

DEBUNKING MYTHS ABOUT STATUS OFFENSES

MYTH	FACT
<p>Kids cannot be arrested for skipping school or running away.</p>	<p>Kids can be arrested for behaviors like running away, skipping school, and being “beyond the control of their parents.” These behaviors, which are only considered a crime if you are under 18 years of age, are known as “status offenses.” In 2009, 93,400 young people were arrested for running away.ⁱ In 2011, 88,300 youth were arrested for liquor law violations.ⁱⁱ</p>
<p>Kids who commit status offenses are “bad kids” or are just acting out.</p>	<p>Although occasional instances of skipping school or failing to listen to parents may be typical adolescent behavior, status offenses are often the result of unmet child and family needs including child abuse or neglect; falling behind in school because of an unsafe school environment; or mistreated or undiagnosed disabilities. Possible underlying causes of truancy that have been identified by the National Center for School Engagement, the American Bar Association, and others include: safety concerns at or while travelling to school, unmet special education needs, and health issues of the child or other family members.ⁱⁱⁱ</p>
<p>Youth cannot be locked up for committing status offenses.</p>	<p>The Deinstitutionalization of Status Offenders (DSO) core requirement of the Juvenile Justice and Delinquency Prevention Act (JJDP A) was written to prevent youth who commit status offenses from being locked up. However, the Valid Court Order (VCO) exception was amended into the JJDP A in 1980. While the DSO protection remained intact, judges and others were given the option of locking up youth who commit status offenses if they violated a valid court order, or a direct order from the court, such as “stop running away from home” or “attend school regularly.” The Office of Juvenile Justice and Delinquency Prevention reports that the VCO exception was used to detain status offenders over 8,000 times in 2010.^{iv}</p>
<p>Locking up youth who commit status offenses will teach them a lesson and will prevent them from committing another offense in the future.</p>	<p>Incarceration does not help to resolve the factors that lead youth to commit status offenses. Incarceration can even aggravate these factors because locking up youth who commit status offenses jeopardizes their safety and well-being, and may actually increase their likelihood of further involvement with the justice system. These youth are often best served by community- and home-based services. A report from the Justice Policy Institute cites numerous research findings about the dangers of incarnation, including the fact that “incarcerated youth experience from double to four times the suicide rate of youth in community.”^v</p>

MYTH	FACT
There aren't a lot of kids who are being arrested or locked up for committing a status offense.	According to the National Center for Juvenile Justice, an estimated 137,000 status offense cases were petitioned in juvenile courts in 2010. Of these, 10,400 involved detention and 6,100 resulted in kids being removed from their homes. ^{vi}
Kids who commit status offenses do not need a lawyer.	Kids should always have legal representation at all stages of status offense cases. Lawyers ensure that a child's unmet needs are addressed and that their rights are protected. Lawyers are important advocates throughout the court process and can work to limit their client's system involvement. As affirmed by the <i>Report of the Attorney General's National Task Force on Children Exposed to Violence</i> , "Defense attorneys also have a vital role in protecting youth from abuse and other forms of violence that are often found within the justice system." ^{vii}

ⁱ Puzzanchera, 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.

ⁱⁱ Puzzanchera, C. and Adams, B. (2011). *Juvenile Arrests 2009*. Washington, D.C.: Office of Juvenile Justice and Delinquency Prevention.

ⁱⁱⁱ Benton, H., et al. *Representing Juvenile Status Offenders*. (2010) Washington, D.C.: American Bar Association Center on Children and the Law. Available at:

http://www.americanbar.org/content/dam/aba/migrated/child/PublicDocuments/RJSO_FINAL.authc_heckdam.pdf. "Reducing Truancy" (nd) National Center for School Engagement. Available at <http://pffac.org/services/school-engagement-services/reducing-truancy>.

^{iv} Coalition for Juvenile Justice. (2014). *Use of the Valid Court Order: State-by-State Comparisons*. Washington, DC: Coalition for Juvenile Justice.

^v Holman, B. & Ziedenberg, J. (2006). *The Dangers of Detention*. Washington, DC: Justice Policy Institute.

^{vi} Puzzanchera, Charles, and Sarah Hockenberry. 2013. *Juvenile Court Statistics 2010*. Pittsburgh, PA: National Center for Juvenile Justice. Available at <http://www.ncjj.org/pdf/jcsreports/jcs2010.pdf>.

^{vii} U.S. Department of Justice. (2012). *Report of the Attorney General's National Task Force on Children Exposed to Violence*. Washington, D.C.