

STATUS OFFENSES: A NATIONAL SURVEY



Coalition for Juvenile Justice | **SOS Project**

Safety, Opportunity & Success (SOS): Standards of Care for Non-Delinquent Youth

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ABOUT CJJ AND THE SOS PROJECT

The Coalition for Juvenile Justice (CJJ) is a nationwide coalition of State Advisory Groups (SAGs) and allies dedicated to preventing children and youth from becoming involved in the courts, and upholding the highest standards of care when youth are charged with wrongdoing and enter the justice system. CJJ envisions a nation where fewer children are at risk of delinquency; and if they are at risk or involved with the justice system, they and their families receive every possible opportunity to live safe, healthy, and fulfilling lives.

The CJJ “Safety, Opportunity & Success (SOS): Standards of Care for Non-Delinquent Youth,” (SOS Project) is a multi-year partnership that engages CJJ members, judicial leaders, practitioners, service providers, policymakers, and advocates. The SOS Project aims to guide states in implementing policy and practices that divert status offenders from the courts to family- and community-based systems of care that more effectively meet their needs. The SOS Project also seeks to eliminate the use of locked confinement for status offenders and other non-delinquent youth.

To accomplish this goal, the SOS Project develops tools, resources, and peer leadership to help key stakeholders reform the treatment of youth at risk for and charged with status offenses in their juvenile justice systems. The project builds on more than two decades of CJJ leadership to advance detention reform and promote detention alternatives that better serve court-involved youth, including youth charged with status offenses.

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INTRODUCTION

Status offenses are behaviors that violate the law only because the person engaging in them has not yet reached the age of majority. Common examples of these behaviors include running away from home and skipping school. Each year, thousands of children enter the juvenile justice system for these types of behaviors. In 2011 alone, for example, an estimated 116,200 status offense cases were petitioned to juvenile courts nationwide, with 8,800 of these cases involving secure detention.¹

Currently, status offense laws vary greatly from state to state, with a broad range of terminology and definitions governing the issue. Similarly, diversion programs and practices, as well as sanctions following disposition of a case, differ significantly among the states.

This brief examines existing status offense laws across the 50 states and the District of Columbia.² It details the legislative label that each state applies to status offense behaviors, the types of behaviors that fall within that label, diversion options that are available in the case, possible outcomes following adjudication, and whether the state uses the valid court order (VCO) exception or a 24-hour hold for youth who are detained for status offense behaviors.³ This brief may be used by judges, advocates, and legislators to assess national trends and gather ideas for system reform.

This brief was created as part of the Coalition for Juvenile Justice (CJJ)'s Safety, Opportunity and Success (SOS): Standards of Care for Non-Delinquent Youth project. It should be used in conjunction with CJJ's *National Standards for the Care of Youth Charged with Status Offenses* (the *National Standards*), and the related Model Policy Guide.

Legislative Labels

A majority of states use a legislative label such as "Status Offender," "Child in Need of Services," "Child in Need of Supervision," or "Family in Need of Services," to describe behaviors that they consider status offenses. In more than a dozen states, this label applies to petitions filed against youth who are charged with status offenses, as well as those who are before the court because they are believed to have been abused or neglected by their parent or legal guardian. For example, in Kansas, the same legislative label is

¹Hockenberry, Sarah and Charles Puzzanchera. *Juvenile Court Statistics 2011*. National Center for Juvenile Justice. Oct. 21, 2014. Available at: [http://www.ncjj.org/pdf/jcsreports/jcs2011%20\(1\).pdf](http://www.ncjj.org/pdf/jcsreports/jcs2011%20(1).pdf). Last visited Nov. 26, 2014.

² This project was completed in 2014 and reflects laws that were in effect at that time. Please consult your local statute to ensure that changes have not been subsequently made. Please also note that different organizations take different approaches when examining status offenses. When considering the issue, the Coalition for Juvenile Justice included a broad range of legislative labels that states use to address status offense behaviors. These labels all represent non-delinquent behaviors.

³ The Juvenile Justice and Delinquency Prevention Act (JJDP A) prohibits the incarceration of children who are alleged to have engaged in status offenses, with the exception of a 24-hour hold (excluding holidays and weekends) and detention of a child who has violated a previous order of the court, known as the valid court order (VCO) exception.

applied to children in neglect proceedings and children in status offense proceedings.⁴

Setting the Age

In most states, these laws apply to young people who are under the age of 18. Some variation is seen in this area, particularly as it relates to truancy laws, in which case a small number of states have set the maximum applicable age lower. For example, in Iowa, truancy laws apply to youth between the ages of 6 and 16.⁵

Classifying Behaviors

The *National Standards* recommend that court involvement for youth who engage in status offense behaviors should be avoided or limited whenever possible, and that under no circumstances should children be placed in secure confinement for these behaviors. The *National Standards* encourage states to classify the following as status offense behaviors and for communities to consider using alternative dispute resolution methods, diversion programs, and other means by which children can receive services to meet their underlying needs and respond to the behavior:

- Skipping school, also known as truancy;
- Running away from home;
- Failure to abide by a parent's rules, also known as incorrigibility;
- Being in possession of alcohol and tobacco; and
- Being out after curfew.

Currently, nearly all states consider truancy a status offense.⁶ A majority of states also consider running away from home and incorrigibility status offense behaviors.⁷ Ten states, meanwhile, expressly include certain alcohol violations as a status offense, and seven states consider curfew violations a status offense. Six states consider tobacco violations status offense behaviors.

Definitions of what constitutes a status offense vary broadly. Some states include catch-all provisions that apply to behaviors that are illegal only for minors.⁸ Still other states choose to use their status offense laws to address new and emerging issues that are uniquely applicable to children under the age of legal majority. For example, bullying and the conveyance of an electronic message that includes a sexually

explicit image of the underage sender (also known as sexting), are considered status offenses in some

⁴ Kan. Stat. § 38-2201, *et. seq.*

⁵ Iowa Code § 299.1, *et. seq.*

⁶ As of the writing of this brief, 46 states considered truancy a status offense.

⁷ As of November 2014, 35 states considered running away from home a status offense, while 38 states considered incorrigibility a status offense.

⁸ See for example Kan. Stat. § 38-2201, *et. seq.*

states.⁹

Diversion Programs

The *National Standards* recommend that states limit court involvement for children who are alleged to have engaged in status offense behaviors. A growing number of states are using diversion programs to accomplish this goal. At present, a majority of states grant court officials the ability to informally adjust the case, or divert the youth to a service program instead of hearing the matter in court. These states vary on who makes the decision regarding whether a young person should enter diversion, and at what point diversion may occur (e.g. at the time of intake, or a later decision made by a judge).

Several states make diversion a requirement. In Florida, for example, there must be a showing that all services and programs have been exhausted before a status offense case may be petitioned to court.¹⁰ Such requirements are most frequently made when it comes to truancy cases. For example, in Illinois, before a case can be petitioned, a Truancy Review Board must issue a determination that a school has offered the child all appropriate services, including mental health services, tutoring, and assessments, and that these services have failed.¹¹

Several states also require a young person to make an admission of guilt before they are able to enter a diversion program. Such admissions pose numerous dangers for youths and their families. States should avoid requiring admissions of guilt for entry into diversion programs, and if they are required, states should take all precautions necessary to ensure that these admissions cannot be used against a youth in the event that the case is adjudicated, or in future cases against the child if they should arise.

Right to Counsel

The Model Policy Guide recommends that youth are given a right to counsel during status offense cases. This right should attach as early in the proceedings as possible, and should include the point at which a child is being informed about, or considering entry into, a diversion program. Presently, fewer than 10 states afford young people this right when a case is being diverted.

Dispositions

The possible sanctions that children – and in some cases their families – can face following adjudication in a status offense case range from services to out-of-home placements (including secure confinement), or fees.

⁹ See for example Nev. Rev. Stat. § 62A.040, *et. seq.*

¹⁰ F.S.A. § 984.01, *et. seq.*

¹¹ 705 ILCS 405/3-33.5, *et. seq.*

The *National Standards* encourage communities to use community-based programs and services to help address the underlying needs of children who engage in status offense behaviors. Evidence has shown that community-based programming is more effective than incarceration in similar types of cases.¹² Many states continue to permit either detention or out-of-home placement for youth who are adjudicated for a status offense. In twenty-four states, meanwhile, judicial officers are able to require counseling or participation in a community program when a child is adjudicated following a status offense petition.

Sixteen states also enable judges to direct sanctions at parents following an adjudication of the case. This can include both court-ordered counseling and participation in a parenting class.¹³ Six states permit fines and other financial sanctions to be levied against a parent. Such fines should be avoided, as they may prove burdensome for families that are already struggling due to limited financial means, and thus further aggravate the underlying cause of the youth's status offense behavior. Financial penalties against the youth – which currently exist in sixteen states – should be avoided for similar reasons.

Secure Confinement

The *National Standards* recommend that children should never be detained for status offense behaviors. While the Juvenile Justice and Delinquency Prevention Act¹⁴ prohibits detention of youth for status offenses, it provides an exception for children who have violated a previous directive from the court. This exception is known as the valid court order (VCO) exception, and applies, for example, to youth who were previously told by a judge to attend school, but continue to be absent. As of FY2014, twenty-seven states, along with the District of Columbia, reported that they continue to use this exception to incarcerate children, while twenty-three had ended the practice.¹⁵

¹² Salsich, Annie. *From Courts to Communities: The Right Response to Truancy, Running Away and Other Status Offenses*. p. 4. Vera Institute. December 2013. Available at: <http://www.vera.org/sites/default/files/resources/downloads/from-courts-to-communities-response-to-status-offenses-v2.pdf>. Last visited Nov. 5, 2014.

¹³ See for example ORS § 419C.680.

¹⁴ 42 U.S.C. § 5601 *et. seq.*

¹⁵ As reported by the Office of Juvenile Justice and Delinquency Prevention. Available at: <http://www.ojjdp.gov/compliance/FY2013-FY%202014VCO-state.pdf>. Last visited Nov. 5, 2014.

NATIONAL SURVEY OF STATUS OFFENSE LAWS¹⁶

Legislative Title	Eligibility Criteria	Pre-Court Interventions and Diversion ¹⁷	Disposition Options	VCO and 24-hour holds	Citation
Alabama					
Status Offender	A status offender is an individual who has been charged with or adjudicated for conduct that would not, pursuant to the law of the jurisdiction in which the offense was committed, be a crime if committed by an adult. Status offenses include, but are not limited to truancy, violation of municipal ordinances applicable only to children, running away from home, “beyond the control” of their parents, consumption or possession of tobacco products or alcohol, and driving under the influence.	After a complaint is filed but before a petition is brought, the court intake officer is permitted to counsel the parties about possible informal adjustments.	Remain at home, probation, drug test, a fine of no more than \$250, restitution or other court fees, placement with a relative, or local public or private agency.	Permitted ¹⁸	Ala. Code, §§ 12-15-201(4); 12-15-208(a)(1); 12-15-208(b)(3); 12-15-215(a).
Child in Need of Supervision	Applies to youth who are under 18, have been found in need of care, rehabilitation or supervision and have also been adjudicated by	Same as above.	Same as above.	Same as above.	Ala. Code § 12-15-102.

¹⁶ This project was completed in 2014 and reflects laws that were in effect at that time. Please consult your local statute to ensure that changes have not been subsequently made. Please also note that different organizations take different approaches when examining status offenses. When considering the issue, the Coalition for Juvenile Justice included a broad range of legislative labels that states use to address status offense behaviors. These labels all represent non-delinquent behaviors.

¹⁷ This section provides a sampling of statutorily permitted programs and responses.

¹⁸ If the young person is alleged to be a status offender, secure detention is permitted for up to 24 hours to provide for their return to a parent, formal juvenile court action, investigation, or identification. *See* Ala. Code 1975, § 12-15-208(a)(1). If a status offender has violated a valid court order and procedures have been followed they may be held in secure custody for up to 72 hours in a six-month period. *See* Ala. Code 1975, § 12-15-208(b)(3).

Legislative Title	Eligibility Criteria	Pre-Court Interventions and Diversion ¹⁷	Disposition Options	VCO and 24-hour holds	Citation
	a court for any of the following: habitually truant, refuses to obey commands of his/her parents, runs away from home, or commits an offense established by law but not classified as criminal.				
Alaska					
Children in Need of Aid	Under 18 and: abandoned or neglected by parents, parents are incarcerated, parents are unwilling to provide care, child is in need of medical care, child is habitually absent from home and the child's conduct places them at risk of injury, or the child has suffered physical harm sexual abuse, or mental injury.	A preliminary inquiry shall be made to determine whether the case should be handled through an informal adjustment. An outside person or agency may be appointed to make such a determination. Adjustments can include provision of services. If this occurs, the case will be dismissed.	Remain at home, probation, placement with relative, or out-of-home placement.	Permitted	Alaska Stat. § 47-10-011, <i>et. seq.</i>
Truancy	Between the ages of 7 and 16 and violates the state's compulsory attendance laws by missing more than 5 days in a given school year. Separate violations accrue for each additional 5 days that the child misses.	It is up to individual school districts to establish and enforce policies to ensure compliance with attendance laws. Punishments for violations are established at the local, not state, level.	It is up to individual school districts to establish and enforce policies to ensure compliance with attendance laws. Punishments for violations are established at the local, not state, level.		Alaska Stat. § 14-30-010, <i>et. seq.</i>

Legislative Title	Eligibility Criteria	Pre-Court Interventions and Diversion ¹⁷	Disposition Options	VCO and 24-hour holds	Citation
Arizona					
Incorrigible Child	Under 18 and: refuses to obey the reasonable and proper direction of a parent or legal guardian, habitually truant, runs away from home, commits an act that constitutes an offense only because they are a minor, habitually behaves in a way that injures or endangers the morals or health of the child or others, or fails to obey a lawful order of the court in a non-criminal action.	Before filing a petition, the county attorney may divert a child's case to a community-based alternative program or a diversion program ¹⁹ unless certain conditions exist. These conditions may include engaging in dangerous behavior, or a case based upon the child's purchase, possession, or consumption of alcohol when they have had two other alcohol-related cases that were diverted within the past 24 months.	Remain at home, probation, financial restitution, or out-of-home placement.	Permitted ²⁰	Ariz. Ref. Stat. § 8-201, <i>et. seq.</i>
Arkansas					
Family in Need of Services	Under 18 and: habitually truant, habitually disobeys directives from a parent, legal guardian, or custodian, or ran away from home.	An intake officer may divert a case upon determining that such action would be best for the child and the community. The child and their parent or guardian must consent to diversion. The child must admit to his or her involvement and both the child and their parent or legal guardian must be informed that diversion is voluntary. A child and	Remain at home with services, be placed in the care of another person or agency, be placed in the care of the Department of Human Services, be placed on electronic monitoring, order parents to take	Permitted	Ark. Code § 9-27-301, <i>et. seq.</i>

¹⁹ Participation in Arizona's diversion programs is done on a voluntary basis only.

²⁰ The Office of Juvenile Justice and Delinquency Prevention (OJJDP) reports that as of FY2014 the state continued to detain children for status offense behaviors. *See* Coalition for Juvenile Justice, [Use of the Valid Court Order: State-by-State Comparisons](#), 2014. State statute also expressly permits that children who are charged with incorrigibility may be detained in a juvenile detention center before or after a hearing or as a condition of probation. ARS § 8-305(A).

Legislative Title	Eligibility Criteria	Pre-Court Interventions and Diversion ¹⁷	Disposition Options	VCO and 24-hour holds	Citation
		his or her family have the right to counsel when deciding whether to enter a diversion program.	parental responsibility training classes, assess fines, or place the child on supervision terms.		
California					
Ward of the Court	Under 18 and: refuses to obey orders from parents, violated a city or county curfew ordinance, habitually refuses to obey directives from their school, or is habitually truant.	Counties are permitted to establish At-Risk Youth Early Intervention Programs to address behavior problems and avoid future court involvement. ²¹ When children are referred, an initial determination shall be made as to whether the child is engaged in a pattern of at-risk behavior that is likely to result in future involvement with the juvenile justice system. This assessment shall consider the child's behavioral issues as well as their family's circumstances and potential familial relationship problems. If the child complies with the program that was established and their behavior problems appear to have been resolved, the probation department will be	Community service, probation, remain at home, out-of-home placement, or counseling of parent and/or child. ²²	Permitted ²³	Cal. Welf. & Inst. § 601, <i>et. seq.</i>

²¹ Cal. Welf. & Inst. § 601.5 sets out a detailed explanation of how communities can create At-Risk Youth Early Intervention Programs and what functions they should perform.

²² If a petition is based on chronic absences from school, the court may require only payment of a fine, community service, attendance of a court approved truancy prevention program, or, in some limited cases, suspension of driving privileges.

²³ Youth may not be securely confined for truancy.

Legislative Title	Eligibility Criteria	Pre-Court Interventions and Diversion ¹⁷	Disposition Options	VCO and 24-hour holds	Citation
		notified of successful completion. If the child does not comply, the probation department shall file a petition seeking to declare the minor a ward of the court.			
Colorado					
Neglected or Dependent Child	Under 18 and: lacks parental care, is in an environment that is injurious to his or her welfare, his or her parent or guardian fails to provide basic necessities, is homeless through no fault of their parent, has run away from home, is beyond the control of their parent, or tested positive at birth for a Schedule I or Schedule II controlled substance.	As an alternative to a petition, the child and family may be sent to a diversion program.	Create treatment plan, remain at home, placement with relative, or out-of-home placement.	Permitted	Colo. Rev. Stat. § 19-3-102, <i>et. seq.</i>
Status Offender	Under 18 and engages in conduct that would not be a crime in that jurisdiction if committed by an adult. ²⁴				
Connecticut					
Family with Service Needs (FWSN)	Under 18 and: has run away from home, is beyond the control of their parent, guardian or other custodian, is truant, is overtly and	Schools and parents may refer FWSN youth to a youth service bureau that has been established to serve as the coordinating unit of	Refer to a Youth Service Bureau, a Child and Youth Family Support	Prohibited	C.G.S.A. § 46(b)-120 <i>et. seq.</i>

²⁴ Colorado uses this definition solely for the purpose of complying with federal statutory, regulatory, and program requirements.

Legislative Title	Eligibility Criteria	Pre-Court Interventions and Diversion ¹⁷	Disposition Options	VCO and 24-hour holds	Citation
	continuously defiant of school rules, or is 13 years of age or older and has engaged in sexual intercourse with another person who is 13 or older, and not more than 2 years older or younger than themselves.	<p>community-based services. They may provide, but shall not be limited to, the delivery of: individual and group counseling, parent training and family therapy, work placement and employment counseling, alternative and special educational opportunities, recreational and youth enrichment programs, outreach programs to insure participation and planning by the entire community for the development of regional and community-based youth services, preventive programs including youth pregnancy, youth suicide, violence, alcohol and drug prevention, and programs that develop positive youth involvement. Such services shall be designed to meet the needs of youths by the diversion of troubled youths from the justice system as well as by the provision of opportunities for all youths to function as responsible members of their communities.</p> <p>Many Youth Service Bureaus utilize Juvenile Review Boards as a diversion from Juvenile Court.</p>	Center (CYFSC), or to Department of Children and Family Services for services. Refer to schools for services in the event the family was found in need of services based upon truancy, remain in their home subject to probation, require (in the event that the child was referred as a result of sexual activity) the child to perform community service in a hospital, or out-of-home placement.		C.G.S.A. §46(b)-148 – 46(b)-150; C.G.S.A. §10-19(m).

Legislative Title	Eligibility Criteria	Pre-Court Interventions and Diversion ¹⁷	Disposition Options	VCO and 24-hour holds	Citation
		All first and second time referrals to the Juvenile Court receive non-judicial handling and are immediately referred for community-based interventions via referral to Court funded Child and Family Service Centers for voluntary services.			
Delaware²⁵					
Truant	A student in grades K-12 who has been absent without excuse for more than 3 days or the equivalent during a given school year.	<p>If a student has frequent unexcused absences, the principal shall schedule a truancy conference, after which it will be determined if the school is going to file truancy charges.</p> <p>The principal shall refer the case for prosecution following the 20th unexcused absence by a student during the school year and may refer the case before the 20th day of unexcused absence if the principal determines it is appropriate to do so.</p>	<p>The court may file a civil charge of truancy against the student in the Justice of the Peace Court if the student is age 12 or older and/or the court determines that a parent who is charged with violating attendance requirements has a valid defense.</p> <p>Possible remedial dispositions for truant students include: community service,</p>	Prohibited	<p>14 Del.C. § 2721 <i>et. seq.</i></p> <p><i>See also</i> 14 Del.C. § 2702.</p>

²⁵ Delaware does not consider running away from home an offense and police officers in the state try not to arrest youth solely because they have run away, however judges in the state report that children may at times be arrested for other behaviors while they are also runaways. This may result in their becoming involved, or more deeply involved, with the system.

Legislative Title	Eligibility Criteria	Pre-Court Interventions and Diversion ¹⁷	Disposition Options	VCO and 24-hour holds	Citation
			counseling, substance abuse evaluation and treatment, curfew by the court, suspension or revocation of driver's license or permit, or other remedies related to school attendance.		
District of Columbia					
Child in Need of Supervision	Under 18 and: is required to attend school but is habitually truant, commits an offense committable only by children, or habitually disobeys the lawful commands of his or her parents, guardians, or other custodians. The youth must also be in need of care or rehabilitation.	The Director of Social Services must determine through a preliminary inquiry whether it is in the best interest of the child or the public to recommend filing of a petition. ²⁶ If it is not in the best interest, the case shall be sent to the Office of the Attorney General for the District of Columbia where the case will be considered for adjustment, including the potential for diversion. Children who are represented by counsel are	The youth may be placed on probation or committed to the Department of Youth Rehabilitation Services. While most cases are closed within a year of adjudication, the child may stay in the system until his or her 21 st birthday. A minimum of 90 hours of community service	Permitted under limited circumstances. ²⁷	D.C. St. § 16-2301, <i>et. seq.</i>

²⁶ This determination is based upon an evaluation of the person's age, the nature of the act that served as the basis for the case, whether there is a substantial likelihood that that person will not participate in diversion programs or services or otherwise cooperate, whether the child would need services that cannot be administered or completed within 6 months, consideration of whether any other offenses are likely to occur during the adjustment period, whether any other proceedings are pending, whether prior adjustments have been made, whether the child was previously adjudicated, whether the adjustment process is likely to be successful, whether a proceeding has been started for another person who acted jointly with the child in the matter, and whether the case would otherwise have been petitioned to the office of Corporate Counsel.

²⁷ D.C. permits young people to be placed in secure confinement for a status offense behavior only when the child has also been found to be delinquent, when returning to their home would place them in an abusive situation, or when their parents are unable to care for them.

Legislative Title	Eligibility Criteria	Pre-Court Interventions and Diversion ¹⁷	Disposition Options	VCO and 24-hour holds	Citation
		permitted to have their attorney present during the preliminary inquiry. Statements made by the child or his or her parents at this inquiry cannot be used at subsequent court proceedings.	is required for all children between 14 and 18 who are found in need of supervision. Additional dispositions may include probation, parenting classes or family counseling, remain at home, or transferal of legal custody to a public agency tasked with caring for delinquent children.		
Florida²⁸					
Child in Need of Service	Under 18 and is a child who is not delinquent and has no pending delinquency charges, and: who persistently runs away from home, is habitually truant from school, or	Before court involvement is possible, services, treatment, family intervention, and all less restrictive options must be exhausted. ²⁹	In-home placement with services, out-of-home placement, public service, fine to the parent, require	Prohibited ³⁰	F.S.A. § 984.01, <i>et. seq.</i>

²⁸ In addition to the information above, Florida uses a civil citation program to address first time misdemeanor behaviors, which in their jurisdiction includes curfew violations. This program enables children to receive and complete services in lieu of criminal sanctions. The program is available to children who have come to the attention of the police for the first time for behavior that would be considered a low-level misdemeanor and who have not previously received a civil citation. See F.S.A. § 985.12.

²⁹ Florida also requires an array of prevention services to try to keep children away from system involvement.

³⁰ Secure detention facilities are not used for youth who have engaged in status offense behaviors, however they may be placed in a staff-secure shelter. Through contractual agreement with the FDJJ, the Florida Network of Youth and Family Services, Inc., a not-for-profit organization, provides CINS/FINS to truant, ungovernable, homeless and runaway youths, and families in crisis. Services are available to youths ages 5 to 17. Services include: shelter, non-residential counseling, Case/Service Plan, Case Management Services, Adjudication Services, CINS Petition Process, Staff Secure Services, Physically Secure Services, and Case Termination. These services are not available in detention facilities.

Legislative Title	Eligibility Criteria	Pre-Court Interventions and Diversion ¹⁷	Disposition Options	VCO and 24-hour holds	Citation
	habitually disobeys their parents.		that the parent, family or child participate in services, treatment, and other alternatives that are deemed necessary.		
Family in Need of Service	A family who has a child under 18 who is habitually truant, habitually runs away from home, habitually refuses to comply with their parent's demands, or who engages in other behaviors that put them at risk for abuse, neglect, or involvement with the juvenile justice system. Does not include families with open cases for abuse or neglect or where the child is already under the care of the Department of Juvenile Justice or the Division of Family Services.				
Georgia					
Child in Need of Services	Under 18 and: habitually truant, habitually disobeys their parent or guardian, runs away from home, violates a law applicable only to minors, fails to abide by curfew, possesses alcohol, or patronizes a	If a petition is based upon a complaint filed by a school, the petition will be dismissed unless the school shows that they have attempted to resolve the problem through available educational	Remain at home, remain at home with conditions, probation, community service, restitution, fines, mandatory	Permitted ³¹	Ga. Code § 15-11-2, <i>et. seq.</i>

³¹ A child who is charged with a status offense may be held in secure detention for up to 24 hours, excluding weekends and holidays, to permit a temporary custody hearing to take place.

Legislative Title	Eligibility Criteria	Pre-Court Interventions and Diversion ¹⁷	Disposition Options	VCO and 24-hour holds	Citation
	bar where alcohol is being sold and is unaccompanied by a parent or legal custodian.	approaches and have attempted to engage the child's parent or legal guardian. If the child is eligible for services under the Individuals with Disabilities Education Act (IDEA), or Section 504 of the Rehabilitation Act of 1973, the school must further show that the child has been found eligible and they have reviewed and appropriately modified the student's academic programs.	participation in after-school or evening programs. Any dispositional orders for a delinquent or dependent child are also permitted, except out-of-home placements.		
Status Offense	An act prohibited by law that would not be an offense if committed by an adult.				
Hawaii					
Status Offender	Under 18 and: beyond the control of their parent or legal guardian, a danger to themselves or others, truant, or in violation of curfew.	Informal adjustments are permitted if the facts are admitted and permission is obtained from both the parent and the child. Adjustment can include: restitution, community service, community-based programs, neighborhood courts or panels, educational programs, training and counseling programs, youth-initiated outreach, restorative justice programs, and non-secure shelter.	Restitution, at-home placement with services or supervision, out-of-home placement.	Not used.	Haw. Rev. Stat. § 571-2, <i>et. seq.</i>

Legislative Title	Eligibility Criteria	Pre-Court Interventions and Diversion ¹⁷	Disposition Options	VCO and 24-hour holds	Citation
		Programs enable youth who have engaged in status offense behaviors and certain minor law violations to receive a civil citation only instead of arrest or processing through the system. If the child has run away from home or been chronically absent from their parent or legal guardian, there is no limit on the number of civil citations they may receive.			
Idaho					
Status Offender	Under 18 and: truant, ran away from home, is beyond the control of parents, guardian, or legal custodian, or violates curfew.	The prosecuting attorney has the ability to assess whether prosecution is necessary. If it is not, the prosecuting attorney may divert the case to the county probation office or to a community-based diversion program. ³²	All dispositions available in delinquency cases are permitted in status offense cases, with the exception of placement in a secure facility.	Valid Court Order Exception continues to be used. ³³	Idaho Code § 20-501, <i>et. seq.</i>
Habitual Status Offender	A child who has been adjudicated for two status offenses in 12 months.	If a hearing is scheduled and a child accepts responsibility for their behavior, the judge may decide to informally adjust the case and require, for example, community service or restitution.			

³² Statements that are made as part of the diversion process in Idaho may not be used in later court proceedings. See Idaho Code § 20-511.

³³ Data reported to OJJDP indicated that the valid court order was used 127 times in FY14. See OJJDP Valid Court Order Usage, FY13-FY14. Available at <http://www.ojjdp.gov/compliance/FY2013-FY%202014VCO-state.pdf>. Last accessed Feb. 11, 2014.

Legislative Title	Eligibility Criteria	Pre-Court Interventions and Diversion ¹⁷	Disposition Options	VCO and 24-hour holds	Citation
Illinois					
Minor Requiring Authoritative Intervention	Under 18 and: absent from home without consent, or beyond the control of his or her parent.	A finding against the child cannot be made until the child has been offered interim crisis intervention services and still refuses to return home, or the family still cannot agree on a voluntary alternative residential placement. Formal and informal station adjustment is also permitted, as well as Probation Adjustments.	Remain at home, out-of-home placement, monetary or nonmonetary restitution, or suspension of a driver's license.	Permitted ³⁴	705 Ill. Comp. Stat. § 405/3-1, <i>et. seq.</i> 705 Ill. Comp. Stat. § 405/1-1, <i>et. seq.</i>
Truant Minor in Need of Supervision	A youth who has been reported to the appropriate school agency as a "chronic truant" and has been offered services, but either continues to be chronically absent from school, or refuses to accept services. A "chronic truant" is defined as someone who is between the ages of 6 and 17 and has, without valid cause, been absent from school for at least 5% of the last 180 previous regular attendance days.	Before a petition may be filed with the court, a community truancy review board must certify that the school has offered the child appropriate services to help address and remedy their absences. These services include assessments, counseling, mental health services, shelter, optional and alternative education programs, tutoring, and educational advocacy. If such services have not yet been provided, the child shall be referred to a comprehensive community-based youth services agency. If,	Commitment to the appropriate regional superintendent of schools for student assistance team staffing, a service plan, or a referral to a comprehensive community-based youth service agency. Students may also be ordered to comply with a service plan as provided for by the appropriate regional	Violation of a relevant court order may be enforced through contempt proceedings.	705 ILCS 405/3-33.5, <i>et. seq.</i>

³⁴ Illinois permits judges to use the JJDP's valid court order exception, though 0 uses were reported to OJJDP during the most recent reporting period. 705 ILCS § 405/1-4.1; <http://www.ojjdp.gov/compliance/FY2013-FY2014VCO-state.pdf>.

Legislative Title	Eligibility Criteria	Pre-Court Interventions and Diversion ¹⁷	Disposition Options	VCO and 24-hour holds	Citation
		however, the child refuses these services, or fails to comply with them, they may be petitioned to the court.	superintendent of schools, ordered to obtain counseling or other support services, subjected to a fine of between \$5 and \$100, or required to perform community service. A student's driver's license may also be suspended. Parents may be fined, or subjected to jail time.		
Indiana					
Delinquent Child	Under 18 and: leaves home without permission, truant, fails to abide by parent's or legal guardian's rules, violates curfew, violates laws regarding minors and alcohol, or violates laws regarding minors and fireworks.	The juvenile intake officer, with approval of the juvenile court, may implement a program of informal adjustment.	Remain at home, out-of-home placement, partial or full emancipation, or treatment programs for the child and/or family. Commitment to the Department of Corrections is permitted for children who have repeatedly run away from home or who are found to be repeatedly truant.	Prohibited	Ind. Code § 31-37-2-1, <i>et. seq.</i>

Legislative Title	Eligibility Criteria	Pre-Court Interventions and Diversion ¹⁷	Disposition Options	VCO and 24-hour holds	Citation
Iowa					
Family in Need of Assistance	A family with a child under 18, in which there has been a breakdown in the relationship between the child and the child's parent or legal guardian.	Before a petition can be filed, the family must be able to show that they have sought services to improve the familial relationship.	Counseling services may be ordered. The child may not be placed on probation, in foster care, or a non-secure facility unless the child requests that this be done and agrees to the placement. Under no circumstances may they be placed in secure detention.	Prohibited	Iowa Code § 232.1, <i>et. seq.</i>
Chronic Runaway	Under 18 and: has run away from home more than once in a 30-day period or three or more times in a year.	A county may develop a runaway treatment plan to address the problems of chronic runaway youth. The plan must identify the problems that exist for local children who chronically run away from home and specific solutions that the county can implement, including the development of a runaway assessment center.	Chronic runaways may receive counseling or other FINA dispositions if they are housed in a runaway placement center.	A child who has run away from another state and is subject to a warrant from that other state may be held through the interstate compact.	Iowa Code § 232.1.
Truant	Between the ages of 6 and 16 and without just cause, fails to attend school in compliance with their school board or other governing	Before a case may be referred for prosecution, the school must attempt to determine the cause of the child's absences and use all	School boards are permitted to establish punishments for truancy. For parents,	The Valid Court Order exception is not used in Iowa.	Iowa Code § 299.1, <i>et. seq.</i>

Legislative Title	Eligibility Criteria	Pre-Court Interventions and Diversion ¹⁷	Disposition Options	VCO and 24-hour holds	Citation
	body's attendance policy.	available means to assure that the child attends school. If the child has completed the sixth grade, they may be considered for an attendance cooperation process. If the child, parent, or legal guardian refuses to accept the school's attempts to ensure the student's attendance, or the attempts are otherwise unsuccessful, the issue may be referred for either mediation or prosecution.	statutory punishments include fines, which increase based upon the number of previous findings of truancy; imprisonment, which increases based upon the number of findings of truancy; and community service. Children who are truant may have their driver's license withheld until their 18 th birthday.		
Kansas					
Child in Need of Care	Under 18 and: is without adequate parental care, control or subsistence, has been physically, emotionally or sexually abused, is habitually absent from school, has committed an act that is a violation of the law solely because the person committing the act was younger than 18, is willfully and voluntarily absent from their parent or legal guardian's home, absent at least a second time from a court ordered placement where	The agency must make reasonable efforts to prevent the child's removal from the home.	Remain in their home, out-of-home placement, placement with a relative, counseling services for the child and/or family.	Permitted for runaway youth only.	Kan. Stat. § 38-2201, <i>et. seq.</i>

Legislative Title	Eligibility Criteria	Pre-Court Interventions and Diversion ¹⁷	Disposition Options	VCO and 24-hour holds	Citation
	<p>the absence is without the consent of the placement, or resides in the same residence as a sibling under 18 who was abused.</p> <p>Under 10 and commits an act that would be a misdemeanor or felony if committed by an adult.</p> <p>This label is also applied in certain abuse and neglect cases, when children are adopted in violation of the law, are abandoned, or have no known living relative.</p>				
Kentucky					
Status Offender ³⁵	Under 18 and: habitually runs away, beyond the control of their school or parents, habitually absent from school, committed a tobacco offense, or committed an alcohol offense.	Before entering a complaint in which the child is alleged to have engaged in status offense behaviors, a conference must be held with a court-designated worker to determine whether the child should be referred to a private or public social service agency, or enter in to a diversionary agreement.	Remain in the home, commitment to the Cabinet for Health and Family Services for an out-of-home placement, or referral to other programs that serve as an alternative to detention and can rehabilitate the child.	Permitted	KY Rev. Stat. § 630.010, <i>et. seq.</i>

³⁵ The information above reflects changes approved by the Kentucky Legislature during their 2014 session. These measures were signed into law on Aug. 25, 2014. Most of the bill's requirements will take effect beginning in the summer of 2015, though some measures, including new reporting requirements, will take effect in November 2014.

Legislative Title	Eligibility Criteria	Pre-Court Interventions and Diversion ¹⁷	Disposition Options	VCO and 24-hour holds	Citation
		<p>Status offense cases are referred to a Family Accountability Intervention Response Team, which “shall develop enhanced case management plans and opportunities for services for children.” The team is administered through the Administrative Office of the Courts’ Court Designated Worker Program, which provides intake and diversion for any child charged with public or status offenses. The program provides case management and earlier access to treatment for children who are deemed high need.</p>	<p>Notwithstanding any other provision of law to the contrary, a child who is suspected of being a runaway may be detained in a non-secure facility for a period of time not to exceed seventy-two (72) hours, exclusive of weekends and holidays. If the court makes a finding on the record that no less restrictive alternative is available, children who have runaway may be held in a secure juvenile detention facility for a period of time not to exceed twenty-four (24) hours, exclusive of weekends and holidays, pursuant to an ex parte emergency protective order and pending a court hearing to determine whether to return the child to his or</p>		

Legislative Title	Eligibility Criteria	Pre-Court Interventions and Diversion ¹⁷	Disposition Options	VCO and 24-hour holds	Citation
			her custodian, or give custody of the child to the cabinet.		
Louisiana					
Family in Need of Services	<p>Under 18 and: habitually absent from school or refuses to abide by lawful school rules, ungovernable, runs away from home, commits an alcohol offense, committed a violation applicable only to children, or has been found to have engaged in cyberbullying.</p> <p>This law also applies to a child under 10 who has engaged in an act that would be a crime if committed by an adult.</p>	Unless an emergency exists, or the court otherwise finds that it would be improper, a conference must be called and attended by the child, his or her parent or other legal custodian, and representatives of any public institution or agency that have legal responsibility or discretionary ability to supply services to the family. This conference must be held before any appearance. Those in attendance will draft an Informal Services Plan Agreement. If the child upholds all the plan's requirements, the case will be dismissed with prejudice.	The child shall be sent to the least restrictive setting possible. This can include counseling, receipt of services, probation, placement in the custody of a caretaker, or assignment to the custody of a private or public institution or agency, except that the child shall not be placed in a correctional facility designed and operated exclusively for delinquent children, nor shall such facility accept the child.	Permitted	La. CHC § 726, <i>et. seq.</i>
Maine					
Runaway	Under 18, unmarried, and absent from the home of the child's parent or guardian without	A child who has run away from home may receive short-term	The child may be returned to their home if both the child and	Prohibited	22 M.R.S.A. § 4099-D,

Legislative Title	Eligibility Criteria	Pre-Court Interventions and Diversion ¹⁷	Disposition Options	VCO and 24-hour holds	Citation
	consent from their parent or guardian.	emergency services.	their parent agree, or they may be placed in an emergency shelter family home.		<i>et. seq.</i>
Habitual Truant	Between the ages of 7 and 17 years old with 7 full days of unexcused absences or 5 consecutive school days of unexcused absences during a school year for children who have not yet reached the sixth grade. Ten full days of unexcused absences or 7 consecutive school days of unexcused absences during a school year for children in the sixth grade or higher.	A student who is truant shall be referred to a student assistance team to informally determine if services such as mentoring or counseling would help improve their attendance.	If a parent is responsible for a child of compulsory school age who is found to be a truant, fines may be levied against them. The parent may also be required, among other things, to attend school with the child, perform community service at their child's school, or participate in a parenting class.	Prohibited	20 M.R.S.A. § 5051-A.
Maryland					
Child in Need of Supervision	Under 18 and: is required by law to attend school and is habitually truant, habitually disobedient and beyond the control of the person having custody of the child, is a danger to themselves or others, or has committed an offense applicable only to children.	If it is the child's first offense, they may be referred to the Department of Juvenile Services for consideration in diversion programming.	Place the child on probation or under supervision in their own home, place them in the custody or guardianship of a relative or other fit person. The court may	Prohibited ³⁶	MD Code Cts. & Jud. Proc. § 3-8A-01, <i>et. seq.</i>

³⁶ A child who is alleged to be in Need of Supervision may not be placed in detention or community detention, a state mental health facility, or a shelter care facility that is not operating in compliance with applicable state licensing laws. MD Code Cts. & Jud. Proc. §§ 3-8A-01 (e), 3-8A-15.

Legislative Title	Eligibility Criteria	Pre-Court Interventions and Diversion ¹⁷	Disposition Options	VCO and 24-hour holds	Citation
			also order the child, parent, legal guardian, or custodian of the child to participate in rehabilitative services that are in the best interest of the child and the family.		
Massachusetts					
Child Requiring Assistance	Between the ages of 6 and 18 and: repeatedly runs away from home, repeatedly fails to obey the lawful and reasonable commands of the child's parent or legal guardian, repeatedly fails to obey the lawful and reasonable regulations of the child's school, is habitually truant, or is a sexually exploited child.	Upon the filing of a petition, the clerk shall notify the petitioner that they can delay filing and have the case instead referred to a local family resource center or other community-based service provider. If the petitioner proceeds with filing, a hearing shall be held within 15 days, at which time the child may be referred to probation for informal assistance.	In-home placement subject to medical, psychological, psychiatric, educational, occupational, or social services; placement with a relative or other adult, private charitable childcare agency, or in the custody of the department of children and families.	Prohibited	Mass. Gen. Laws Ch. 119 § 21, <i>et. seq.</i>
Michigan					
Juvenile	Under 17 and: violates any municipal ordinance, deserted their home without sufficient cause, repeatedly disregards lawful commands from their	After a child is apprehended by police, instead of filing a petition in the case, they may instead release the child to their parent's or legal guardian's custody and discontinue	Require payment of court costs, allow the child to remain at home with their parent or relative	Permitted	Mich. Comp. Laws § 712A.1, <i>et. seq.</i>

Legislative Title	Eligibility Criteria	Pre-Court Interventions and Diversion ¹⁷	Disposition Options	VCO and 24-hour holds	Citation
	parent or legal guardian, or habitually misses school.	their investigation. Diversion can also include agreements by the parent or guardian to work with an individual or organization who will help the family resolve the problem that resulted in the investigation (e.g. school attendance).	while on probation, issue a warning, out-of-home placement, or community service.		
Minnesota					
Continuing Truant	Under 18 and: subject to compulsory education and is absent for three days in a single year during elementary school, or three or more class periods on three or more days in middle, junior high, and/or high school.	Community-based truancy projects and services can be established to identify students who have attendance problems and facilitate the provision of services to help address the underlying problems that are leading to the student's behaviors. These projects can also provide facilities where truant youth can be received from police and probation officers, and/or provide referrals to other programs and services.	Referral to a school attendance review board, community service, or truancy mediation program through county attorney.	Not mentioned. ³⁷	Minn. Stat. § 260A.001; <i>et. seq.</i> Minn. Stat. § 260B.001 <i>et. seq.</i> ; Minn. Stat. § 260C.001, <i>et. seq.</i>
Juvenile Petty Offender	Under 18 and: commits an alcohol offense, substance offense, tobacco offense, or violates a school ordinance that prohibits conduct that would be lawful if committed	If the child has not previously participated in a diversion program, been placed on probation, or adjudicated as either delinquent or as a petty offender, they may be	Fine, probation, monetary restitution, or drug treatment.	Prohibited ³⁸	

³⁷ Though the statute does not directly address this issue, Minnesota reported zero usages of the valid court order exception to OJJDP during FY2014. See OJJDP Valid Court Order Usage, FY13-FY14. Available at <http://www.ojjdp.gov/compliance/FY2013-FY%202014VCO-state.pdf>. Last accessed Feb. 11, 2014.

³⁸ Petty offenders may be placed in shelter care only, not secure detention facilities.

Legislative Title	Eligibility Criteria	Pre-Court Interventions and Diversion ¹⁷	Disposition Options	VCO and 24-hour holds	Citation
	by a person older than 18.	referred to a diversion program. The young person must agree to participate in a restorative justice program.			
Child in Need of Protection or Services	Under 18 and: is a victim of abuse or neglect, resides in a home that is dangerous or where crime takes place, is sexually exploited, is a runaway, or is a habitual truant.	Reasonable efforts, including culturally appropriate services, must be made to ensure that placement is not required and family reunification is possible.	Drug treatment, remain at home, out-of-home placement, probation, community service, fines, suspension of driver's license, or counseling for parents and/or child.	Not mentioned. ³⁹	
Mississippi					
Child in Need of Supervision	Has reached the age of 7, but younger than 18, and: habitually refuses to comply with his parent or guardian's lawful commands, willfully and habitually violates the rules at school, is truant, runs away from home without good cause, or has committed a delinquent act or acts.	An informal adjustment counselor will have an informal adjustment conference with the child and their parent or legal guardian. The child will be informed of their right to counsel at this conference, and the voluntary nature of the informal adjustment process. The parties will reach a signed agreement during the conference that outlines what services and requirements are placed during the six month informal adjustment period. The	Remain at home, provision of services to the child, restitution, out-of-home placement, including a wilderness program, or participate in youth work program.	Permitted	Miss. Code § 43-21-101, <i>et. seq.</i>

³⁹ Though the statute does not directly address this issue, Minnesota reported zero usages of the valid court order exception to OJJDP during FY2014. See OJJDP Valid Court Order Usage, FY13-FY14. Available at <http://www.ojjdp.gov/compliance/FY2013-FY%202014VCO-state.pdf>. Last accessed Feb. 11, 2014.

Legislative Title	Eligibility Criteria	Pre-Court Interventions and Diversion ¹⁷	Disposition Options	VCO and 24-hour holds	Citation
		terms of the agreement may be modified with consent of the parties.			
Missouri					
Child	Under 18 and: absent from school repeatedly and without justification, is beyond the control of his or her parent or legal guardian, habitually absent from his or her home without just cause, the child's behavior or associations are otherwise injurious to the child or others, or the child has committed an offense that is not classified as criminal or that is illegal solely because of the child's age. ⁴⁰	Following a preliminary inquiry into the matter, the court may make an informal adjustment to the case without filing a petition. Informal adjustments can include requiring the child to pay restitution or to complete a period of community service under the court's supervision.	Remain at home, restitution, community service, suspension of driver's license, treatment or counseling, or out-of-home placement.	Permitted	Mo. Rev. Stat. § 211.011, <i>et. seq.</i>
Montana					
Youth in Need of Intervention	Under 18 and: commits an offense that is prohibited by law but that would not be a criminal offense if committed by an adult. This includes but is not limited to: violation of a state or municipal law regarding alcohol, habitually running away from home, habitually skipping school, or is	A preliminary inquiry must be conducted, after which the probation officer or assessment officer may offer the child and family services, counseling, or make other informal adjustments without referring the case to the county attorney.	Probation, out-of-home placement, house arrest, confiscation of driver's license, community service, medical and/or psychological evaluation of the child	Prohibited	Mont. Code § 41-5-101, <i>et. seq.</i>

⁴⁰ Missouri's status offense law expressly excludes offenses that are related to the possession of tobacco products and traffic violations that do not constitute a felony.

Legislative Title	Eligibility Criteria	Pre-Court Interventions and Diversion ¹⁷	Disposition Options	VCO and 24-hour holds	Citation
	beyond the control of his or her parent or legal guardian. The statute also permits the court, at its discretion, to consider a child who has committed a delinquent act a Youth in Need of Intervention.		and parents, or counseling for the parent and/or child.		
Nebraska					
Status Offender	Under 18 and commits an act that would not be a crime if committed by an adult, including, but not limited to, habitual disobedience of parental orders, or possession of alcohol.	A county attorney may establish a diversion program that will enable children, where appropriate, to be diverted from the juvenile court system prior to the filing of a petition.	Remain at home, out-of-home placement, or placement with a relative.	Permitted ⁴¹	Neb. Rev. Stat. § 43-245, <i>et. seq.</i>
Nevada					
Child in Need of Supervision (CHINS)	Under 18 and: truant, habitually disobeys their parents or legal guardian, runs away from home, uses an electronic device to transmit a sexual image of himself or herself to another person, transmits or distributes an image of bullying, violates an ordinance pertaining to curfew, violates an ordinance restricting children	A child may be placed under a probation officer's informal supervision if he or she voluntarily admits to engaging in the alleged behavior and the child, along with his or her parent or guardian, voluntarily agree to and sign an agreement for informal services. The family must be informed that they have the right to refuse	For truancy offenses, the court shall levy a fine, or order community service, and suspend the child's driver's license. For all petitions related to tobacco offenses, the court	Permitted	Nev. Rev. Stat. § 62A.040, <i>et. seq.</i>

⁴¹ State legislation passed in 2015 requires that county attorneys make a reasonable efforts to refer youth who commit status offenses to community-based services before they can pursue institutional placement.

Legislative Title	Eligibility Criteria	Pre-Court Interventions and Diversion ¹⁷	Disposition Options	VCO and 24-hour holds	Citation
	from loitering, or commits an offense related to tobacco. ⁴²	informal services. If informal services are successfully completed, any petition based upon the same facts must be dismissed.	shall order a fine and require the child to attend a tobacco awareness and cessation program. Once the child has had three such offenses, their driver's license will be suspended for 90 days. Community service may be required for other CHINS offenses.		
New Hampshire					
Child in Need of Services	Under 18 and: truant, runs away from home, habitually disregards orders from his or her parent or legal guardian, habitually engages in offenses that would violate the law if committed by an adult or that would violate traffic laws if committed by someone older than 16, is diagnosed with severe emotional, cognitive or mental health issues and engages in aggressive or sexualized behaviors that put others in danger, or any	Except in emergency situations the department or a properly appointed agent shall determine whether voluntary services would be appropriate for the child and their family.	Remain at home subject to conditions from the court, order the child and/or their family to receive counseling, place the child on conditional release for not more than two years, placement with a relative, payment of a fine or restitution, order public service,	Prohibited	N.H. Rev. Stat. § 169-D:2, <i>et. seq.</i>

⁴² Possession or consumption of alcohol by an individual younger than 18 is considered a misdemeanor under Nevada law. NRS § 202.020.

Legislative Title	Eligibility Criteria	Pre-Court Interventions and Diversion ¹⁷	Disposition Options	VCO and 24-hour holds	Citation
	child who is expressly found in need of care or rehabilitation.		<p>or order attendance at a structured after-school or evening program.</p> <p>For children who have run away, placement in foster care is also an option.</p>		
New Jersey					
Juvenile Family Crisis	Under 18 and: truant, runs away from home, repeatedly disregards a parent or guardian's rules or orders, the child's health or well-being is in serious danger, commits an act that would be considered prostitution if committed by an adult, or engages in another act that results from being a victim of sex trafficking.	Cases may be referred to a juvenile family crisis intervention unit for provision of services such as counseling or drug and alcohol abuse programs.	Remain at home, out-of-home placement, or placement with a relative or neighbor.	Prohibited	N.J. Stat. § 2A:4A-20.
New Mexico					
Family in Need of Court-Ordered Services	Under 18 and: fails to attend school, is absent from his or her home without permission for more than 12 hours, refuses to return home and there is good cause to believe they will run away from home if they are forced to return, or their parent refuses to let them	Before the case proceeds there must be a showing that the family participated in, or refused participation in, appropriate and available services.	Remain at home, placement in protective supervision, or placement in the custody of another agency. If the child's educational needs are	Prohibited	N.M. Stat. § 32A-3B-2, <i>et. seq.</i>

Legislative Title	Eligibility Criteria	Pre-Court Interventions and Diversion ¹⁷	Disposition Options	VCO and 24-hour holds	Citation
	return. In all instances, there must be a finding that the child or family has either refused services or the department has exhausted appropriate, available services.		not being met, the local school may be added as a party to the court case to assess the child's needs. Parents may also be ordered into treatment.		
New York					
Person in Need of Supervision	Under 18 and: truant, habitually disobedient and beyond the control of their parent or legal guardian, or is a sexually exploited child who violated a law related to possession of marijuana or prostitution and consents to the filing of a person in need of supervision petition.	All counties and cities with a population of one million people or more shall offer diversion services that include documented and diligent efforts to engage the young person and his or her family in community-based services.	The court may issue a warning to the child, permit them to remain at home, place them with relatives, or place them out of the home.	Prohibited	N.Y. Family Court § 711, <i>et. seq.</i>
North Carolina					
Undisciplined Juvenile	Between the ages of 6 and 16 and: is unlawfully absent from school, regularly disobedient and beyond the disciplinary control of their parent or legal guardian, is regularly found in places where it is unlawful for a child to be, or has run away from home for more than 24 hours. Also applies to individuals ages 16	A juvenile court counselor shall make a preliminary inquiry to determine whether the case is frivolous. Unless the case involves a serious felony, the counselor may divert the child and require: restitution, community service, victim-offender mediation, regimented physical training, counseling, or referral to a teen	Protective supervision from a juvenile court counselor, alternative educational placement, remain at home, out-of-home placement, probation, or placement with a relative.	Limited to a 24 hour hold of youth who have run away from home.	N.C. Gen. Stat. § 7B-1500, <i>et. seq.</i>

Legislative Title	Eligibility Criteria	Pre-Court Interventions and Diversion ¹⁷	Disposition Options	VCO and 24-hour holds	Citation
	and 17 who are regularly disobedient and beyond the control of their parent or legal guardian, regularly found in places where children are not legally permitted, or has run away from home for more than 24 hours.	court program. With the consent of the child and their parent or legal guardian, the juvenile court counselor may also enter into a diversion contract with the child and their parent or guardian.			
North Dakota					
Unruly Child	Under 18 and: habitually truant without justification, habitually disobedient to the commands of their parent or legal guardian, is willfully in a situation that is dangerous to the health, safety or morals of themselves or others, commits an offense applicable only to children, or uses alcohol. This statute applies to the use, purchase, and possession of tobacco products if the child is younger than 14.	Prior to the filing of a petition, the director of a juvenile court may counsel and give advice to the parties, and impose conditions for the child's conduct and control. Such informal adjustments are permitted when it is determined that it would be in the best interest of the child and the community, and where both the child and their parent or legal guardian voluntarily consent to the informal adjustment.	The court may make any disposition that is permitted for a delinquent child, with the exception of secure confinement.	Prohibited	N.D. Cent. Code § 27-20-02, <i>et. seq.</i>
Ohio					
Unruly Child	Under 18 and is habitually disobedient towards their parent, teachers, guardian, or custodian.	A child who is adjudicated, or alleged to be an unruly child may be placed in an alternative	Make any disposition permitted for an abused, neglected, or	Permitted	Ohio Rev. Code §

Legislative Title	Eligibility Criteria	Pre-Court Interventions and Diversion ¹⁷	Disposition Options	VCO and 24-hour holds	Citation
	Also applies when a minor is habitually truant, ⁴³ behaves so as to injure or endanger the health or morals of themselves or someone else, or violates a law applicable only to children. This final clause does not apply to violations related to a minor's presence at an adult entertainment venue, the underage purchase of a firearm or handgun, the unlawful purchase of pseudoephedrine or ephedrine, or violation of laws related to the sale, purchase, and possession of tobacco products.	diversion program for not more than 60 days, or until the case reaches disposition, whichever comes first.	dependent child. The court may also issue sanctions, or order the child to remain at home, be placed in an out-of-home placement, attend drug or alcohol abuse counseling, or suspend the youth's driver's license. If the petition was based upon truancy, the court may make additional orders as it sees fit to address the child's habitual absence from school.		2151.022, <i>et. seq.</i>
Oklahoma					
Child or Juvenile in Need of Supervision	Under 17 and: disobeys the reasonable and lawful commands of a parent or guardian/custodian, truant, willfully and voluntarily absent from home for a substantial period of time with no intent to	Diversion services may be offered to children who are at risk of becoming a child in need of supervision. Immediate response will be given to families in crisis to divert them from the courts. When	Remain at home with or without the conditions of probation, counseling and treatment for child and/or parent,	Permitted for up to 24 hours.	Okla. Stat. Ann. tit. 10a, § 2-1-101, <i>et. seq.</i>

⁴³ When the court adjudicates a child as an unruly child based upon their habitual truancy and enters a valid court order requiring the child to attend school, the child can be charged as a delinquent child if he or she continues to be habitually absent from school without cause. Ohio Rev. Code § 2152.01.

Legislative Title	Eligibility Criteria	Pre-Court Interventions and Diversion ¹⁷	Disposition Options	VCO and 24-hour holds	Citation
	return, or has been served with an ex parte or final protective order pursuant to the Protection from Domestic Abuse Act.	doing so, there shall be clear documentation of the efforts that were taken to provide appropriate services to the child and family. Services will continue until it is determined that there is no substantial likelihood that the child and family would benefit from continued attempts at diversion. In cases involving truancy, the school must also take, and document, steps to help address the child's underlying needs.	out-of-home placement. ⁴⁴ Where applicable, children may also be referred to drug court or the court may choose to dismiss the case for good cause shown.		
Oregon					
Ward	Under 18 and: beyond the control of their parent, has run away from home, behaves so as to endanger the welfare of the themselves or others, is dependent for care and support on a public or private child-care agency, parent, or other guardian that has abandoned the child or failed to provide for them, or the child has filed a petition for emancipation. ⁴⁵	Not mentioned, however, the court must make all reasonable efforts to prevent separation of the family or to reunify the family.	Place the ward under protective supervision, remain at home, placement with relative, foster care placement, placement in a child care center or a youth care center. Conditions such as	Permitted ⁴⁶	O.R.S. § 419A.004, <i>et. seq.</i>

⁴⁴ Out-of-home placements are not permitted for children whose petitions are based on excessive absences from school.

⁴⁵ Oregon addresses curfew violations through a separate statute. ORS § 419C.680 applies to youth under age 18 who are unaccompanied by an adult near a street, highway, park, or public place between 12:00 a.m. and 4:00 a.m. Children may be taken into custody. They may receive counseling or mentoring services. Parents may be required to attend education or counseling programs as well.

Legislative Title	Eligibility Criteria	Pre-Court Interventions and Diversion ¹⁷	Disposition Options	VCO and 24-hour holds	Citation
			counseling may also be implemented, and limitations may be placed on the child's occupation or associations.		
Pennsylvania					
Dependent	Under 18 and: truant, habitually disobeys parental rules, or is without proper parental care, control or subsistence. ⁴⁷	Before a petition is filed, the probation officer or other officer of the court shall refer the child and his or her parent to any public or private social agency available for assisting in the matter. They will then determine whether the case is appropriate for informal adjustment.	Remain at home, with or without conditions and supervision by the court, or transfer custody to a relative or other office or agency authorized by the court.	Prohibited	42 PA Cons. Stat. § 6302, <i>et. seq.</i>
Rhode Island					
Wayward	Under 18 and: has run away from home, habitually associates with immoral people, is leading an immoral life, habitually disobeys	Petitions that are filed with the police are first referred to a community-based provider that is contracted with the Department of	Remain at home, be placed outside the home, have their driver's license	Permitted	Rhode Island General Laws §

⁴⁶ While Oregon's statutes do not speak directly to whether the valid court order exception is used, data from OJJDP shows that in 2011, the state reported 47 uses of the valid court order. Coalition for Juvenile Justice, [Use of the Valid Court Order: State-by-State Comparisons](#), 2014. The Oregon Commission on Youth and Families reports that valid court order usage in the state is limited to one county in which the exception is used to address truancy.

⁴⁷ This statute also applies to a number of other groups of young people, including but not limited to, children who have been abandoned and children who committed a delinquent act prior to the age of 10.

Legislative Title	Eligibility Criteria	Pre-Court Interventions and Diversion ¹⁷	Disposition Options	VCO and 24-hour holds	Citation
	instructions from their parent or guardian, or is habitually truant. ⁴⁸	<p>Children, Youth, and Families. If the services are successful, no petition is filed with the Family Court and the matter is taken care of at this level. If the services are unsuccessful, a report will be created and submitted to the court at least one week prior to the adjudication hearing. It will include recommendations for future intervention and will become a part of the record.</p> <p>Juvenile hearing boards also exist at the local level in some communities and operate independently from the Family Court. Typically these boards limit the types of cases they will hear. Sanctions may be issued.</p>	suspended or revoked, or order community restitution.		14-1-3, <i>et. seq.</i>
South Carolina					
Status Offender	Under 17 and commits an offense which would not be a misdemeanor or felony if committed by an adult including, but not limited to, incorrigibility or beyond the control of parents,	The prosecuting attorney can chose to refer the case to a community program, such as a drug court, instead of proceeding with the matter.	Order the care and treatment that are deemed best, order participation in a community mentor program, place the	Permitted	South Carolina Code § 63-19-20, <i>et. seq.</i>

⁴⁸ Rhode Island has a number of age-specific statutes as well. Separate statutes address possession of tobacco by a minor, for example. This offense results in 30 hours of community service or placement in a tobacco treatment program. Rhode Island General Laws § 11-9-14. Possession of spray paint by a minor is dealt with separately as well, and may result in 50 hours of community restitution. Rhode Island General Laws § 11-9-19.1. Statutory provisions also address loitering and underage possession of alcohol. Rhode Island General Laws § 11-9-12 and 3-8-10.

Legislative Title	Eligibility Criteria	Pre-Court Interventions and Diversion ¹⁷	Disposition Options	VCO and 24-hour holds	Citation
	truancy, running away, playing or loitering in a billiard room, playing a pinball machine, or gaining admission to a theater by false identification.		child on probation in their home or elsewhere, commit them to the Department of Juvenile Justice, suspend their driver's license, or order counseling or treatment.		
South Dakota					
Child in Need of Supervision	Under 18 and: habitually absent from school without legal excuse, runs away from home or is otherwise beyond the control of the child's parent, guardian, or custodian. This law also applies to any child whose behavior or condition endangers the child's own welfare or the welfare of others, or any person who commits an act that violates the law solely because they are under 18, or anyone who violates certain liquor laws.	The State Attorney's Office can divert the matter to a court-approved program for up to ninety days. If the program is successfully completed, the case is not petitioned to court.	Remain in home, out-of-home placement, probation including required work program, or driver's license suspension.	Permitted	South Dakota Codified Laws § 26-8B-2 <i>et. seq.</i>
Tennessee					
Unruly Child	Under 18 and is a child in need of	If the family consents, the probation	Remain at home, out-	Permitted	Tenn.

Legislative Title	Eligibility Criteria	Pre-Court Interventions and Diversion ¹⁷	Disposition Options	VCO and 24-hour holds	Citation
	treatment and rehabilitation who: is habitually absent from school, habitually does not follow the commands of their parent or guardian, commits an offense that is only applicable to a minor, or has run away from home.	officer or other court official may counsel the family and provide informal adjustment without adjudication. This can take place either before or after a petition is filed.	of-home placement, payment of a fine not to exceed \$50, community service, or probation if the child's behavior was in violation of a valid court order. ⁴⁹		Code § 37-1-102, <i>et. seq.</i> ; Tenn. Code § 37-1-114.
Texas					
Status Offender	17 or younger and: habitually absent from school ⁵⁰ , ran away from home, violated a standard of student conduct, violation of juvenile curfew, underage possession of alcohol, or a finable offense that would not violate the law if committed by an adult. ⁵¹	Diversionary programs are available to help address substance abuse problems and to provide services for youth with serious mental or emotional health needs.	Remain at home, out-of-home placement, ordered to pay restitution, driver's license suspension.	Permitted	Tex. Family Code § 51.02; 54.09.
Utah					
Status Offense	A violation of the law that would not be a violation but for the age of the offender.	Children cited for a status offense may be referred to a youth court. Petitions for truancy must indicate	Remain at home, under court supervision, out-of-	Permitted ⁵²	Utah Code § 62A-4a-

⁴⁹ Some jurisdictions indicate that probation is used for youth regardless of whether they have violated a valid court order.

⁵¹ These behaviors are also referred to as "conduct indicating a need for supervision." Tex. Family Code § 51.02.

⁵² Though the state's statute is unclear on whether incarceration is still used in status offense cases, data reported to the OJJDP indicates the state used the valid court order exception 58 times in FY2014. *See* OJJDP Valid Court Order Usage, FY13-FY14. Available at <http://www.ojjdp.gov/compliance/FY2013-FY%202014VCO-state.pdf>. Last accessed Feb. 11, 2014.

Legislative Title	Eligibility Criteria	Pre-Court Interventions and Diversion ¹⁷	Disposition Options	VCO and 24-hour holds	Citation
		what efforts schools have made to remedy the problem. Petitions in cases for children who have run away or failed to abide by their parent's rules must likewise indicate what efforts have been made to help address the underlying problems.	home placement, placement with relative, monetary restitution, or compensatory services.		101; 78A-6-1202.
Vermont					
Child in Need of Care or Supervision	Under 18 and: has been abandoned or abused by his or her parent or guardian, is without proper parental care or other necessities, is beyond his or her parent's control, or is habitually and without justification truant from compulsory school attendance.	<p>If a child is picked up by a police officer for running away from home they shall be delivered either to their parent, or to a designated shelter for runaway children. They may stay in the shelter for up to seven days. At the end of the seven days, or sooner, at the request of either the child or their legal parent, an emergency care order may be requested.</p> <p>An emergency care order may temporarily transfer care of the child to the state's Department of Children and Families if it is found that remaining in the home is contrary to the child's welfare. An emergency care order may also permit the child to return home, under specified conditions.</p>	Following a disposition hearing, the court may return the child to their parent's custody, issue a conditional custody order to the parent, transfer temporary custody to a noncustodial parent or relative, transfer legal custody to the commissioner, terminate all of the parent's rights and responsibilities, grant permanent guardianship of the child to a party, or order that legal custody be transferred	Prohibited unless the child has also committed a delinquent act.	Vt. Stat. Ann. tit. 33 § 5102; Vt. Stat. Ann. tit. 33 § 5301 <i>et. seq.</i>

Legislative Title	Eligibility Criteria	Pre-Court Interventions and Diversion ¹⁷	Disposition Options	VCO and 24-hour holds	Citation
			to a relative or other person with a significant relationship with the child.		
Virginia					
Child in Need of Services	Under 18 and: engages in conduct that presents or results in serious danger to the health and wellbeing of themselves, or, in the case of a child 14 or younger, the health and wellbeing of others. To qualify as a child in need of services, it must be shown that the family or the child would benefit from the court's intervention.	A court service unit may make informal adjustment to a case without filing a petition in the matter, so long as the child is not alleged to have committed a violent felony, has not previously taken part in informal adjustment, and has not been adjudicated a delinquent for an offense that would be a felony if committed by an adult.	Remain at home subject to conditions of the court, out-of-home placement, order community service, or require custodial parent or legal guardian to participate in court-ordered programming. ⁵³	Permitted	Va. Code § 16.1-228, <i>et. seq.</i>
Child in Need of Supervision	Under 18 and is habitually absent from school, or leaves or remains away from home on more than one occasion. ⁵⁴	If the underlying issue is truancy, the court may defer filing a petition for 90 days during which a truancy plan will be developed with the	Probation, require the child and/or parent to participate in programming, order	Permitted	

⁵³ If a court finds that a child older than 14 would not "benefit appreciably" from further education, the court may dismiss compulsory school attendance requirements as they relate to that child. Va. Code § 16.1-278.4(4)

⁵⁴ Before a petition can be filed based upon truancy, a school must show that the child was given adequate opportunity to engage in any and all educational services that are required to meet their particular educational needs, that the school has made reasonable efforts to improve the student's attendance without success, and provide documentation of their compliance. Similarly, before a petition may be filed against a child who has run away from home, there must be at least two occurrences of such behavior, it must be shown that the

Legislative Title	Eligibility Criteria	Pre-Court Interventions and Diversion ¹⁷	Disposition Options	VCO and 24-hour holds	Citation
		consent and agreement of the child and their parent or guardian. Such plans may not be developed if the child has had previous complaints based upon truancy. If at the end of 90 days the child has not successfully adhered to the written plan, a petition is filed in the case.	the child to participate in a public service project, or require the parent to pay fines if they have willfully disobeyed an order related to truancy.		
Status Offender	Under 18; involves cases including, but not limited to, curfew violations and violations of laws related to tobacco.	Not mentioned.	Same as Child in Need of Services.	Permitted	Va. Code § 16.1-278.6.
Washington					
At Risk Youth	Under 18 and: runs away from home, is beyond their parent's control, or has a substance abuse problem for which there are no pending criminal charges.	Families may request reconciliation services. A multidisciplinary team will be used to help determine the areas in which the family is most in need of services.	Courts may enter dispositional orders that will assist the parent's ability to maintain care and custody. Such orders can require regular school attendance, counseling, participation in substance abuse programs, and other	Permitted	Wash. Rev. Code § 13.32A.030, <i>et. seq.</i>

behavior is dangerous to the child, that the child or his or her family need treatment or services they are not currently receiving, and that they will benefit from the court's intervention.

Legislative Title	Eligibility Criteria	Pre-Court Interventions and Diversion ¹⁷	Disposition Options	VCO and 24-hour holds	Citation
			conditions the court deems appropriate.		
Child In Need of Services	Under 18 and: is beyond their parent's control, is a sexually exploited child, has fled their home on at least two prior occasions and has a serious drug problem, or has exhibited behaviors that place them at risk. Also applies to children who are in need of basic necessities, or require services designed to maintain the family unit.	If a police officer has received notification that a child has run away, and they later apprehend that child, they may place them in secure confinement.		Permitted	
Truancy	Between the ages of 8 and 17 and has failed to attend school without valid justification.	After the first unexcused absence in a month, the school must inform the child's parent either by phone or in writing. After a second unexcused absence in the same month, the school must initiate a conference with the parent. If a third unexcused absence occurs that month, the school can refer the matter to the Community Truancy Board, or enter in to a contract with the parent to improve the student's attendance.	After seven unexcused absences in one month, or 10 unexcused absences in a single academic year, a petition may be filed in juvenile court. The resulting case is civil in nature and may result in the child being ordered to attend their current school, another school, an alternative or technical program, skill center, dropout prevention program,	A student who violates a court order resulting from a truancy case may be placed in a juvenile detention facility for up to seven days.	

Legislative Title	Eligibility Criteria	Pre-Court Interventions and Diversion ¹⁷	Disposition Options	VCO and 24-hour holds	Citation
			<p>or other educational program, including a private, nonsectarian school. The case may also be sent to the community truancy board, or the student</p> <p>may be ordered to submit to testing for alcohol or controlled substances.</p>		
West Virginia⁵⁵					
Status Offender	Under 18 and: refuses to obey a parent or guardian's lawful supervision, is truant, or has left home without his or her parent's consent.	<p>Before a petition is filed, the probation officer or other representative of the court may give counsel and advice for a period not longer than six months to help address the needs of a dysfunctional family.</p> <p>Before petitioning the case, the court may refer the matter to probation for informal adjustment.</p>	In-home placement with a court order to enforce compliance with a service plan or restrictions, out-of-home placement in a non-secure facility, or services to the family.	Prohibited	W. Va. Code § 49-1-4, <i>et. seq.</i>
Wisconsin					

⁵⁵ As of publication a bill was pending in West Virginia that would change the definition of truancy and related services. For more information please see <https://legiscan.com/WV/text/HB2550/2015>.

Legislative Title	Eligibility Criteria	Pre-Court Interventions and Diversion ¹⁷	Disposition Options	VCO and 24-hour holds	Citation
Juvenile in Need of Protection or Services	Under 18 and: not controllable, habitually truant from school or has dropped out of school, is habitually truant from home, commits a delinquent act before age 10, or is not competent or not “responsible.”	An intake officer may enter into a written deferred prosecution agreement that is mutually agreed upon by all parties. The agreement may require, among other things, counseling, alcohol and drug abuse assessment and/or treatment, participation in a supervised work program, and/or restitution as necessary.	<p>Remain at home, out-of-home placement, or provision of services, including counseling.</p> <p>For children whose charges are based upon dropping out of school or truancy, the court may require the child to attend school, pay a fine, or report to a youth report center after school and on non-school days. Counseling, educational programs, and mandatory participation in programs from the department of workforce can also be ordered, among others.</p> <p>If the court finds that the child is uncontrollable, they may be placed in the home of a guardian.</p>	Permitted	Wis. Stat. Ann. § 938.13, <i>et. seq.</i>

Legislative Title	Eligibility Criteria	Pre-Court Interventions and Diversion ¹⁷	Disposition Options	VCO and 24-hour holds	Citation
Wyoming⁵⁶					
Child in Need of Supervision	<p>Under 17 and: is truant, runs away from home, habitually disobeys orders from their parent or guardian, or commits a status offense.</p> <p>Status offenses are defined as acts, other than certain alcohol offenses, that would not constitute a criminal offense if committed by an adult.</p>	The district attorney shall make an initial determination about whether judicial action is necessary to protect the child's interests, and shall only file a petition in the case if such action is necessary. In making this decision, the district attorney shall consider such factors as the availability of alternative programs, mental health counseling, family preservation services, and, in cases involving children who are 16 or older, whether the individual presents a clear and present danger to his or herself or others.	Remain at home, temporary placement with a relative or other out-of-home placement, community service, restriction of child's driving privileges, order evaluation and treatment of the parent, and/or child, order parenting classes, or place under a court supervision program.	Permitted	Wyo. Stat. § 14-6-402, <i>et. seq.</i>

⁵⁶ Wyoming does not participate in the Juvenile Justice and Delinquency Prevention Act (JJDP A) and its core requirements, including provisions related to the deinstitutionalization of youth who engage in status offense behaviors.

APPENDICES

APPENDIX I

MODEL POLICY GUIDE: STATUS OFFENSE LAWS

A growing number of states and communities are revisiting their laws related to status offenses. These laws address behaviors that are illegal only because the person who committed them has not yet reached the age of legal majority.

The Coalition for Juvenile Justice (CJJ) published the *National Standards for the Care of Youth Charged with Status Offenses* as part of its Safety, Opportunity and Success (SOS): Standards of Care for Non-Delinquent Youth project, in part to serve as a model for states that are considering revisions to their status offense laws. This guide is based on the *National Standards*, and outlines some of the key issues states should take into consideration when trying to improve their laws to better serve young people who are charged with a status offense.

DEFINING THE ISSUE

One of the first and most important questions that states face when crafting legislation on this issue is, “How do we define status offenses?” This question is multi-faceted and should include consideration of the age at which the law no longer applies, as well as a list of specific behaviors that constitute status offenses, and a clear definition of what each behavior entails.

CATEGORIZING BEHAVIORS

States should clearly indicate what behaviors constitute a status offense. The *National Standards* define status offenses as behaviors that fall into one of the following five categories: (1) running away; (2) failing to attend school (truancy); (3) alcohol or tobacco possession; (4) curfew violations; and (5) circumstances where youth are found to be beyond the control of their parent/guardian(s), which some jurisdictions call “ungovernability” or “incorrigibility.”⁵⁷

States vary on which of these offenses they include in their own definitions. According to the Office of Juvenile Justice and Delinquency Prevention, as of 2012 most states continued to handle possession of alcohol by a minor as a non-status offense.⁵⁸

States should avoid considering any of the five types of behaviors listed in the *National Standards* as delinquent, as none of these behaviors violate the law when committed by an adult.

⁵⁷ The *National Standards for the Care of Youth Charged with Status Offenses*. p. 10. Available at: http://www.juvjustice.org/sites/default/files/resource-57/files/National%20Standards%20for%20the%20Care%20of%20Youth%20Charged%20with%20Status%20Offenses%20FINAL_0.pdf. Last accessed April 18, 2014.

⁵⁸ Office of Juvenile Justice and Delinquency Prevention. Statistical Briefing Book. Available at: http://www.ojjdp.gov/ojstatbb/structure_process/qa04121.asp?qaDate=2012. Last accessed April 18, 2014. (In some states this is instead considered a delinquent offense.)

SETTING THE AGE

Policymakers should expressly indicate the age at which the law no longer applies. Most states have opted to make status offense laws applicable only to people under the age of 18.⁵⁹ Other states, meanwhile, have set the age lower and in some cases have chosen to include both a minimum and a maximum age for the applicability of status offense laws. In North Carolina, for example, it is a status offense for anyone between the ages of 6 and 16 to not attend school on a regular basis.⁶⁰

FOCUSING ON THE DETAILS

States should use detail and specificity to explain what categories of status offense behaviors are included. They should clearly define each of the categories of behaviors that they have deemed a status offense. If a state, for example, makes it a status offense to skip school, the applicable statute should clearly indicate how many days of school a student must miss, whether these absences must all be unexcused, and within what period of time the absences must accrue in order for the law to apply. States should also indicate what interventions schools must offer to a student before a truancy petition is filed.

Similarly, states that include “incurability” as a status offense should clearly indicate whether the law applies when a young person disregards directives from parents only, or if it also applies to directives issued by teachers and other adults. The statute should indicate whether the young person’s behavior must meet a specific threshold to trigger the law (e.g. is it sufficient to be merely disobedient or disruptive, or must the young person’s noncompliant behavior rise to the level of being dangerous). These statutes should also state how many times a child must be disobedient in order for the law to apply, and any applicable time frame within which this number must be met.

In jurisdictions where running away is considered a status offense, language should clearly indicate the length of time a child must remain away from their residence before the law becomes applicable. The statute should also indicate whether the child must have left home previously in order to trigger the statute, and whether an exception exists if the child is married, or left home for “good cause” such as physical or sexual abuse.

DIVERSION OPTIONS

As part of their discussions, states should also consider how and when children can be diverted from the court system to other community-based programs. Policymakers should consider whether this will occur before any papers are filed in the case, following a disposition in the matter, or at some other point along the way. Diversion should occur before court involvement when possible so court resources can be reserved for the most serious and

⁵⁹ See Ala. Code § 12-15-101 et. seq.; Alaska Stat. § 47-10-011, et. seq.

⁶⁰ N.C. Gen. Stat. § 7B-1501(27).

complex cases. In Rhode Island, for example, no petition can be filed in a status offense case until a needs assessment has been conducted and the resulting treatment plan has failed.⁶¹

States should also consider whether diversion programs will be mandatory or voluntary. For example, in Arkansas, diversion is optional.⁶² Before diversion can be entered into in the state, both the child and his or her parent or guardian must be informed that diversion is not mandatory. The child and his or her parent or guardian must then consent to participation in a diversion program if this option is chosen. In Arkansas, the family also has a right to counsel when making this decision.

States should also consider whether there will be a penalty for failure to comply with diversion requirements and whether fees are associated with participation in a diversion program. States should avoid implementing fines and/or fees for diversion programs as these are not appropriate responses to status offense behaviors. States should attempt to divert status offenders from the judicial system whenever possible, as early in the process as possible, and as often as possible. States should have policies and procedures in place to ensure that a youth's rights are not violated in the event that diversion fails. For example, statements of culpability that are required for entry into a diversion program should not be available for use against the young person if they later end up in court for the behavior.

SERVICES

Status offense behaviors such as skipping school and running away from home are often among the first indications that something is amiss in a child's life, and that either they and/or their family are in need of services

SOS Project Products

In addition to the *National Standards for the Care of Youth Charged with Status Offenses*, the Coalition for Juvenile Justice has released several publications related to status offenses. These SOS Project products include:

Disproportionate Minority Contact and Status Offenses

Available at: http://www.juvjustice.org/sites/default/files/resource-files/DMC%20Emerging%20Issues%20Policy%20Brief%20Final_0.pdf

Girls, Status Offenses and the Need for a Less Punitive and More Empowering Approach

Available at: http://www.juvjustice.org/sites/default/files/resource-files/SOS%20Project%20-%20Girls%2C%20Status%20Offenses%20and%20the%20Need%20for%20a%20Less%20Punitive%20and%20More%20Empowering%20Approach_0.pdf

Ungovernability and Runaway Youth

Available at: <http://www.juvjustice.org/sites/default/files/resource-files/Ungovernable%20and%20Runaway%20Youth%20Guidance.pdf>

LGBTQ Youth and Status Offenses

Available at: <http://www.juvjustice.org/sites/default/files/resource-files/LGBTQ%20Youth%20Guidance%20FINAL.pdf>

Use of the Valid Court Order

Available at: <http://juvjustice.org/sites/default/files/resource-files/State%20VCO%20Usage.pdf>

Truancy and Other Status Offenses

Available at: <http://juvjustice.org/sites/default/files/resource-files/Guidance%20For%20Education%20Professionals%20and%20Systems.pdf>

⁶¹ R.I. Gen Laws § 14-1-11(f).

⁶² Ark. Code § 9-27-301, *et. seq.*

such as a drug treatment programs, therapy and other interventions. Policymakers should give thought to services and how they will be offered to young people charged with status offenses. Discussions should focus on the types of services made available to youth and whether these services will be mandatory or voluntary. It is also important to determine whether services will be for children only, or if they will extend to families, as well as what party (e.g. social services, intake officer, etc.) will offer services to the family.

RIGHT TO COUNSEL

Statutes should provide children with the right to counsel in status offense cases. States should make counsel available even if diversion is being considered in lieu of court proceedings. This helps ensure that the child's rights are not violated and that they receive the best possible outcome in their case. The *National Standards* urge states to ensure that the right to counsel in status offense cases cannot be waived. If waiver of counsel is permitted, it should only be granted in limited circumstances where (1) the waiver is made on the record, (2) following a thorough examination by the judge about the child's understanding and capacity, and (3) is made in the presence of and consultation with an attorney.

DETENTION AND CONFINEMENT

Under the Juvenile Justice and Delinquency Prevention Act (JJDP), youth who commit status offenses cannot be incarcerated. An exception, however, permits young people who have disregarded a valid court order to be placed in secure detention for their behavior. This practice, known as the Valid Court Order (VCO) Exception, continues to be used in 27 states and territories to incarcerate youth who, for example, did not comply with a judge's directive to attend school or stay in their home. Many other states have chosen instead to statutorily prohibit secure detention of youth charged with status offenses.

It is important for policymakers to clearly define what constitutes secure detention in their communities. The Office of Juvenile Justice and Delinquency Prevention (OJJDP) defines secure detention as the holding of a youth in a secure facility following his or her arrest to ensure they appear for court dates, and/or do not harm the community. Secure confinement on the other hand, comes after disposition and requires the youth to remain in a correctional facility for several months, or in some cases several years.⁶³

Communities should refrain from placing youth in secure detention facilities at any point in the process. They should also clearly, and accurately define what a secure detention facility is. Consideration should be given to the restrictions placed on the young person's liberty to leave the facility either temporarily or permanently. Common examples of secure facilities include juvenile detention halls, although they can also include other settings in which the young person is not free to leave. Non-secure placements, meanwhile, include training centers where youth are able to live on-site and learn new job and life

Young people often engage in conduct that constitutes a status offense because of underlying problems; the *National Standards* discourage incarcerating children and teenagers for status offenses under any circumstances.

63 OJJDP. Juvenile Justice Bulletin. Sept. 2005. Available at: <https://www.ncjrs.gov/pdffiles1/ojjdp/208804.pdf>. Last accessed April 18, 2014.

skills. They also frequently include treatment centers and group homes where youth live with other children and/or a family who teaches them how to modify their behaviors. Non-secure placements are outside the young person's family home, but are different from secure confinement in that the young person is able, if they chose, to leave.

POST-DISPOSITIONAL OPTIONS

A range of post-dispositional options are used by states after a young person has been adjudicated in a status offense case. In Nevada a young person can have his or her drivers' license suspended, be required to pay restitution or perform community service, or be placed on electronic monitoring.⁶⁴ Arizona, meanwhile, permits youth to be placed on probation, to pay restitution, to remain at home, be placed with a relative, or be placed in an out-of-home placement.

Because of the many negative effects of secure confinement and out-of-home placements, the *Standards* suggest that reasonable efforts be made to avoid out-of-home placements. Secure detention, meanwhile, should always be avoided in status offense cases.



This *Model Policy Guide* was written by Naomi Smoot, Senior Policy Associate at the Coalition for Juvenile Justice. To learn more about the Coalition for Juvenile Justice Safety, Opportunity & Success: Standards of Care for Non-Delinquent Youth Project:

Contact:	Lisa Pilnik, CJJ Deputy Executive Director, 202-467-0864, Pilnik@juvjustice.org
Visit:	http://www.juvjustice.org/sos
Facebook:	www.facebook.com/juvjustice
Twitter:	www.twitter.com/4juvjustice
YouTube:	www.youtube.com/user/JusticeCJJ

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⁶⁴ Nev. Rev. Stat. Ann. § 62A.040 et. seq.

APPENDIX II

OVERVIEW

NATIONAL STANDARDS FOR THE CARE OF YOUTH CHARGED WITH STATUS OFFENSES

I. BACKGROUND

The Coalition for Juvenile Justice's Safety, Opportunity & Success (SOS): Standards of Care for Non-Delinquent Youth 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 for 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 secure confinement for youth who commit status offenses.

A status offense is conduct that would not be considered a crime if committed by an adult. The most common examples of status offenses are truancy, running away, violating curfew laws, or possessing alcohol or tobacco.

II. NATIONAL STANDARDS FOR THE CARE OF YOUTH CHARGED WITH STATUS OFFENSES

As part of the SOS Project, the Coalition for Juvenile Justice created the *National Standards for the Care of Youth Charged with Status Offenses*, which aim to promote policies and best practices for this youth population, based in research and social service approaches, and better engage and support youth and families in need of assistance. The *National Standards* call for an absolute prohibition on detention of status offenders and seek to divert them entirely from the delinquency system by promoting the most appropriate services for families and the least restrictive placement options for youth.

The *National Standards* are divided into four sections:

- Principles for Responding to Status Offenses;
- Efforts to Avoid Court Involvement;
- Efforts to Limit Court Involvement;
- Recommendations for Policy and Legislative Implementation.

The *National Standards* were developed by the Coalition for Juvenile Justice (CJJ) in partnership with the National Council of Juvenile and Family Court Judges (NCJFCJ) and a team of experts from various jurisdictions, disciplines and perspectives, including juvenile and family court judges, child

The *National Standards* are organized as follows:

- The Standard to be adopted is articulated in full – “the black letter.”
- The need and underlying argument for the Standard is presented.
- One or more concrete practice or policy actions items are recommended that readers can take to advance and implement the Standard.

To read the *National Standards* in full, please visit <http://www.juvjustice.org/our-work/safety-opportunity-and-success-project/national-standards-care-youth-charged-status>.

welfare and juvenile defense attorneys, juvenile corrections and detention administrators, community-based service providers, and practitioners with expertise in responding to gender-specific needs. Many hours were devoted to discussing, debating and constructing a set of ambitious yet implementable standards that are portable, easily understood, and designed to spur and inform state and local policy and practice reforms.

III. PRINCIPLES FOR RESPONDING TO STATUS OFFENSES

The first section of the *National Standards* provides a frame and foundation from which professionals working day-to-day with families and youth alleged to have committed status offenses can operate to achieve positive outcomes for everyone. In doing so, this section highlights twelve key principles to which professionals should adhere to protect youth and family safety, promote family connections and permanence, and ensure youth and family well-being.

The twelve principles stipulate that judicial, legal, law enforcement, justice, social service and school professionals working with youth alleged to have committed status offenses and their families should:

1. Apply a child and family-centric approach to status offense cases by prioritizing child and family **safety, well-being and permanency** for the child;
2. Understand and apply current and emerging **scientific knowledge about adolescent development**, particularly as it relates to court-involved youth;
3. Understand **positive youth development principles** and how they can be used to achieve better outcomes for court-involved youth;
4. Ensure that **past trauma** and other experiences, which may underlie or lead to status-offending behaviors, are identified and responded to with appropriate screening, assessment, treatment, services and supports;
5. Implement a status offense system framework that promotes shared leadership and responsibility by encouraging **youth engagement** in court, agency, and other meetings affecting their case, safety, well-being, treatment services and/or placement;
6. Utilize **alternative dispute resolution** strategies to resolve youth and family conflicts outside of the court system;

Facts about Status Offenses

- In 2010, 36 percent of status offense 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 run away from their homes than white youth and two times more likely to be considered 'beyond the control of their parents.' (National Center for Juvenile Justice)
- In 2009, girls accounted for almost half of all 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)

7. Employ **family engagement strategies** that identify and emphasize a family's strengths, and empower families to find and implement solutions outside of the court system;
8. **Eliminate racial and ethnic disparities** by being culturally aware and ensuring impartial and equal access to culturally-competent prevention and intervention services and treatment for youth charged with status offenses and their families;
9. Understand the developmental, behavioral and social differences between boys and girls and how their service needs are accordingly different. Make **gender-responsive** choices regarding interventions, treatment and services before, during, and following court involvement;
10. Ensure that **lesbian, gay, bisexual, transgender, or questioning (LGBTQ) youth** who are charged with status offenses receive fair treatment, equal access to services, and respect and sensitivity from all professionals and other youth in court, agency, service, school and placement;
11. Ensure children do not enter the status offense system because of **learning, mental health, sensory, speech/language or co-occurring disabilities**. Ensure that children with disabilities who do enter the status offense system are treated fairly and given access to needed evaluations, treatments and services;
12. **Coordinate** with other relevant formal and informal systems of care to better serve children and families.

IV. EFFORTS TO AVOID COURT INVOLVEMENT

This section of the *National Standards* discusses key principles and practices that shape how education, social service, community-based, child welfare, runaway and homeless youth, mental health, law enforcement and juvenile justice systems should first respond to youth and families at risk and in need of immediate assistance. They offer guidance to professionals on how to identify the reason(s) the child and family have been referred to them and select and deliver the best early intervention services that will help the child and family avoid court involvement.

Education, social service, community-based, child welfare, runaway and homeless youth, mental health, law enforcement and juvenile justice systems should:

1. Aim to resolve all status offense matters through the provision of voluntary **diversion services**;
2. Determine the proper course of action by identifying the **family circumstances, unmet needs, or other factors** that led to contact with the status offense system;
3. **Train professionals** who first respond to alleged status offenses about family and community dynamics and other factors that can cause status offense behaviors, as well as the availability and role of screenings, assessments and services.

Law enforcement systems should:

4. Focus on **prevention and intervention** by connecting children and families to needed services in lieu of charging or detaining children alleged to have committed status offenses.

Education systems should:

5. Implement responses to **truancy** that match the reasons youth are absent from school and that aim to avoid court involvement, school suspension or expulsion.

Child welfare, juvenile justice and runaway and homeless youth systems should:

6. Implement responses to alleged status offense behaviors that aim to avoid court involvement and are **tailored to the reasons** the youth and family have been referred to the child welfare, juvenile justice or runaway and homeless youth system.

Court intake personnel should:

7. **Not accept jurisdiction** over any status offense case until it has been determined that the applicable statutory requirements were met and that the agency that first responded to the claim made reasonable efforts to avoid court involvement by exhausting all available, culturally appropriate, pre-court assessments, services, entitlements and treatments.

SOS Project Products

In addition to the *National Standards for the Care of Youth Charged with Status Offenses*, the Coalition for Juvenile Justice has released several publications related to status offenses. These SOS Project products include:

Disproportionate Minority Contact and Status Offenses

Available at: http://www.juvjustice.org/sites/default/files/resource-files/DMC%20Emerging%20Issues%20Policy%20Brief%20Final_0.pdf

Girls, Status Offenses and the Need for a Less Punitive and More Empowering Approach

Available at: http://www.juvjustice.org/sites/default/files/resource-files/SOS%20Project%20-%20Girls%2C%20Status%20Offenses%20and%20the%20Need%20for%20a%20Less%20Punitive%20and%20More%20Empowering%20Approach_0.pdf

Ungovernability and Runaway Youth

Available at: <http://www.juvjustice.org/sites/default/files/resource-files/Ungovernable%20and%20Runaway%20Youth%20Guidance.pdf>

LGBTQ Youth and Status Offenses

Available at: <http://www.juvjustice.org/sites/default/files/resource-files/LGBTQ%20Youth%20Guidance%20FINAL.pdf>

Use of the Valid Court Order

Available at: <http://juvjustice.org/sites/default/files/resource-files/State%20VCO%20usage.pdf>

Truancy and Other Status Offenses

Available at: <http://juvjustice.org/sites/default/files/resource-files/Guidance%20For%20Education%20Professionals%20and%20Systems.pdf>

V. EFFORTS TO LIMIT COURT INVOLVEMENT

The third section of the *National Standards* focuses on what efforts court system stakeholders should make to limit court involvement when pre-court diversion efforts have not yielded desired outcomes. The following Standards

offer guidance to judicial, legal and other professionals working within the court system on how they can use the court's powers to ensure the proper services are implemented while avoiding deeper court involvement. They also provide guidance at various stages of the case to ensure best outcomes for youth and families.

Judicial officers should:

1. Dismiss or, alternatively, stay proceedings when **community-based services or other formal or informal systems approaches** would circumvent the need for continued court jurisdiction;
2. Assess early whether the **Indian Child Welfare Act (ICWA)** applies;
3. Ensure youth charged with status offenses have independent, qualified and effective **legal representation** throughout status offense proceedings;
4. Not allow children in status offense cases to **waive counsel** or alternatively only allow waiver if: (1) the waiver is on the record, (2) the court has fully inquired into the child's understanding and capacity and (3) the waiver occurs in the presence of and in consultation with an attorney;
5. Exercise their statutory and inherent authorities to determine, prior to adjudication, whether youth and families received, in a timely manner, **appropriate interventions that could have limited** their court involvement;
6. Exercise their statutory and inherent authorities throughout the child and family's court involvement to ensure that service delivery systems are providing the appropriate **assessments, treatments and services** to children and families in status offense cases;
7. Assess **alternatives** to out-of-home placement or secure confinement;
8. **Not securely detain or confine** youth at any point in the status offense process.

Lawyers for alleged and adjudicated status offenders should:

9. Advocate for **voluntary and community-based assistance** to limit and/or avoid continued court involvement and secure confinement;



10. Advocate for child clients to be treated fairly throughout the court process and for their **due process rights** to be protected;
11. Ensure that child clients' **rights and entitlements** under relevant federal and state laws are protected.

Judicial officers and entities providing case management services should:

12. Effectively manage and close court and agency cases in a **timely manner**.

Additional Resources on Status Offenses

The **Coalition for Juvenile Justice's 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 help youth who are at risk of, or charged with committing status offenses. For more information visit: <http://www.juvjustice.org/sos>.

The **Administration for Children and Families** at the U.S. Department of Health and Human Services provides a directory of providers serving runaway and homeless youth across the nation. For more information visit: <http://www.hhs.gov/homeless/resources/>.

The **American Bar Association** provides practical guidance to attorneys representing status offenders in and out of court. For more information visit: http://www.americanbar.org/groups/child_law/what_we_do/projects/status_offenders.html.

The **National Council on Juvenile and Family Court Judges** is undertaking efforts to educate and equip judges to eliminate use of the valid court order (VCO) exception and instead rely on evidence-informed strategies that do not result in locked detention. For more information visit: <http://www.ncjfcj.org/our-work/detention-alternatives>.

Office of Juvenile Justice and Delinquency Prevention (OJJDP) has a DSO Best Practices Database, which offers a searchable database containing profiles of promising programs and strategies in each of the five major status offense categories. For more information visit: <http://www.juvenilejustice-tta.org/resources/dso/about-dso>

The **Status Offense Reform Center (SORC)** provides policymakers and practitioners with tools and information to create effective, community-based responses for keeping young people who engage in non-criminal behavior out of the juvenile justice system and safely in their homes and communities. The Center is a project of the Vera Institute of Justice and is supported by the John D. and Catherine T. MacArthur Foundation's Models for Change Resource Center Partnership. For more information visit: www.statusoffensereform.org.

VI. RECOMMENDATIONS FOR POLICY AND LEGISLATIVE IMPLEMENTATION

The last section includes recommendations for policymakers to institute legislative, policy, administrative and budgetary changes that align with and support the implementation of the previous sections of the *National Standards*. This list of state and federal law and policy recommendations should be used by federal, state and local policymakers to help effect meaningful changes to status offense laws and policies. These changes can promote early intervention, diversion, and increased and coordinated services and support for youth and their families. This section can also be used by policy advocates to support their organizational efforts to change state and federal laws, policies and budgetary schemes to support better outcomes for young people in or at risk of entering the status offense system.

State and local policymakers and advocates should:

1. Eliminate juvenile court **penalties and sanctions** for behaviors labeled status offenses and ensure that systems are accurately responding to behaviors as either episodes of normal adolescent behavior, or critical unmet youth and family needs that are best resolved through non-judicial interventions and supports;
2. Support an infrastructure of community-based and child and family serving programs and systems to ensure direct youth and family access to a **seamless, comprehensive and non-judicial continuum of care** that is empowered and resourced to respond to behaviors that might otherwise be labeled as status offenses;
3. In those limited circumstances where court involvement is necessary, ensure court mechanisms are in place that allow the **appropriate court division to effectively serve the needs of the youth and family** without inappropriate use or risk of more punitive outcomes for the child and family;
4. Prohibit schools from referring youth who engage in status offense behaviors to court unless and until the **school has made all reasonable efforts** to avoid court involvement;
5. Prohibit parents/caregivers from referring youth who engage in status offense behaviors to the juvenile court until the family has first **sought and meaningfully engaged non-judicial interventions**;
6. Promote **coordinated, blended or braided public funding streams** that create a seamless, comprehensive community-based continuum of care for youth and families;
7. Enact laws that ensure the **right to counsel** for youth who come into contact with the juvenile court for a status offense by not allowing youth to waive their right to counsel or only allowing waiver if: (1) it is on the record, (2) the court has fully inquired into the child's understanding and capacity, and (3) the waiver occurs in the presence of and in consultation with an attorney;
8. **Prohibit the use of locked confinement** for youth petitioned to court for a status offense;
9. Mandate meaningful efforts to **engage youth and families** in all aspects of case planning, service delivery, court proceedings and disposition strategies.

Federal policymakers and advocates should:

10. Amend the federal Juvenile Justice and Delinquency Prevention Act (JJDP) to **prohibit the use of the valid court order (VCO) exception** to securely confine youth adjudicated for status offenses;
11. Strengthen relevant federal agencies to provide **research, training and technical assistance** to state and local authorities to better assist state status offense system reform efforts;
12. Create **coordinated approaches** between federal government agencies and programs that serve youth and families that will help states coordinate, blend or braid federal funding streams to create a seamless, comprehensive and, to the greatest extent possible, non-judicial continuum of care for youth and families.

Research shows that locking up status offenders leads to worse outcomes for individual children and for their communities. Youth who are chronically truant, run away from home, or commit other non-criminal offenses are best served by community and family services that do not involve the courts or juvenile justice system at all. The Coalition for Juvenile Justice believes that every effort must be made to protect these youth from the damaging effects of justice system involvement.



Status Offenses: A National Survey, was written by Naomi Smoot, Senior Policy Associate. To learn more about the Coalition for Juvenile Justice Safety, Opportunity & Success: Standards of Care for Non-Delinquent Youth Project:

Contact:	Lisa Pilnik, CJJ Deputy Executive Director, 202-467-0864, Pilnik@juvjustice.org
Visit:	http://www.juvjustice.org/sos
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