



A CAMPAIGN OF THE JUVENILE JUSTICE & DELINQUENCY PREVENTION COALITION

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STATUS OFFENSES AND THE JJDP FACT SHEET

What is a status offense?

Status offenses are behaviors that would not, under the law of the jurisdiction in which the act was committed, be a crime if committed by an adult.ⁱ

What types of activities constitute status offenses?

The most common examples of status offenses are chronic truancy (skipping school), running away from home, violating curfew laws, possessing alcohol or tobacco, or failing to comply with a parent or guardian's reasonable commands.

Do all states classify these activities as offenses?

Laws related to status offenses vary by state. Some states, for example, do not consider alcohol and tobacco possession a status offense. Other states, meanwhile, do not include curfew violations in their status offense laws.

States also have varying names for status offenses. In many states these cases are referred to as Child in Need of Supervision or Child in Need of Care. Other states use a range of terms including "dependent", "delinquent", and "wayward" in discussing these behaviors.ⁱⁱ

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. These approaches include:

- Increasing the upper age by which youth may be brought into the status offense system;
- Increasing the use of residential placements for children who allegedly engaged in status offense behaviors;
- Restricting access to a more formal court process by emphasizing community-based and in-home services for families and youth prior to any court involvement.

What are the causes of status offense behaviors?

Frequently, status offense behaviors are the first indication of other significant underlying problems. These behaviors may be caused by:

- Poor family functioning or dynamics;
- School problems;
- Underlying addiction;
- Unmet mental health needs; 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.ⁱⁱⁱ

Research also indicates that many youth who run away were physically or sexually abused at home in the year prior to their runaway episode.^{iv} Family dysfunction and drug use in the company of the child are also endangerment factors for youth who run away.^v

How frequently are children arrested, incarcerated, or petitioned to the courts as a result of engaging in status offense behaviors?

In 2009, 93,400 young people were arrested for running away.^{vi} In 2011, meanwhile, 88,300 youth were arrested for liquor law violations.^{vii}

According to the National Center for Juvenile Justice, an estimated 137,000 status offense cases were petitioned to juvenile courts in 2010. Of these, 10,400 cases involved detention and 6,100 cases resulted in children being removed from their homes.^{viii} That same year the valid court order (VCO) exception was used to detain 8,000 young people.^{ix}

The VCO exception was added to the Juvenile Justice and Delinquency Prevention Act in 1984 and permits courts to incarcerate children for status offense behaviors if they are in violation of a valid court order. Thus, if a child is told by a judge that they must attend school and later continues to be chronically absent, in many state, a judge is permitted to incarcerate the child for this behavior.

What penalties do states apply to youth who are adjudicated for a status offense?

Each state has different penalties a court may impose on a young person who was adjudicated for a status offense. Many states allow courts to impose sanctions on the youth, such as suspending his or her driver's license or requiring payment of 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 the youth. A total of 26 states also report that they continue to incarcerate youth through the VCO exception.^x Finally, some states allow courts to order parents to comply with certain services, such as counseling or parenting classes, which may help alleviate the causes of the youth's behaviors.

Are there resources available to help states and communities 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 young people charged with status offenses. JDAI promotes changes to policies, practices, and programs that reduce reliance on secure confinement, improve public safety, save taxpayers money, and stimulate overall juvenile justice reforms. Since its inception in 1992, JDAI has demonstrated that jurisdictions can safely reduce reliance on secure detention. JDAI is now in 250 jurisdictions, spanning across 40 states, the District of Columbia, Puerto Rico and the Virgin Islands.^{xi}

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. The Institute works with communities to help their policy makers and practitioners develop effective, community-based systems to address the need of children who have engaged in status offense behaviors. Recently, Vera expanded upon its efforts in this area by launching its new Status Offense Reform Center.^{xiii} The Reform Center is part of Vera's participation in the Models for Change Resource Center Partnership. The center has a wide range of resources for both practitioners and policy makers alike. It features toolkits that states and communities can use in structuring, planning and implementing change, as well as research and reflections about on the ground change that is taking place in the field.

In addition to these resources, states and communities that are looking for best practices to help address the needs of children charged with status offenses may also consult the *National Standards for the Care of Youth Charged with Status Offenses*. The *National Standards* were developed by the Coalition for Juvenile Justice (CJJ) as part of its Safety, Opportunity and Success project. The *National Standards* are based upon research and social service approaches and help better engage and support youth and families who are in need of assistance. They were drafted with the assistance of the National Council on Juvenile and Family Court Judges (NCJFCJ) and a team of experts from various jurisdictions, disciplines, and perspectives. The *National Standards* seek to divert children who have engaged in status offense behaviors from the juvenile justice system and instead provide them with appropriate services for themselves and their families in the least restrictive placement possible.

How do children respond to community-based programming, as compared with incarceration?

Many state and county status offense systems lack programs, services, or resources to help youths and their families when they are in critical need of assistance. Incarcerating a child for engaging in status offense behaviors is not the answer though. Not only is incarcerating our children expensive - costing nearly \$241 a day - but placing non-delinquent youth in detention facilities also exposes them to a number of dangers, including a risk for physical and sexual assault from staff and other incarcerated youth.^{xiii} Research shows that community-based programming, on the other hand, is more cost-effective, and is more likely to help meet the young person's underlying needs.^{xiv}

Prepared by the Coalition for Juvenile Justice (CJJ)

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ⁱ 28 C.F.R. § 31.304(h) (West 2006).

ⁱⁱ See 42 PA Cons. Stat. § 6302, et. seq.; Ind. Code § 31-37-2-1, et. seq.; Rhode Island General Laws 14-1-3, et. seq.

ⁱⁱⁱ National Center for School Engagement. *Truancy in Denver: Prevalence, Effects and Interventions*. Available at: <http://www.schoolengagement.org/TruancyPreventionRegistry/Admin/Resources/Resources/TruancyInDenverPrevalenceEffectsandInterventions.pdf>. Last accessed Aug. 4, 2014.

^{iv} Hammer, H. et al. *National Incidence Studies of Missing, Abducted, Runaway, and Thrown Away Youth*. p. 4. Washington, DC: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, 2002. <http://www.ncjrs.gov/pdffiles1/ojdp/196469.pdf>. Last accessed: Aug. 4, 2014.

^v *Id.*

^{vi} Puzanchera, C. (2013). *Juvenile Arrests 2011*. Washington, D.C.: Office of Juvenile Justice and Delinquency Prevention. As of 2010, the FBI no longer collects arrest statistics for running away.

^{vii} Puzanchera, C. and Adams, B. (2011). *Juvenile Arrests 2009*. Washington, D.C.: Office of Juvenile Justice and Delinquency Prevention.

^{viii} Puzzanchera, C., and Hockenberry, S. 2013. *Juvenile Court Statistics 2010*. Pittsburgh, PA: National Center for Juvenile Justice. Available at: <http://www.ncjj.org/pdf/jcsreports/jcs2010.pdf>. Last accessed Aug. 4, 2014.

^{ix} Coalition for Juvenile Justice. (2014). *Use of the Valid Court Order: State-by-State Comparisons*. Washington, DC: Coalition for Juvenile Justice. Available at: http://juvjustice.org/sites/default/files/resource-files/State%2520VCO%2520usage_0.pdf. Last accessed Aug. 4, 2014.

^x *Id.*

^{xi} More information on Annie E. Casey's JDAI initiative is available at <http://www.accf.org/work/juvenile-justice/jdai/>.

^{xii} The Vera Institute's Status Offense Reform Center is available at: <http://www.modelsforchange.net/reform-areas/status-offense-reform/index.html>.

^{xiii} Justice Policy Institute. *The Costs of Confinement: Why Good Juvenile Justice Policies Make Good Fiscal Sense*. (2009). Available at: http://www.justicepolicy.org/images/upload/09_05_rep_costsofconfinement_jj_ps.pdf. Last accessed: Aug. 4, 2014.; Bernstein, N. *Burning Down the House: The End of Juvenile Prison*. p. 30. (2014).

^{xiv} The Vera Institute. *From Court to Communities: The Right Response to Truancy, Running Away, and Other Status Offenses*. p. 4. (2013). Available at http://www.njjn.org/uploads/digital-library/Vera_From-Courts-to-Communities-The-Right-response-to-Truancy_December-2013.pdf. Last accessed Aug. 4, 2014.