

JUVENILE STATUS OFFENSES

FACT SHEET

What is a juvenile status offense?

A status offender is a juvenile charged with or adjudicated for conduct that would not, under the law of the jurisdiction in which the offense was committed, be a crime if committed by an adult.ⁱ

What types of activities constitute juvenile status offenses?

The most common examples of status offenses are chronic or persistent truancy, running away, being ungovernable or incorrigible, violating curfew laws, or possessing alcohol or tobacco.

What are the causes of juvenile status offense behaviors?

There are numerous possible causes of status offense behaviors. These noncriminal behaviors are often caused by poor family functioning or dynamics, school problems, youth characteristics or community problems. For example, research indicates that risk factors for potential truancy include domestic violence, academic problems, substance abuse, lack of parental involvement in education, and chronic health problems.ⁱⁱ Research also indicates that many youth who run away were physically or sexually abused at home in the year prior to their runaway episode. Family dysfunction and drug use in the company of the child are also endangerment factors for youth who run away.ⁱⁱⁱ

How many youth are arrested because of juvenile status offenses?

In 2004, over 400,000 youth were arrested or held in limited custody by police because of a status offense. This number represented approximately 18 percent of all juvenile arrests that year.^{iv}

How many youth are petitioned to court because of status offenses?

The most recent national estimates regarding all status offense court petitions were collected in the mid-1990s. In 1996, approximately 162,000 status offense cases were formally judicially processed. From 1985 to 2004, the total number of court petitioned juvenile status offense cases doubled.^v

How many youth are placed in a juvenile justice facility because of a status offense?

The latest Census of Juveniles in Residential Placement indicates that on any given day in 2003, approximately 4,800 status offenders were in the custody of a juvenile justice facility, accounting for five percent of juveniles in residential placement. When including juvenile offenders in residential placement due to a technical violation (typically a violation of a valid court order), the number increases to nearly 19,000 (or 20 percent of youth in custody).^{vi}

Is there a link between status offense behavior and later delinquency or criminal behavior?

Many state and county status offense systems lack programs, services, or resources to help youth and their families in critical need of assistance. Judges sometimes have few options but to take a child out of the home even when he or she poses no threat to public safety and may be in need of treatment or services. This often leads to more negative outcomes including victimization, increased family tension, reduced involvement in school, and an increased likelihood of becoming more deeply involved in the juvenile justice and criminal justice system.

In fact, research has clearly linked status offense behavior to later delinquency. For example, truancy accounts for the majority of status offense cases that come to the attention of juvenile courts and continues to be a major problem that negatively influences the future of our youth. Truancy has been clearly identified as one of the strongest early warning signs that youth are headed for potential delinquency or educational failure. A 20 year longitudinal study found that truant youth were eight times as likely to become delinquent as non-truant youth.^{vii}

Do all states classify these activities as offenses?

The majority of states do have a legislative category for status offenders, often referred to as children or juveniles in need of supervision, services, or care. However, a minority of state laws designate some or all status offenders as dependent or neglected children. For example, several states define a runaway youth as one who has been neglected.

There are also significant variations in how states approach status offense cases, despite a commonly expressed state goal – to preserve families, ensure the safety of the public, and prevent youth from entering the delinquency or criminal system. Some state legislatures have increased the upper age by which youth may be brought into the status offense system, others have increased the use of residential placements for alleged status offenders, while several states have restricted access to a more formal court process by emphasizing the provision of community-based and in-home services for families and youth prior to any court involvement.

What is the range of penalties that states apply to youth who are adjudicated as status offenders?

Each state is different in the penalties a court may impose on a juvenile who has been found to be a status offender. Many states allow courts to impose sanctions on the youth such as suspending his or her driver's license or requiring he or she pay a monetary restitution. Most states allow courts to place youth out of their home in relative or substitute care (which may include foster or group home settings) and most allow for the provision of services to youth. A majority of states also allow courts to place youth in a secure or locked facility, if he or she violates a valid court order. Finally, some states allow courts to order parents to comply with certain services, such as counseling or parenting, which may help alleviate the causes of the youth's behaviors.

Are there particular strategies that states and communities can take to implement effective alternatives to detention for status offenders?

Many states and communities have identified effective alternatives to detention for status offenders. Existing resources, such as the Annie E. Casey Foundation's Juvenile Detention Alternatives Initiative (JDAI) have provided states and communities with tools to reduce reliance on secure confinement and provide appropriate detention alternatives for status offenders. JDAI promotes changes to policies, practices, and programs that reduce reliance on secure confinement, improve public safety, save taxpayers dollars, and stimulate overall juvenile justice reforms. Since its inception in 1992, JDAI has demonstrated that jurisdictions can safely reduce reliance on secure detention. There are now approximately 75 JDAI sites in 19 states and the District of Columbia.

Through research, data analysis, facilitated strategic planning, and demonstration projects, the Vera Institute of Justice's Center on Youth Justice strives to enhance rational decision-making in status offense processes and support system reforms that deinstitutionalize court-involved youth. In 2002, New York State contracted with Vera to help the State and its counties improve systems and services for status offenders and their families. Vera provided technical assistance and strategic planning support to 23 New York counties. As a result several counties took steps to refine their intake processes to incorporate more immediate crisis intervention, develop programmatic alternatives to non-secure detention and foster care placement, and provide more supportive services to status offenders and their families in lieu of court intervention. Momentum generated from these local reforms prompted the state to pass amendments to New York's Family Court Act in 2005 that enhance diversion requirements for status offenders and narrow the circumstances under which status offenders may lawfully be detained.

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ⁱ 28 C.F.R. § 31.304(h) (West 2006).

ⁱⁱ *What is Truancy?* Denver, CO: National Center for School Engagement.
<<http://ojjdp.ncjrs.org/truancy/pdf/FactsonTruancy.pdf>>.

ⁱⁱⁱ Hammer, Heather, David Finkelhor, and Andrea J. Sedlak. *NISMART: National Incidence Studies of Missing, Abducted, Runaway and Thrownaway Children, Runaway/Thrownaway Children: National Estimates and Characteristics*. Washington, DC: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, 2002.
<<http://www.ncjrs.gov/pdffiles1/ojjdp/196469.pdf>>.

^{iv} *OJJDP Statistical Briefing Book*. Washington, DC: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, 2006.
<<http://ojjdp.ncjrs.gov/ojstatbb/crime/qa05101.asp?qaDate=2004>>.

^v Puzzanchera, Charles. *Trends in Justice System's Responses to Status Offending: OJJDP Briefing Paper*. Pittsburg, PA: National Center on Juvenile Justice, 2007. (prepared for the U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention).

^{vi} National Center for Juvenile Justice. *Census of Juveniles in Residential Placement Databook*. Washington, DC: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, 2005.

^{vii} Henry, K. and Huizinga, D. "Effect of Truancy on Onset of Drug Use and Delinquency." Presented at Annual Meeting of American Society of Criminology, November, 2005.