

TALKING POINTS ON STATUS OFFENSES

OVERVIEW

- Status offenses are behaviors that are only considered a crime if you are under 18 years of age. The most common status offenses are as running away, skipping school, or being “beyond the control of one’s parents.”
- Each year over 100,000 kids who’ve committed no crime become involved with the juvenile courts for these types of behaviors. In many states, kids can even be locked up for these offenses, if they violate a court order not to commit them again.
- Status offense behaviors are often the result of unmet child and family needs including falling behind in school because an unsafe school environment; child abuse or neglect; or mistreated or undiagnosed disabilities.

NEGATIVE EFFECTS OF INCARCERATING YOUTH WHO COMMIT STATUS OFFENSES

- Research shows that locking up youth who commit status offenses worsens outcomes for individual children and for their communities. These youth are often best served by community and family services that do not involve the courts or juvenile justice system at all.
- Incarceration does not help to resolve the factors that led to the status offense. Incarceration can even aggravate these factors because children held in secure facilities are exposed to negative influences and subject to social stigma.
- Incarceration is more costly and less effective than home and community-based responses.
- Detention interrupts education and detained youth often fail to return to school after release. Youth also suffer from the effects of being removed from their communities, such as interruptions in medical treatment, and pro-social activities like sports or mentoring.

FACTS ABOUT STATUS OFFENSES AND THE YOUTH WHO COMMIT THEM

- In 2010, 36 percent of status offense court cases were for truancy (skipping school); 22 percent were for liquor law violations; 12 percent for being ‘beyond the control of their parents’; 11 percent for running away from home; and 10 percent for curfew violations. (National Center for Juvenile Justice)
- In 2009, African American youth were three times more likely to be petitioned to juvenile court for running away than white youth and two times more likely to be considered ‘beyond the control of their parents.’ Girls are also overrepresented in status offense cases. Between 1995 and 2009, girls made up 61 percent of all the runaway cases. (National Center for Juvenile Justice)
- LGBTQ youth often face bullying and harassment in school. In one study, 32.7 percent of LGBTQ students reported that they had missed school in the past month because they felt unsafe. These youth are at a greater risk of being arrested for truancy. (GLSEN)

STATUS OFFENSES AND THE LAW

- One of the core protections mandated by the Juvenile Justice and Delinquency Prevention Act is deinstitutionalization of status offenders (DSO), which means that these youth cannot be held in secure facilities.
- In the 1980, Congress added the “valid court order (VCO) exception” to the JJDP, allowing judges to detain youth who commit status offenses in secure/locked facilities if a judge found the youth to be in contempt or in violation of a valid court order.
- States who do not comply with the JJDP’s DSO requirement could lose up to 25 percent of their federal funding under the Act.

NATIONAL STANDARDS FOR THE CARE OF YOUTH CHARGED WITH STATUS OFFENSES

- The Coalition for Juvenile Justice’s “Safety, Opportunity & Success (SOS) Project” is a multi-year partnership that engages State Advisory Group members, judicial leaders, practitioners, service providers, policymakers and advocates to guide states in implementing policy and practices that:
 - Divert youth at risk or charged with status offenses from the courts and connect them to family- and community-based systems of care that more effectively meet their needs;
 - Eliminate the use of locked confinement for youth who commit status offenses.
- As part of the SOS Project, CJJ created the *National Standards for the Care of Youth Charged with Status Offenses*.
- The *National Standards* offer recommendations—based on research and expert input—for how policymakers, law enforcement, social service providers, and legal and education professionals can achieve better outcomes for children by addressing the underlying causes of their behaviors and avoiding unnecessary justice system involvement.
- To learn more about the SOS Project and the *National Standards for the Care of Youth Charged with Status Offenses*, visit <http://www.juvjustice.org/sos>.

MESSAGING AND STATUS OFFENSES

When talking about status offenses, DO:

- Know your audience
- Have a clear message, with a concise “ask”
- Put a face to your story; use personal anecdotes or success stories from youth
- Emphasize the value of rehabilitation and every youth’s potential to change
- Demonstrate the harm that incarceration can do
- Use the words “youth” or “kids”
- Use data whenever possible to illustrate your point

When talking about status offenses, DON’T :

- Use complex or wonky language; keep messages simple
- Rely on statistics or data alone to make your point
- Use excuses to explain away behavior that can cause youth to commit status offenses
- Use the words “juvenile” or “offender”