defendant must be unequivocally notified of the type of hearing involved so that his evidence may go directly to the issue in point (*e.g.* transfer).

The question ignored by the court in deciding the case of *State v. Halverson*[14] is whether the constitutional protection (under the fifth and fourteenth amendments) against double jeopardy is applicable to this particular juvenile defendant. The court said that it is unnecessary to answer this question since the case can be disposed of on the basis of the statutory right which was denied.[15] A similar rationale was used by the Supreme Court of the United States in deciding the 1966 landmark juvenile case of *Kent v. United States*.[16] There the Supreme Court listened to the constitutional argument that Kent had been denied effective assistance of counsel through the juvenile court's denial of access to defendant's social files. The Court also heard a statutory argument based on the District of Columbia's Juvenile Act, which requires a full investigation as a basis for certification.[17] The Supreme Court, in its majority opinion, said that its concern that juvenile defendants not receive "the worst of both worlds" did not induce the Court to "accept the invitation to rule that Constitutional guarantees which would be applicable to adults . . . must be applied in juvenile proceedings."[18] The Juvenile Court Act, the Court said, is an adequate basis for decision.[19] They declined to go further.[20] There was considerable criticism of the Court for being so cautious,[21] and the following year the Court did accept the previously rejected "invitation" and extended certain constitutional rights to juvenile defendants in the federal court.[22] The Supreme

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[13] *E.g.*, Mallory v. Paradise, 173 N.W.2d 264 (Iowa 1969); Ashby v. Haugh, 260 Iowa 1047, 152 N.W.2d 228 (1967); State v. Stueve, 260 Iowa 1023, 150 N.W.2d 597 (1967); Ethridge v. Hildreth, 253 Iowa 855, 114 N.W.2d 311 (1962); State v. Reed, 207 Iowa 557, 218 N.W.2d 609 (1928).

[14] 192 N.W.2d 765 (Iowa 1971).

[15] *Id.* at 768.

[16] 383 U.S. 541 (1966).

[17] *Id.* at 552.

[18] *Id.* at 556.

[19] *Id.*

[20] *Id.* This approach to constitutional questions was indicated by the treatment given the case of *Ashwander v. TVA*, 297 U.S. 288 (1935).

[21] Note, *Separating the Criminal from the Delinquent: Due Process in Certification Procedure*, 40 S. CAL. L. REV. 158, 161 (1967). *But see* Justice Harlan's dissent in *Benton v. Maryland*, 395 U.S. 784 (1969), where he says the following:

> One of the bedrock rules that has governed and should continue to govern, the adjudicative processes of this Court is that the decision of constitutional questions in the disposition of cases should be avoided whenever fairly possible. Today the Court turns its back on that sound principle by refusing, for the flimsiest of reasons, to apply the "concurrent sentence doctrine" so as not to be required to decide the far-reaching question whether the Double Jeopardy Clause of the Fifth Amendment is "incorporated" into the Due Process Clause of the Fourteenth, thereby making the former applicable lock, stock, and barrel to the States. Indeed, it is quite manifest that the Court has actually been at pains to "reach out" to decide that very important constitutional issue.

[22] *In re* Gault, 387 U.S. 1 (1967).

Court of Iowa is equally cautious about extending broad constitutional privileges in the absence of specific legislative directives. An approach similar to that used in the *Kent* case[23] has been used in deciding many of the juvenile cases which have been recognized as defining juvenile rights in Iowa;[24] that is, a statutory interpretation is the ordinary basis for decision.

What is unusual about the case of *State v. Halverson*,[25] then, is not the rationale, but the ruling. Counsel for the defendant proffered a constitutional former jeopardy argument and did not even mention in his brief the possibility of disposing of the case on the basis of a statute, though several statutory bases were at least arguable—the separate hearing statute,[26] the statute requiring notice of the purpose of a hearing,[27] and the juvenile jeopardy statute.[28] The court, on the one hand, refused to listen to the jeopardy argument and, on the other hand, allowed the case to be disposed of by affirming the district court ruling—a plea of former jeopardy sustained—and the case was dismissed. The disposition of the *Halverson* case differs significantly from that of *In re Brown*,[29] a 1971 Iowa case which also involved a juvenile's right to a transfer hearing under section 232.72 of the Code.[30] There the procedural wrong was remedied by remanding the case to the juvenile court for a valid hearing on the question of transfer;[31] here, by contrast, the case was dismissed with no determination made on the matters of delinquency and arson. The obvious question, based on the court's treatment of the *Halverson* case, is whether the Iowa supreme court impliedly extended the constitutional protection against double jeopardy, while explicitly guaranteeing the statutory protection of a separate transfer hearing to juvenile defendants in Iowa.

The application of the jeopardy concept to juvenile proceedings is an unsettled issue in Iowa, as elsewhere, despite state constitutional and statutory provisions on the subject. The Iowa Constitution provides as follows: "No person shall after acquittal, be tried for the same offense."[32] So far, the applicability of this constitutional provision has been restricted to criminal proceedings where there has been an acquittal "in law and in fact."[33]

A statutory provision, which was added to the Iowa Juvenile Act in 1967 (simultaneously with the addition of the transfer-hearing statute), recognizes that a similar safeguard applies to youthful offenders under certain circumstances. Section 232.73 of the Iowa Code is worded as follows:

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[23] 383 U.S. 541 (1966).
[24] *In re* Brown, 183 N.W.2d 731 (Iowa 1971); Mallory v. Paradise, 173 N.W.2d 264 (Iowa 1969).
[25] 192 N.W.2d 765 (Iowa 1971).
[26] IOWA CODE § 232.72 (1971). This statute was, in fact, the basis for the court's decision, although defense counsel had not relied on it.
[27] IOWA CODE § 232.45 (1971).
[28] *Id.* § 232.73 (1971).
[29] 183 N.W.2d 731 (Iowa 1971).
[30] IOWA CODE § 232.72 (1971).
[31] *In re* Brown, 183 N.W.2d 731 (1971).
[32] IOWA CONST. art. I, § 12.
[33] State v. Dickson, 200 Iowa 17, 202 N.W.225 (1925).

> A child referred to juvenile court, pursuant to Section 232.64, may also be transferred to criminal court and tried as an adult by the filing of a county attorney's information or Grand Jury indictment charging the child with an indictable offense. No such county attorney's information, Grand Jury indictment, or information shall be filed or be valid to effect such a transfer after there has been an adjudication of delinquency in the juvenile court.[34]

The usefulness of this statute in the instant case is questionable because of the strict limits on the applicability of statutory jeopardy.[35] Where statutory jeopardy does not cover the juvenile proceedings being considered, the question still remains whether or not Iowa law will support the applicability of the double jeopardy protection.

It is undisputed that due process of law is to be accorded juveniles in both juvenile and criminal court proceedings in Iowa.[36] What is disputed is the question of which rights are covered by the due process principle as applied to juveniles. The Iowa supreme court has been hesitant to rule the various constitutional guarantees applicable, and generally another basis for decision is found.[37] Only one constitutional right has been ruled on and rejected with respect to its applicability in the juvenile court system, and that is the right to a jury trial.[38] The court held that due process for juveniles did *not* require the incorporation of the jury trial in juvenile proceedings.[39] To determine those constitutional rights which are properly applied to juveniles as a part of due process, the courts generally rely on the "fundamental fairness" test and the concept of "ordered liberty."[40] The case of *Palko v. Connecticut*[41] employed the fundamental fairness test to categorize double jeopardy as a due process right but held that federal double jeopardy standards are not applicable against the states.[42] The 1969 United States Supreme Court case of *Benton v. Maryland*[43] brought a major change in the law: the Court held that the double jeopardy protection under the fifth amendment *shall* be applied to the states through the fourteenth amendment. One problem remains. As Justice Harlan pointed out in his concurring opinion in *In re Winship*,[44] a 1970 Supreme

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34 Iowa Code § 232.72 (1971).

35 People v. Head, 105 Cal. App. 331, 288 P. 106 (1930). A plea of statutory jeopardy cannot be extended to cases wherein it does not clearly appear that the legislature intended the statutory bar to exist.

36 Wissenberg v. Bradley, 209 Iowa 813, 229 N.W. 205 (1929).

37 *E.g.*, State v. Halverson, 192 N.W.2d 765 (Iowa 1971); *In re* Brown, 183 N.W.2d 731 (Iowa 1971).

38 Wissenberg v. Bradley, 209 Iowa 813, 229 N.W. 205 (1929).

39 *Id.* This holding is almost unanimous throughout the states. *Contra*, Nieves v. United States, 280 F. Supp. 994 (S.D.N.Y. 1968). In the *Nieves* case, the sixteen-year-old defendant was held entitled to a jury trial. The court reasoned that a court cannot hold out the choice of asserting or waiving a constitutional right (*e.g.*, choosing either criminal or juvenile court) with harsher treatment if the right is asserted.

40 *In re* Gault, 387 U.S. 1 (1967); Hulton v. Beto, 396 F.2d 216 (5th Cir. 1968); Sawyer v. Hauck, 245 F. Supp. 55 (W.D. Tex. 1965).

41 302 U.S. 319 (1937).

42 *Id.*

43 395 U.S. 784 (1969).

44 397 U.S. 358 (1970).

Court case, there is "no automatic congruence between procedural requirements imposed by due process in a criminal case and those imposed by due process in juvenile cases."[45] It is well known that numerous specific constitutional rights were given to juveniles under the *Gault* decision.[46] This list has been extended by the *Winship* case[47] to include the requirement of proof "beyond a reasonable doubt," thus making the standard of proof necessary for an adjudication of delinquency equal to that required in a criminal case.[48] The discretionary powers of the juvenile judge have thus been limited. Whether the right to freedom from double jeopardy belongs in the list of constitutional rights that are applicable to juveniles is, as yet, a matter of controversy. Where a case falls outside the legislative intent of the juvenile double jeopardy statute, it is difficult to predict whether the Iowa supreme court would allow the juvenile a similar protection under the common law. The United States Supreme Court has not ruled on this question. A 1971 Colorado decision held the double jeopardy concept applicable to juvenile proceedings.[49] A Florida decision, also handed down in 1971, took the opposite position.[50] The Florida court reasoned that the juvenile proceeding is civil, not criminal.[51] The opinion in that case also indicated that a policy approach was involved—the argument being "fundamental fairness to the victims."[52] The court stated that fundamental fairness must be determined on a case-by-case basis.[53] The wide discretion of the juvenile court is apparent. Only in the Fifth Circuit can it be safely predicted that the double jeopardy safeguard will be applied as a bar to a second prosecution of juveniles.[54]

In deciding the applicability of double jeopardy to juvenile justice, courts disagree partly because of differing attitudes toward the juvenile court system itself. Some courts dispose of the matter merely by distinguishing a civil proceeding from one that is criminal in nature.[55] Other courts accept the idea that a child is entitled, not to freedom (as is an adult), but to custody; the corrective institution is seen as a parent-home substitute.[56] This reasoning is similar to that which traces the *parens patriae* philosophy back to the origin of the juvenile court system.[57] The argument is that adult safeguards are unnec-

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45 *Id.* at 374-75.
46 387 U.S. 1 (1967).
47 397 U.S. 358 (1970).
48 *Id.*
49 *In re* P.L.V., 490 P.2d 685 (Colo. 1971).
50 State v. R.E.F., 251 So. 2d 672 (Fla. 1971).
51 *Id.*
52 *Id.* at 680.
53 *Id.*
54 Hulton v. Beto, 396 F.2d 216 (5th Cir. 1968); Sawyer v. Hauck, 245 F. Supp. 55 (W.D. Tex. 1965).
55 Pee v. United States, 274 F.2d 556 (D.C. Cir. 1959); State v. R.E.F., 251 So. 2d 672 (Fla. 1971).
56 This concept was treated in *In re Gault*, 187 U.S. 1, 17 (1967).
57 Pee v. United States, 274 F.2d 556 (D.C. Cir. 1959). In *Pee*, it was argued that the court is a protective parent. *But see Kent v. United States*, 383 U.S. 541, 555 (1966), where the Court takes the position that *parens patriae* is no excuse for procedural arbitrariness; and A. PRATT, THE CHILD SAVERS 176 (1969), which calls *parens*

essary in a juvenile proceeding since the proceeding is not of an adversary nature; the court's interests are not in conflict with those of the child but rather are the same.[58] Other arguments for limiting the application of adult rights also exist—the value of "individualized justice,"[59] the importance of flexibility,[60] and the emphasis on rehabilitation rather than punishment, especially where the offender is more susceptible because of his age.[61] Other courts point out, of course, that the basis of double jeopardy is the risk of losing one's liberty, whether that liberty be lost to an adult penal facility or to a juvenile institution.[62] Some courts are convinced that juvenile justice is best insured through adoption of specific procedural practices (*i.e.* through a limiting of the judge's discretion).[63] The Iowa courts have been functioning under the theory that the purpose of juvenile law is to insure the child the care, custody, and discipline that would, under normal circumstances, be given by the parents.[64] This verbalization of a guiding theory, however, is not particularly helpful, since it is not apparent whether the Iowa courts tend to see "care, custody, and discipline" as better administered through a retention of the juvenile experiment with its informality and flexibility or whether, on the other hand, the court might be influenced by a conviction that justice is better protected by specific procedural regularities. What can be predicted with a degree of certainty is that the Iowa supreme court will not act in the area of juvenile law *except* as it can be assured that it is acting pursuant to legislative intent as seen in specific legislative

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patriae an *ex post facto* rationale and, by historical analysis, shows that the juvenile court was not originally conceived as a new approach to justice for children but rather as part of the nineteenth century policy of sanctioning unbecoming behavior, particularly that of "foreigners' children" and the children of the urban poor by taking children from their parents. Pratt quotes the superintendent of the New York Refuge (forerunner of reform schools), Nathaniel Hart, as saying, "We will be fathers to them if they obey the rules." Disobedience of "the rules" frequently resulted in transfer to the penitentiary or an "apprenticeship" on a whaling vessel.

[58] Mennel, *Origins of the Juvenile Court: Changing Perspectives on the Legal Rights of Juvenile Delinquents*, 18 C. & D. 68, 70 (1972).

[59] Pee v. United States, 274 F.2d 556 (D.C. Cir. 1959). *But see* Langley, *Juvenile Courts and Individualization*, 18 C. & D. 79, 81 (1972), which provides statistics to show that "individualized treatment" is a myth, in that there is no relationship between the length of the sentence actually served under an "individualized" indefinite sentence given a juvenile and the various individual facts of that particular juvenile's offense and total situation.

[60] This argument was recognized and evaluated in *United States v. Dickerson*, 168 F. Supp. 899, 902 (D.D.C. 1958), *rev'd on other grounds*, 271 F.2d 487 (D.C. Cir. 1959).

[61] *In re* Winship, 397 U.S. 358 (1970). Justice Harlan, in his concurring opinion, said that the requirement of proof beyond a reasonable doubt does not "interfere with the worthy goal of rehabilitating the juvenile."

[62] Kent v. United States, 383 U.S. 541, 553 (1966). The Supreme Court said that the juvenile court's latitude to act "assumes procedural regularity." The same view was voiced by Justice Fortas in *In re Gault*, 387 U.S. 1, 28 (1967):

> In view of this, it would be extraordinary if our Constitution did not require the procedural regularity and the exercise of care implied in the phrase "due process." Under our Constitution, the condition of being a boy does not justify a kangaroo court.

Justice Frankfurter made the same point in 1945, when he said that "(t)he history of American freedom is, in no small measure, the history of procedure." Malinshi v. New York, 324 U.S. 401, 414 (1945).

[63] Kent v. United States, 383 U.S. 541 (1966).

[64] State *ex. rel.* Bruner v. Sanders, 256 Iowa 999, 129 N.W.2d 602 (1964).

enactments. Another possible prediction is that the Iowa Legislature will continue its present trend toward assuring procedural regularity in the treatment of juvenile defendants through the definition of juvenile due process by statute. Iowa's Juvenile Court Act is quite complete when contrasted with those of most other states.[65]

There are practical, as well as theoretical, problems involved in deciding the jeopardy question. One of these is the matter of determining when the "same offense" is involved. The "same offense" has been variously interpreted as requiring the "same act of transaction"[66] or the "same evidence."[67] In Iowa, the test is the "same act and crime both in law and in fact as the first prosecution."[68] Another practical problem is whether there are, in cases like *Halverson,* two "sovereigns" involved, namely the juvenile court and the criminal court.[69]

The case of *State v. Halverson*[70] illustrates some of the problems peculiar to juvenile cases: the tendency of the legislature to draft very general guidelines, realizing the importance of informality and flexibility, rather than standards that are precisely spelled out; the confusion in the juvenile courts themselves as to what the law requires; the controversy over what the law *should* require of juvenile courts; and the reluctance of the courts to enter the controversy by extending broad constitutional rights to juveniles in the absence of legislative blessing. In the instant case, no specific finding was made as to the alleged arson. No ruling was made on the delinquency charge itself. There was, in fact, no official decision on the merits. Nevertheless, the case was dismissed. The unclear drafting of the statute—with even the supreme court justices unable to agree, as evidenced by the vote, on the meaning of the phrase "after a hearing"—the county attorney's failure to make a timely motion to transfer pursuant to his express intention; the juvenile court judge's denominating of the hearing as one on delinquency and then ruling, not on the question of delinquency, but rather on the issue of transfer; the defense counsel's decision to submit only a constitutional argument on appeal; the granting of the former jeopardy plea while refusing to hear the jeopardy argument—each of these indicates uncertainty as to what juvenile justice requires. Here the procedural confusion determined the outcome of the case.

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[65] IOWA CODE §§ 232.1-.73 (1971). Contrast, for example, juvenile legislation in Maryland, which leaves most procedural matters to court rule. Connecticut statutes, which provide general guidelines for the informal adjustment of juvenile cases, are fairly typical. Glen, *Developments in Juvenile and Family Court Law,* 16 C. & D. 198, 199-200 (1970).

[66] This test is used in New Jersey, Alabama, Georgia, Indiana, Michigan, Oklahoma, Tennessee, Texas, Vermont, and West Virginia. Note, *Double Jeopardy and the Concept of Identity of Offenses,* 7 BROOKLYN L. REV. 79, 84 (1937).

[67] This is the majority rule. Note, *Double Jeopardy and the Concept of Identity of Offenses,* 7 BROOKLYN L. REV. 79, 81 (1937).

[68] State v. Thompson, 241 Iowa 16, 39 N.W.2d 637 (1949).

[69] State v. Moore, 143 Iowa 240, 121 N.W. 1052 (1909). The two sovereigns involved here were the state government and the federal government.

[70] 192 N.W.2d 765 (Iowa 1971).

In conclusion, it might be appropriate to ask whether the dismissal of the case was merited by the procedural flaw cited by the supreme court as the basis for its ruling. Cases involving similar errors, namely *Kent*[71] and *In re Brown*,[72] were disposed of in a different manner: the denial of the statutory right to a transfer hearing was remedied by supplying the required hearing. Both cases were reversed and remanded for a reconsideration of the transfer question.[73] The problem which distinguishes the *Halverson* case is that the juvenile court did go ahead with the delinquency hearing; however, unless the Iowa supreme court understood the juvenile court hearing to have put the defendant "in jeopardy" and unless the court believed the jeopardy protection to be applicable in these circumstances under Iowa law, the ruling seems unnecessarily harsh with regard to the interest of the state. Whether or not the application of double jeopardy to juvenile proceedings can be inferred from the case of *State v. Halverson*,[74] it is at least apparent that the Iowa supreme court is not willing to permit a careless treatment of juvenile cases. Those rights which can be agreed upon will be enforced. Shoddy work will meet with stringent sanctions.

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71 Kent v. United States, 383 U.S. 541 (1966).
72 183 N.W.2d 731 (Iowa 1971).
73 Kent v. United States, 383 U.S. 541 (1966); *In re* Brown, 183 N.W.2d 731 (Iowa 1971).
74 192 N.W.2d 765 (Iowa 1971).