



# Support or Court:

## How States Respond to Youth Who Commit Status Offenses and Children Who Break the Law

When faced with children and youth who commit status or delinquent offenses, states have a choice to make: will they address those behaviors within the juvenile justice system or through mental health, youth development, education, and other types of systems and services? This choice has become more important as youth increasingly struggle with mental health,<sup>1</sup> school attendance,<sup>2</sup> and community violence issues,<sup>3</sup> and states must determine what systems and types of interventions can most effectively address youth's needs while protecting public safety.

Both as a matter of best practice and to use their resources wisely, research and experience suggest that states should reserve the justice system for the most serious offenses and for people who have the developmental capacity to fully understand the crimes they have committed.

This brief describes how states currently treat two categories of young people: youth who commit status offenses—behaviors that are not categorized as crimes—and young children who do not have the developmental capacity to fully understand the crimes they are committing. Through a 50-state scan of policy and practice, we detail how states respond to these situations, assess whether their responses reflect research and best practice, and offer suggestions that can better deploy resources and improve public safety and youth outcomes.

## Methodology

In 2023, The Council of State Governments (CSG) Justice Center embarked on a national landscape analysis of how states address youth who commit status offenses—noncriminal behaviors such as truancy, running away, and curfew violations—and younger children who break the law. We focused on these two populations because research and developmental science suggest that jurisdictions can best improve outcomes for these young people outside of the juvenile justice system.<sup>4</sup>

In 2019, there were 76,800 petitions filed for noncriminal behaviors such as truancy, running away from home, and curfew violations. During the same year, nearly 50,000 youth under age 12 were arrested, almost two-thirds of whom were arrested for non-person offenses. Diverting low-risk youth who commit status offenses and low-risk younger youth away from system involvement will allow state and local juvenile justice systems to prioritize limited resources for youth who commit more violent offenses and pose a public safety risk.

To conduct the scan, we reviewed state laws and policies; spoke to system leaders in all 50 states; and engaged in conversations with practitioners, researchers, and policy experts across youth-serving systems. The results of this scan follow. This brief is complemented by two more detailed “By the Numbers” documents, which provide data findings from the policy scan, and a “Checklist of Guiding Principles and State Models” that states can use to strengthen their approaches.

## 50-State Analysis Key Findings

Our nationwide analysis reveals three key findings on current state approaches for youth who commit status offenses and younger children who break the law:

### **1. Most states use some form of police contact, court involvement, and supervision as a response to addressing these youth’s needs.**

Many states, both legally and in practice, treat youth who commit status offenses and younger kids who break the law differently from other youth justice populations. Some states have established separate legal designations—such as children in need of supervision or services—or pathways to services for youth outside the formal juvenile justice system. And some states have passed laws that create a minimum age at which a child is subject to juvenile court jurisdiction.

However, while many states have reformed their approaches, most continue to use police custody, courts, and out-of-home placement as primary mechanisms to address youth’s needs. This is true even though research consistently shows that court involvement for low-risk youth does more harm than good, including increasing the likelihood of future delinquency, trauma and mental health issues, and dropping out of school.<sup>5</sup>

#### **Youth who commit status offenses**

- In approximately half of states, youth who commit status offenses are legally treated the same as youth who commit a delinquent offense (acts committed by minors that would be considered crimes if committed by adults).

- Regardless of legal distinctions, approximately two-thirds of states allow youth who commit status offenses to be held in police custody and over 70 percent allow some form of court involvement and supervision.
- Approximately 40 percent of states allow youth whose most serious offense is a status offense to be incarcerated in a secure facility after disposition.
- More than 80 percent of states authorize parents to be sanctioned in court if their child commits a status offense or disobeys a related court order. These sanctions include fines, fees, court-ordered participation in programs and services, and possible detainment.

### **Children who break the law**

- Approximately 50 percent of states do not have a minimum age of court jurisdiction. In these states, children as young as 7 or 8 can be arrested and referred to court for any delinquent or status offense.
- Fewer than 15 of the states that do not have a minimum age of court jurisdiction do have a minimum age for placing youth in a secure facility.
- Almost no states have a minimum age for placing children in nonsecure facilities, though they are often placed hundreds of miles from their families.

## **2. State policy and practice treat youth who commit status offenses and younger children who break the law in diverse and sometimes confusing ways.**

States treat youth who commit status offenses in a piecemeal way that can be confusing for system actors, let alone youth and families trying to navigate systems and obtain services before worrisome adolescent behaviors escalate into more serious concerns. Within the same state, responses often involve many different types of court systems—municipal, lower judiciary, dependency, and delinquency—for different types of behaviors:

- Alcohol and tobacco offenses are frequently handled with a fine or citation, whereas runaways can be taken into custody and detained for their own “self-protection.”
- Responses to truancy can vary significantly and are often decentralized, with some school districts implementing multiple interventions before a court referral, while others have no requirements before making a truancy referral to the local prosecutor.
- In some communities, parents can directly request a court petition for youth who are generally “incorrigible,” while in other parts of the same state, local officials do not acknowledge such a category of status offenses or allow for a legal response.

In many states, youth who commit status offenses cannot initially be detained or placed in secure facilities. But there may still be pathways into detention for these young people. For example, if these youth become court involved, they can end up incarcerated for those same noncriminal behaviors if they violate a court order. Additionally, some states have policies stipulating that youth cannot be detained or placed in secure care for a status offense, but the same limitations do not apply for nonsecure facilities.

Policies on responses to younger children who break the law are equally varied. States have a range of minimum ages of court jurisdiction, anywhere from 8 to 13 years old—if they have a minimum age at all—while developmental science suggests most youth 12 and under do not have the mental maturity to understand legal processes.<sup>6</sup> At the same time, only a handful of states have juvenile competency laws to assess whether children referred to court understand the crime they have committed and the legal process, regardless of age. Few states have dedicated funding or services for community-based remediation if youth lack competency.

More generally, for states that have a minimum age, there is usually no clear process in statute to address the needs of younger kids who break the law. They can be referred to the child welfare system, they can be served by the youth justice system in an informal way, the process can be completely left up to local jurisdictions, or nothing happens for them or their families. When there is some formal response, or when a younger youth commits a more serious offense, few states provide services that are tailored to the developmental maturity of pre-teens and children, which is quite different from older adolescents.

### **3. Regardless of approach, few states have dedicated structures and funding for these youth (and their families) to obtain needed services.**

Perhaps most importantly, we found that—regardless of states’ legal structure or approach—most states do not have established comprehensive policies, funding streams, and service structures to improve outcomes for these children and youth and to strengthen public safety accordingly. The focus of reforms has typically been on what system should oversee these young people, which is important, and has not included strategies to best address the root causes of youth behavior, which is also necessary to effectively prevent future court involvement and promote public safety.

Key gaps in most states’ service approaches can be addressed by the following:

- Dedicated funding to implement and/or scale community-based services that are easily accessible to youth and families statewide, including interventions such as mobile crisis, mental health and substance use treatment, family strengthening programs, and respite and shelter
- Plans to strengthen and scale staff, provider, and community capacity to offer these services

- Policies that ensure youth and families have access to needed services without requiring an arrest or court involvement, such as through assessment centers and family resource centers
- Services and case management processes that are developmentally appropriate, individualized, and youth and family centered and that consider the complex and varying reasons youth commit status offenses or that children break the law, rather than treating them as monolithic groups
- Recognition that the root causes of youth's behavior are not just individual, but structural, and adoption of cohesive strategies to address adolescent mental health and trauma, school climate and culture, community violence, barriers to service access such as transportation, and the disproportionate involvement of youth of color in the juvenile justice system

## Call to Action

We encourage states to commit to two key goals to improve outcomes for youth who commit status offenses and younger children who break the law, as well as the broader population of youth in need of services:

- 1. Refocus and prioritize the youth justice system, and courts more generally, on youth who commit serious and/or violent offenses to ensure that limited resources are concentrated on what research shows works for this higher-risk population.**
- 2. Develop a comprehensive, coordinated, and cross-system statewide plan that addresses the systemic reasons for risky youth behavior and ensures that the most vulnerable youth and their families have free access to the services and supports they need to transition to a safe and healthy adulthood.**

Our listening sessions affirm that accomplishing these goals will not be easy. In most states, there is no readymade statewide structure or agency to take responsibility for service delivery. Child welfare systems are overwhelmed and are often viewed unfavorably by families in need of services. Schools are struggling to keep students in class and retain teachers, let alone ramp up their support systems. And there is no formal youth development or adolescent behavioral health agency or system in most states.

More money alone will not address these issues. This effort will require leadership from governors, state agencies, legislators, county executives, and mayors to formally bring youth-family service systems together—child welfare, juvenile justice, behavioral health, education, and others—alongside community organizations to break down silos and start building a more collaborative and unified vision to answer fundamental questions:

- What infrastructure needs to exist and who will oversee this vision?
- Where are there service gaps, and are services developmentally appropriate and research-based?
- How can funding be more targeted, coordinated, and effectively allocated?

## State Models

States looking to start this work have models to follow. A number of states are developing systemic approaches to providing youth and families with services without court involvement.

- ✓ **Florida** invests approximately \$40 million annually in services for Families and Children in Need of Services. These services are overseen by a managed network of community providers that enable youth and families to access free community-based counseling and respite and shelter care. In 2023, services were provided to almost 8,000 youth and families. Results from a return-on-investment evaluation of investments made to the Florida Network of Youth and Family Services from January 1, 2022, through June 14, 2023, demonstrated \$9.19 saved for each dollar invested in youth services.<sup>7</sup>
- ✓ In **Connecticut**, youth who commit status offenses and youth under the age of 10 can never be referred to the juvenile justice or any other court system. Instead, these young people are referred to a statewide system of local Youth Service Bureaus (YSB) to receive assessment and services, with the state providing grant funding, support, and quality assurance. Youth successfully completed YSB services at rates of 81.5 percent in FY 2020 and 72.8 percent in FY 2021.<sup>8</sup>
- ✓ **Utah** has established a statewide “early intervention” approach to serving youth who commit status offenses and youth and families in need of services more generally. It is overseen by the Department of Juvenile Justice and Youth Services but sits outside the juvenile justice system. The department allocates approximately 100 full-time staff and \$15 million a year to providing early intervention services to over 4,000 youth and families annually. The rate of court referrals for youth declined from just under 6 per 100 youth in 2015 to 2.85 per 100 youth in 2022.<sup>9</sup> There has been a 19 percent increase in early intervention services, especially in rural communities between FY 2017 and FY 2020.<sup>10</sup>

These states can serve as examples for other states that want to move in a similar direction. Through public leadership, greater service investments, more cross-system collaboration, and a deliberate effort to tackle the underlying root causes of increasingly complex and concerning challenges for our nation’s young people, we can improve outcomes.



# Endnotes

1. “Perceived Racism and Demographic, Mental Health, and Behavioral Characteristics Among High School Students During the COVID-19 Pandemic—Adolescent Behaviors and Experiences Survey, United States, January–June 2021,” Centers for Disease Control and Prevention, accessed March 25, 2024, [https://www.cdc.gov/mmwr/volumes/71/su/su7103a4.htm?s\\_cid=su7103a4\\_w](https://www.cdc.gov/mmwr/volumes/71/su/su7103a4.htm?s_cid=su7103a4_w).
2. American Enterprise Institute, “Return 2 Learn Tracker,” accessed June 3, 2024, <https://www.returntolearntogether.net/>.
3. Kaiser Family Foundation, “The Impact of Gun Violence on Children and Adolescents” (San Francisco, CA: 2024), <https://www.kff.org/mental-health/issue-brief/the-impact-of-gun-violence-on-children-and-adolescents/>.
4. Richard J. Bonnie et al., eds., *Reforming Juvenile Justice: A Developmental Approach* (Washington, DC: National Academies Press, 2013).
5. Anthony Petrosino, Carolyn Turpin-Petrosino, and Sarah Guckenburg, “Formal System Processing of Juveniles: Effects on Delinquency,” *Campbell Systematic Reviews* 6, no. 1 (2010) 1–88, <https://doi.org/10.4073/csr.2010.1>.
6. Richard J. Bonnie et al., eds., *Reforming Juvenile Justice: A Developmental Approach* (Washington DC: National Academies Press, 2013).
7. Michael Baglivio, Kevin Wolff, and Katherine Jackowski, *An Ounce of Prevention: Return on Investment (ROI) Cost Savings Evaluation of Florida Network of Youth and Family Services* (Analytic Initiatives, 2024), [https://floridanetwork.org/wp-content/uploads/2024/02/Florida-Network-ROI-Evaluation\\_AI\\_2.5.24.pdf](https://floridanetwork.org/wp-content/uploads/2024/02/Florida-Network-ROI-Evaluation_AI_2.5.24.pdf).
8. The Charter Oak Group, LLC, *Positive Youth Development Diversion from the Justice System, And other Youth Development Services* for Connecticut Department of Children and Families, 2021, <https://www.business.ct.gov/dcf/youth-service-bureaus/youth-service-bureau>.
9. Utah’s Juvenile Justice System FY 22 Summary, <https://justice.utah.gov/wp-content/uploads/JJ-System-FY-22-Summary.pdf>.
10. Utah Department of Human Services / Utah Department of Juvenile Justice Services, “Utah’s Pivot in Juvenile Justice,” <https://jjys.utah.gov/wp-content/uploads/JJS-Pivot.pdf>.

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