

State Laws on Minimum Age of Jurisdiction

Minimum Age of Jurisdiction	Number of States	Which States?
Age 12	3	California, Massachusetts, Utah
Age 11	1	Nebraska
Age 10	14	Arkansas, Arizona, Colorado, Kansas, Louisiana, Minnesota, Mississippi, Nevada, North Dakota, Pennsylvania, South Dakota, Texas, Vermont, and Wisconsin
Age 8	1	Washington
Age 7	2	Connecticut, New York
Age 6	1	North Carolina

States Working to Raise the Minimum Age of Jurisdiction or Confinement

Connecticut

Delaware

Illinois

Indiana

Kansas

Kentucky

Maine

Maryland

WIN!! Mississippi

- [SB 2282](#) Raises the minimum age of *commitment to the state training school or secure detention as a disposition to 12 with no carve outs except for delinquents.

Minnesota

New York

North Carolina

Oklahoma

Pennsylvania

Texas

Washington

Why Raise the Age?

- ▶ Children have limited capacity and competency to stand trial
 - ▶ Relying on capacity and competency laws results in inequitable and unfair treatment of young children.
- ▶ Child incarceration disproportionately impacts Black or Hispanic males from lower socio-economic backgrounds
- ▶ Minimum age laws can disrupt the school-to-prison pipeline
- ▶ Formal justice system processing harms children and reduces public safety
 - ▶ Younger children are at the greatest risk of violence in custody
 - ▶ Early contact has negative impact on future behavior

International Standards

- ▶ The *median* age worldwide is 12-years-old and the average age of criminal responsibility in Europe is 13-years-old.
- ▶ The UN Committee on the Rights of the Child, which monitors the implementation of the UN Convention on the Rights of the Child (CRC), issued General Comment No. 24 in 2019 in which they encouraged nations to **increase their minimum age of criminal responsibility to at least 14-years-old with no exceptions carved out.**
- ▶ In 2019, the United Nations Global Study on Children Deprived of Liberty released its report also recommending that nations set the minimum age of prosecution in juvenile court at 14-years-old.

NJJN Recommendation

- NJJN recommends that all states set a reasonable minimum age for charging children in court and we recommend that age be no lower than 14-years-old.
- For further details see our policy platform at:
 - https://www.njjn.org/uploads/digital-library/updated%20March%2021%20NJJN%20Policy%20Platform_RaiseTheMinimumAge.pdf
- Join our coalition to raise the minimum age by emailing Melissa Goemann at Goemann@njjn.org.

System Responses

- ▶ For young children, many of the presenting behaviors do not require formal system outcomes.
- ▶ When system outcomes are helpful, some of the responses from MA are:
 - ▶ Child Requiring Assistance (CRA) Proceedings
 - ▶ Network of Family Resource Centers (FRCs)
 - ▶ Care and Protection Proceedings
 - ▶ School disciplinary and behavior management tools
 - ▶ Mental health services
 - ▶ Mental Health Advocacy Project for Kids (private program)
- ▶ In Utah services are being recommended by probation for diversion agreements. Often this involves community services. If services are needed, they can be referred to receiving centers.

Outcomes

- ▶ MA changes:
 - ▶ From FY19 to FY20: Overnight arrest admissions of 12 year olds down 90%; under 12 stable at zero.
 - ▶ Applications for complaint for under age 12: Down 95% from FY18 to FY20
 - ▶ Delinquency filings for under age 12: Down 96% from FY18 to FY20
- ▶ Complaints from child welfare group home providers
 - ▶ In the past kids would be detained by DYS when fighting, etc., but no longer
 - ▶ This is more about the decriminalization reforms.

Questions?

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