

Implementing Laws to Raise the Age of Juvenile Court Jurisdiction to 18: *What States & Localities Can Do to Prepare for Success*



CAMPAIGN FOR

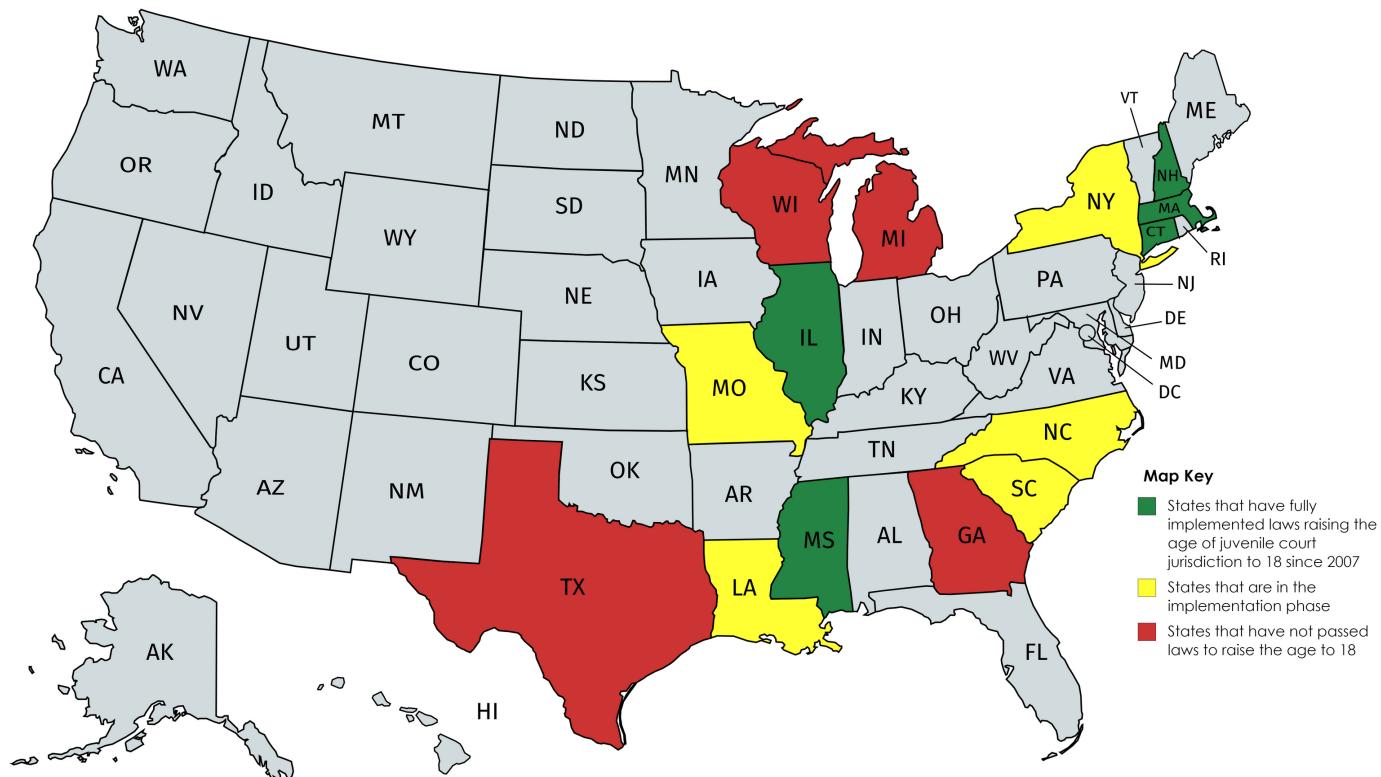


BECAUSE THE CONSEQUENCES AREN'T MINOR

The Campaign for Youth Justice (CFYJ) is a national initiative focused on the removal of youth under 18 from the adult criminal justice system. The Campaign works with youth, families, legislators and system stakeholders to create more developmentally appropriate ways to hold youth accountable for their actions, while eliminating the harms associated with exposure to adult courts, jails, and prisons.

Passing Raise the Age Legislation

In 2005, 14 states set their age of criminal responsibility below age 18 without having passed laws to raise the age in the near future. As of August 2018, there are only 4 states that have not passed legislation to raise the age to 18. Between 2016 and 2018, 5 states have passed laws and all of those states are in the process of implementing their laws with full implementation dates set between 2019 and 2021. The purpose of this brief is to provide an overview of action steps that state and local officials and advocates can take to prepare for implementing raise the age laws.



Raise the Age Legislation 2016-2018

South Carolina: Governor Nikki Haley signed [S. 916](#) on June 6, 2016 to raise the age of juvenile court jurisdiction to include 17-year-olds, except those 17-year-olds charged with Class A-D felonies. Implementation on July 1, 2019 is contingent on the Department of Juvenile Justice receiving “necessary” funding.

Louisiana: Governor John Bel Edwards signed [SB 324](#) on June 14, 2016 to raise the age of juvenile court jurisdiction to include 17-year-olds. Phase 1 of implementation will start on March 1, 2019 for 17-year-olds not charged with crimes of violence. Phase 2 of implementation will begin on July 1, 2020 for 17-year-olds charged with crimes of violence.



New York: Governor Andrew Cuomo signed budget bill [A. 3009c/ S.2009c](#) on April 10, 2017. The bill included language to raise the age of juvenile court jurisdiction to include 16 and 17-year-olds. Phase 1 of implementation begins October 1, 2018 for 16-year-olds. Phase 2 of implementation begins on October 1, 2019 for 17-year-olds. 16 and 17-year-olds charged with felonies will start in adult court, but youth charged with non-violent felonies will be transferred to family court unless the prosecutor shows extraordinary circumstances for why the case should remain in adult court. Youth with violent felonies can be transferred down to juvenile court unless their charge includes displaying a deadly weapon during an offense, significant physical injury or engaging in unlawful sexual conduct.

North Carolina: Budget Bill [S. 257](#) was vetoed by Governor Roy Cooper on June 27, 2017, but the veto was overridden by the North Carolina Legislature on June 28th. The budget bill included language to raise the age of juvenile court jurisdiction to include 16 and 17-year-old youth. Starting December 1, 2019, 16 and 17-year-olds will all start in juvenile court. Youth charged with Class A-G felonies will be transferred to adult court after notice of the hearing, verification of the age of the youth, and a juvenile court judge finding probable cause that the youth committed the offense charged or upon direct indictment by a prosecutor.

To show his support for raise the age, Governor Roy Cooper signed a [proclamation](#) in honor of the passage of the policy.

Missouri: On June 1, 2018, Governor Eric Greitens, on his last day in office, signed [S. 793](#) to raise the age of juvenile court jurisdiction to include 17-year-olds. Starting January 2021, all 17-year-olds will start in juvenile court and only the juvenile court judge may transfer youth to adult court.

“In the long run [raise the age] saves taxpayers dollars, because now we have income-producing citizens out there because they received therapy and rehabilitation in the juvenile court.”

**Senator Wayne Wallingford,
Sponsor of SB 793 in Missouri**

Raising the Age Beyond 18

The legislatures in Connecticut, Massachusetts, Illinois and Vermont have all introduced bills to raise the age of juvenile court jurisdiction beyond age 18. Bill sponsors in those states argue that the growing consensus around the brain continuing to develop and mature into the early twenties requires a different response to emerging adults that is more similar to how we treat youth rather than how we treat adults. In 2018, Vermont became the first state in the country to pass legislation, [S. 234](#), that would raise the age to include youth under 19 by 2020, with full implementation and the inclusion of youth under 20 by 2022. Before implementation of the law, stakeholders must submit a report on the necessary funding, timeline, benchmarks, and plan for expanding jurisdiction. Following this initial report, the stakeholders will submit annual status update reports.



Recommendations for Implementing Raise the Age Laws

Gather a Diverse Consensus of Support

Convene a transparent statewide task force or committee of stakeholders to identify additional policy changes or legislative changes, if necessary, to ease implementation.

Step 1: First, determine whether your state has an appointed task force or committee focused on implementation. If there are individuals who have not been appointed, but have a critical perspective to offer to the group, extend an invitation for them to participate. Strongly consider inviting directly impacted youth, parents, or community representatives to the conversation. Also, identify localities within your state that are already taking innovative approaches to reducing arrests, referrals, or detention of youth.

Step 2: Convene stakeholders to discuss what policies or legislative changes could help smooth implementation, based on particular pressure points. For example, if your detention centers are at capacity already, review your state or local detention assessment instruments, look at whether there are status offenders or youth with low-level offenses currently being detained in certain jurisdictions.



Step 3: Localities should consider having pre-existing multi-agency groups or meetings take on Raise the Age implementation locally.

- Analyze local data on youth currently impacted by the lower age of juvenile court jurisdiction.
 - Consider partnering with local universities to provide ongoing assistance on data and research analysis if system stakeholders do not have capacity.
 - Expand diversion opportunities for 16 and/or 17-year-olds who would otherwise be treated as adults.
 - Consider adopting a validated structured decision making model to ensure that all youth, regardless of race, ethnicity, gender or sexual orientation, or disability are eligible for diversion opportunities.
- ***State and Local Examples:***
- [Florida's Juvenile Civil Citation Program](#)
- [Delaware Juvenile Civil Citation Program](#)
- [Impact Justice - Restorative Community Conferencing in Alameda County](#)
- ***Resources:***
- Annie E. Casey Foundation's [2014 Juvenile Detention Alternative Initiative Progress Report: Impact of Juvenile Detention Reform](#)
- Center for Juvenile Justice Reform- [Juvenile Justice System Improvement: Implementing an Evidence-Based Decision-Making Platform](#)
- Justice Policy Institute - [Smart, Safe, and Fair: Strategies to Prevent Youth Violence, Heal Victims of Crime, and Reduce Racial Disparities](#)

Data, Data, Data!

Analyze the data you have and take note of the data you need on the arrest, conviction, probation and incarceration trends of 16 and/or 17-year-olds in your system.

Step 1: Determine how many 16 or 17-year-olds are currently going through adult court.

Partner with your Court Administration and Department of Corrections to identify data.

Here are some specific questions you might ask:

- How many cases involved 16 and/or 17-year-olds over the last 5 years?
- How many/ what percentage of the cases were serious or violent compared to low-level and non-violent offenses?
- How many cases resulted in a conviction?
- How many youth were ordered to serve time on probation and how many youth served time with the Department of Corrections?
- What offenses resulted in probation versus incarceration?
- If the data is available, request that it is disaggregated by locality, race, gender, and offense.
- Where possible, also collect the source of the referral to court (e.g. school resource officer, law enforcement, probation).

Step 2: Ask the State Sheriffs' Association, State Law Enforcement Agency, or County/City Associations to partner on a survey of their members for information on youth under 18 in adult jails.

- If data is not currently collected at the state level on youth in local jails, consider partnering with the State Sheriffs' Association or another law enforcement agency to survey members on the number of youth under 18 in adult jail, preferably by age if possible.

- If possible collect data on the type of offense that resulted in the youth being in adult jail, their race and gender, and the length of time they were held in adult jail.
- If there is data available on how many youth tried as adults ended up in jail, calculate the percentage that ended up in jail versus a home or community-based option.

Step 3: Publish data annually on youth tried and incarcerated in the adult system, so that trends are transparent; and system stakeholders are able to be responsive.

- Consider entering into an MOU or drafting legislation to require that data is collected, disaggregated, and published annually. This will allow you to track outcomes for the 16 and/or 17-year-olds entering the juvenile justice system and make appropriate, data driven, legislative changes moving forward.
- ***State Examples:***

[2016 Raise the Age Report in Massachusetts](#)

[Raise the Age: Connecticut's Experience & Outcomes](#)

Practice Makes Perfect

Provide regional trainings to system stakeholders and the community on the change in the law.

Step 1: The training should specifically detail what the law will do, when the law will be implemented, and what stakeholders should be considering for implementation. The training should include fact sheets, powerpoints, training modules, or other easily accessible materials. Training materials should include key timelines, community and system resources, contact information, and frequently asked questions.

Step 2: Train stakeholders on adolescent development and effective practices for working with youth. Law enforcement officers, judges, prosecutors, defense attorneys, and probation staff are key stakeholders for this training.

- **Resources:**

[Strategies for Youth: Model Guidelines for Police Departments on the Treatment and Custody of Youth](#)
[Fight Crime Invest In Kids Training Institute](#)
[International Association of Chiefs of Police- Police- Youth Engagement Report](#)

- **State Examples:**

[Raise the Age: A New Era of Juvenile Justice in North Carolina- NC Bar Association Continuing Legal Education Course](#)

Step 3: Make this information public. Post on a public website with clear dates on implementation; frequent questions and answers, and community resources for additional questions.

- **State Examples:**

[Connecticut Juvenile Justice Policy & Oversight Committee](#)
[North Carolina Juvenile Jurisdiction Advisory Committee](#)
[Illinois Juvenile Justice Commission Raise the Age](#)
[New York Raise the Age Fact Sheet](#)

Start at School

Develop school justice partnerships to reduce the referral of 16 and/or 17-year-olds who would be charged as adults for low-level offenses.

Step 1: Partner with the State Parent Teacher Association, School Board Association, and other educational associations to educate their membership on the change in the law and the importance of considering alternatives to school-based referrals for 16 and 17-year-olds who will still be charged as adults until full implementation of the law.

Step 2: Limit or prevent court-based referrals from school resource officers.

Review school discipline policies and make recommendations to the local school board regarding ways to reduce out of school suspensions and court referrals. Review or create Memorandums of Understanding (MOUs) between schools and law enforcement with the goal of ensuring that school disciplinary matters are not referred to law enforcement. A law enforcement referral should be a last resort.

- **Resources:**

- [Developing a Memorandum of Understanding for School Justice Partnership](#)
- [School Justice Partnership National Resource Center](#)

Think Outside of the “Secure Confinement” Box: Expand Community-Based Alternatives to Incarceration for Youth

Step 1: Utilize existing or new federal and state funding to develop more community-based alternatives to incarceration for youth that addresses needs and builds on youth strengths. Incarcerating youth is a costly and less effective intervention than the

provision of community-based therapeutic services, which is why stakeholders should think “outside the secure confinement” box. A vast majority of youth can be safely served in their homes or communities, so raise the age implementation conversations should not focus solely on secure confinement beds. Developing a continuum of services from restorative justice for diversion, to credible messengers, short-term crisis housing and family-based behavioral health interventions such as Multisystemic Therapy or Functional Family Therapy could relieve the need to expand costly secure confinement facilities.

- ***Resources:***

Fair & Just Prosecution- Promising Practices in Prosecutor-Led Diversion

Youth Advocate Programs, Inc. Safely Home Report

Models for Change - Juvenile Diversion Guidebook

Blueprints for Healthy Youth Development

Legislative Change

There are certain legislative and policy changes that can promote the smooth implementation raise the age. Here are a couple of legislative options.

Option 1: Ban the detention of status offenders in order to reduce the detention population.

- ***State Examples:***

In 2008, Alabama prohibited the secure custody of status offenders and very young children in the [Juvenile Justice Act of 2008](#).

In 2010, the Nebraska legislature passed [LB 800](#) which prohibited the placement of status offenders in juvenile detention facilities even for the violation of a valid court order. The legislation went into effect on January 1, 2013.

- ***Resources:***

[Coalition for Juvenile Justice's National Standards for Youth Charged with Status Offenses \(2013\)](#)

[Office of Juvenile Justice & Delinquency Prevention- Status Offender Literature Review \(2015\)](#)

Option 2: Limit the types of offenses that can result in commitment of youth to the juvenile justice agency. Specifically consider ending the commitment of youth charged with status offenses and misdemeanors. Consider the use of a validated, structured decision making tool for commitments.

- ***State Examples:***

In 2007, [SB 103](#) in Texas prohibited juvenile courts from committing youth with misdemeanor offenses to their juvenile justice department.

In 2013, the Georgia Legislature passed a juvenile justice reform bill [H. 242](#) which ended the commitment of status offenders and only allowed for the commitment of youth with misdemeanor offenses if they had a prior felony offense.

- ***Resources:***

[Raise the Age: Shifting to a Safer & More Effective Juvenile Justice System \(2017\)](#)

Option 3: Reduce the length of stay for youth indeterminately committed to long-term, secure facilities. This is often a policy change that juvenile justice agencies can implement without legislative changes. In addition, ensure that length of stay isn't increasing as older youth matriculate in the system.

- ***State Example:*** In 2015, the Virginia Board of Juvenile Justice voted to reduce their length of stay guidelines from 36 months to 15 months with some exceptions related to the length of treatment. The Department of Juvenile Justice cited the basis for the change being that youth held in their facilities for longer periods of time had higher recidivism rates.

- **Resources:**

[Ten Strategies to Reduce Juvenile Length of Stay \(2015\)](#)

[Re-examining Juvenile Incarceration](#)

Option 4: If the committed or detained youth population is down consider asking the Governor to include a reinvestment provision in his or her budget so that money from the closure of units or entire juvenile facilities may be re-invested in building out a continuum of services for youth.

- **Resources:**

[The Urban Institute- Implementing Evidence Based Juvenile Justice Reform: Demonstration Sites of OJJDP's Juvenile Justice Reform and Reinvestment Initiative](#)

[National Council on Crime and Delinquency- Using Bills and Budgets to Further Reduce Youth Incarceration](#)

Option 5: Raise the “floor” of youth eligible to enter the juvenile justice system. In some states, children as young as 8 or 10 are referred to juvenile court. These children are better served under the child welfare agency in their state. Stakeholders should consider setting a minimum age at which a youth may enter the juvenile justice system.

- **State Examples:**

In 2018, the Massachusetts legislature passed and the Governor signed [S.2371 / H. 4012](#) which among other things, raised the minimum age of juvenile delinquency from 7 to 12.

Option 6: Require data collection on youth being transferred to adult court. Monitor this data to make sure that youth aren’t being certified as adults as an unintended response to raising the age of jurisdiction.

- **State Examples:**

In 2014, the Nebraska Legislature passed [LB 464](#) to track and publish annually data on juveniles prosecuted in adult court.

In 2018, the Indiana Legislature passed [HB 1228](#) to track specific data on youth transferred and sentenced to adult court.

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