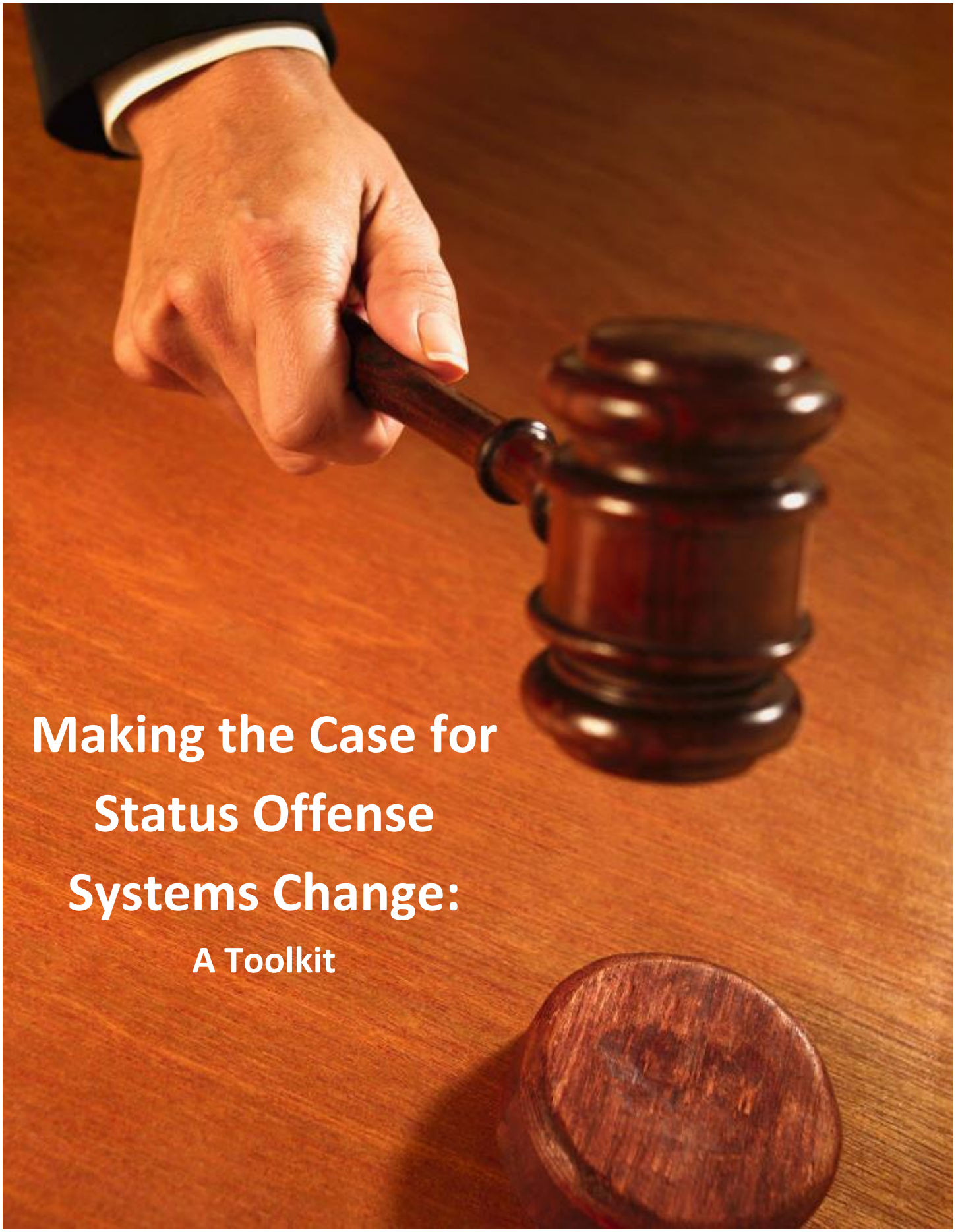

Making the Case for Status Offense Systems Change:

A Toolkit

Coalition for Juvenile Justice | SOS Project

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

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INTRODUCTION

Juvenile and family court judges serve an important role not only in the lives of the youth and families in their courtrooms, but in their larger communities. Using their convening power and position as an expert on legal and court issues, judges can educate others about better ways to address the needs of children and families. Other professionals, such as attorneys, juvenile justice agency staff, policymakers and advocates can also raise awareness and share knowledge on these important issues. As part of the Safety, Opportunity and Success (SOS) Project, the Coalition for Juvenile Justice created this Toolkit, a set of resources which give users the tools they need to educate others about status offenses and the need for better responses to youth charged with these behaviors.

The materials in this toolkit will help judges and other professionals work with a wide range of audiences, including those who do not have extensive knowledge about status offenses or the court system. The toolkit contains talking points on status offenses, a fact sheet/handout that debunks myths about status offenses, a PowerPoint on improving responses to youth charged with status offenses, a brief on CJJ's *National Standards for the Care of Youth Charged with Status Offenses*, and additional resources. Readers can use these tools as an initial step in educating their colleagues and others about the need for improved responses to status offenses. Additional materials from CJJ are included in the Appendix to the toolkit, and give more in depth guidance on creating broad and sustainable change.

TALKING POINTS ON STATUS OFFENSES

OVERVIEW

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

NEGATIVE EFFECTS OF INCARCERATING YOUTH WHO COMMIT STATUS OFFENSES

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

FACTS ABOUT STATUS OFFENSES AND THE YOUTH WHO COMMIT THEM

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

STATUS OFFENSES AND THE LAW

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

NATIONAL STANDARDS FOR THE CARE OF YOUTH CHARGED WITH STATUS OFFENSES

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

MESSAGING AND STATUS OFFENSES

When talking about status offenses, DO:

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

When talking about status offenses, DON'T :

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

DEBUNKING MYTHS ABOUT STATUS OFFENSES

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

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

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[i] Puzzanchera, C. (2013). Juvenile Arrests 2011. Washington, D.C.: Office of Juvenile Justice and Delinquency Prevention. As of 2010, the FBI no longer collects arrest statistics for running away.
[ii] Puzzanchera, C. and Adams, B. (2011). Juvenile Arrests 2009. Washington, D.C.: Office of Juvenile Justice and Delinquency Prevention.
[iii] Benton, H., et al. *Representing Juvenile Status Offenders.* (2010) Washington, D.C.: American Bar Association Center on Children and the Law. Available at: http://www.americanbar.org/content/dam/aba/migrated/child/PublicDocuments/RJSO_FINAL.authcheckdam.pdf. "Reducing Truancy" (nd) National Center for School Engagement. Available at http://pffac.org/services/school-engagement-services/reducing-truancy.
[iv] Coalition for Juvenile Justice. (2014). Use of the Valid Court Order: State-by-State Comparisons. Washington, DC: Coalition for Juvenile Justice.
[v] Holman, B. & Ziedenberg, J. (2006). The Dangers of Detention. Washington, DC: Justice Policy Institute.
[vi] Puzzanchera, Charles, and Sarah Hockenberry. 2013. Juvenile Court Statistics 2010. Pittsburgh, PA: National Center for Juvenile Justice. Available at http://www.ncjj.org/pdf/jcsreports/jcs2010.pdf.
[vii] U.S. Department of Justice. (2012). Report of the Attorney General's National Task Force on Children Exposed to Violence. Washington, D.C.

Improving Responses to Youth Charged with Status Offenses

Photo by Richard Ross

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Presentation Overview

- Overview of Status Offenses
- Federal Legislation
- The CJJ National Standards for the Care of Youth Charged with Status Offenses

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What are Status Offenses?

- Status offenses are acts by juveniles that violate the law, but would not be an offense if committed by an adult.
- Common examples include truancy, running away, curfew and liquor law violations and being "unruly," "incorrigible," or "ungovernable" (e.g., beyond the control of the youth's parents).
- An estimated 137,000 status offense cases were petitioned in juvenile courts in 2010.
- Of these, 10,400 involved detention and 6,100 resulted in an out-of-home placement.

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What are the Dangers of Detention?

- Young people who are securely detained are more likely to:
  - become more deeply involved in the juvenile or criminal justice system
  - enter the criminal justice system
  - suffer from physical or mental health problems
  - struggle in or not complete school
  - have difficulty in the labor market later in life

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The Juvenile Justice and Delinquency Prevention Act

- The Juvenile Justice Delinquency and Prevention Act was passed in 1974
- The JJDPA has four core requirements:
  - -- Deinstitutionalization of Status Offenses (DSO) (ensures that youth who commit status offenses are not held in secure juvenile facilities for extended periods of time or in secure adult facilities for any length of time)
  - -- Site and sound separation (prohibits youth from being within sight and sound contact with adults)
  - -- Jail removal (youth may not be detained in adult jails and lock-ups)
  - -- Disproportionate Minority Contact (states are required to assess and address the disproportionate contact of youth of color at key points in the juvenile justice system)

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Valid Court Order Exception

- The valid court order (VCO) exception to the DSO core requirement was amended into the JJDPA in 1980
- While the DSO protection remained intact, judges and others were given the option of placing youth who commit status offenses in locked detention if they violated a "valid court order," or a direct order from the court, such as "stop running away from home" or "attend school regularly"

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About the SOS Project

- The Coalition for Juvenile Justice's "Safety, Opportunity & Success (SOS) Project" is a multi-year partnership that engages State Advisory Group members, judicial leaders, practitioners, service providers, policymakers and advocates to guide states in implementing policy and practices that:
  - Divert youth at risk or charged with status offenses from the courts to connect them to family- and community-based systems of care that more effectively meet their needs;
  - Eliminate the use of locked confinement for youth who commit status offenses.

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About the *National Standards*

- The Coalition for Juvenile Justice released the *National Standards for the Care of Youth Charged with Status Offenses* in December 2013
- Developed by CJJ in partnership with National Council of Juvenile and Family Court Judges and Vera Institute of Justice, with support from Public Welfare Foundation
- Advisory group of juvenile justice professionals, advocates, researchers and judicial leaders
- Endorsed by state and national groups
- Policies and practices to achieve positive outcomes for youth who are or may become justice system-involved for status offenses

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National Standards Endorsements

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Principles for Responding to Status Offenses

- Apply a child and family-centric approach to status offense cases by prioritizing child and family safety, well-being and permanency
- Understand and apply knowledge about adolescent brain development, positive youth development, gender-based differences, and impact of past trauma and exposure to violence
- Ensure coordination among the different agencies and systems working with each child and family
- Ensure fair and equal treatment of youth with learning, mental health, sensory, or communication disabilities and prevent youth from becoming or remaining involved with the system due to disabilities

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Principles for Responding to Status Offenses

- Engage and empower families through Family Group Decision Making and other strategies
- Ensure LGBTQ youth receive fair, equal, and respectful treatment and access to services
- Combat disproportionate minority contact by providing culturally and linguistically competent services and treatment and other strategies
- Use mediation and other alternative dispute resolution methods

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Avoiding or Limiting Court Involvement

- Identify and respond to underlying causes of court involvement (such as unmet needs of the family) early
- Limit court involvement through diversion programs when possible
- Ensure professional who first respond to alleged status offenses are educated about the family and community dynamics that often underlie or contribute to these behaviors
- Ensure youth are present and represented by counsel at any hearing on their status offense cases
- Never securely confine youth for status offenses and avoid out of home placements whenever possible

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Additional Resources

Coalition for Juvenile Justice's SOS Project: http://www.juvjustice.org/sos

The Administration for Children and Families: http://www.hhs.gov/homeless/resources/

The American Bar Association: http://www.americanbar.org/groups/child_law/what_we_do/projects/status_offenders.html

The National Council on Juvenile and Family Court Judges: http://www.ncjfcj.org/our-work/detention-alternatives

Office of Juvenile Justice and Delinquency Prevention (OJJDP): http://www.juvenilejustice-tta.org/resources/dso/about-dso

Vera Institute for Justice's Center on Youth Justice: http://www.vera.org/centers/youth-justice

Status Offense Reform Center (SORC): http://www.statusoffensereform.org

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For More Information

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Coalition for Juvenile Justice|SOS Project
Safety, Opportunity & Success (SOS): Standards of Care for Non-Delinquent Youth

BRIEF

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;

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.

- 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 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;

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)

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;

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.

Endorsements of the National Standards

The *National Standards for the Care of Youth Charged with Status Offenses* have been endorsed by a wide range of state and national groups including:

To view the full list of endorsements please visit http://juvjustice.org/our-work/safety-opportunity-and-success-project/national-standards/endorsements. If you would like to endorse the *National Standards,* please contact Lisa Pilnik at pilnik@juvjustice.org.

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 Institue 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 (JJDPA) 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.

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

Want to become a CJJ individual or organizational member?

Visit: www.juvjustice.org/about-us/members

APPENDIX

The following appendices are available on the CJJ website at http://www.juvjustice.org/our-work/safety-opportunity-and-success-project/judicial-leadership.

A. Exercising Judicial Leadership to Reform the Care of Non-Delinquent Youth: A Convenor's Action Guide for Developing a Multi-Stakeholder Process

B. Status Offense Laws (Model Policy Guide)

C. Use of the Valid Court Order Exception in the States (Fact Sheet)

D. Emerging Issues Briefs

   a. Disproportionate Minority Contact and Status Offenses

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

   c. Running Away: Finding Solutions that Work for Youth and their Communities

E. Policy Guidance

   a. Addressing Truancy and Other Status Offenses

   b. LGBTQ Youth and Status Offenses

   c. Ungovernable and Runaway Youth

   d. Status Offenses and Family Engagement

   e. Juvenile Defense in Status Offense Cases

F. POSITIVE POWER: Exercising Judicial Leadership to Prevent Court Involvement and Incarceration of Non-Delinquent Youth

G. The National Standards for the Care of Youth Charged with Status Offenses

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