

MEDIA ADVISORY

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PREVENTING COURT INVOLVEMENT AND INCARCERATION OF AT-RISK YOUTH PRODUCES BETTER OUTCOMES

Washington, DC – Today, the Coalition for Juvenile Justice (CJJ) released a report, *POSITIVE POWER: Exercising Judicial Leadership to Prevent Court Involvement and Incarceration of Non-Delinquent Youth*, which highlights nine judges across the nation who are using their statutory and inherent judicial powers to divert youth who engage in behaviors defined as status offenses away from court involvement and incarceration, and into the community and family-based supports that more effectively meet their needs.

Far too often youth charged with status offenses, especially truancy, are subjected to harsh sanctions – sanctions that limit their liberty, yet do not address unmet needs and the likely causes of youths' behaviors, improve public safety, or leverage needed family and community supports proven to be more effective and cost-efficient.

“Common sense and science tell us that jailing youth for actions that are not delinquent does much more harm than good,” stated Nancy Gannon Hornberger, CJJ Executive Director. “CJJ is proud to highlight the flagship efforts of judges across the United States who have challenged community norms and traditional court practice to produce greater benefits for at-risk youth, their families and entire communities.”

The Deinstitutionalization of Status Offenders (DSO) core requirement of the federal Juvenile Justice and Delinquency Prevention Act (JJDPA) has held since 1974 that youth charged with status offenses, and non-offenders involved with the dependency court for neglect and abuse, may not be placed in secure detention or locked confinement. However, since 1984 the valid court order (VCO) exception to the DSO core requirement has allowed detention of adjudicated

status offenders if they violate a direct order from the court. Almost half of the U.S. states and territories prohibit use of the VCO exception in statute or do not actively use the exception. In 30 states where the exception allowing detention of status offenders is used, it is typically used by a single court or a small number of judges. Still, each year the VCO exception contributes to the locked detention of thousands of non-delinquent youth.

In contrast, the nine judges profiled in CJJ's *POSITIVE POWER* report choose not to use locked confinement as a sanction for status offenses, and instead use their statutory and inherent judicial powers to divert youth away from the court and locked confinement – even when the law of their state permits them to do so. The judges come from various geographic, demographic and ideological backgrounds and their successes demonstrate that efforts to deinstitutionalize status offenses can overcome a variety of barriers.

“Too often, our systems – courts, schools and community - respond to a child’s behavior and not the causes of that behavior,” says Judge Joan Byer, Presiding Judge of the Jefferson County Family Court in Louisville, KY, and one of the judges featured in the report. “As a result, we unintentionally punish children who live punishing lives. This report is both confirmation that more and more of my colleagues are developing a broader understanding, and a call to action for us to work harder to provide meaningful and effective interventions for our most fragile population.”

The CJJ report is one key element of a larger project: “Safety, Opportunity & Success (SOS): Standards of Care for Non-Delinquent Youth.” SOS is a nationwide initiative focused on reforms for youth at risk and adjudicated for status offenses, or conduct that is not deemed criminal when committed by adults and that carries court sanctions for youth due to their legal status as minors. Common status offenses include truancy, running away, curfew violations, being beyond the control of one’s parents, and underage liquor/tobacco law violations. The SOS Project is a partnership between the Coalition for Juvenile Justice and the National Council of Juvenile and Family Court Judges, supported by grants from the Public Welfare Foundation and CJJ’s member State Advisory Groups.

POSITIVE POWER identifies four noteworthy elements of effective judicial leadership:

- (1) Demand for evidence-based approaches and determination to change judicial practice in a manner consistent with the best available data of what produces favorable outcomes for youth, families and communities;
- (2) Balancing of interests, and a motivation to identify effective alternatives to detention and supportive options for youth charged with status offenses and their families while taking into account the preservation and protection of community safety;
- (3) Reliance on partnerships, and a recognition of the value of bringing non-judicial partners together to develop community-based, family-connected continuums of care for vulnerable youth; and
- (4) Innovative use of judicial convening power to proactively leverage his/her statutory and inherent powers to convene and/or participate in cross-system collaborations designed to identify and overcome barriers, and continuously explore new options.

The *POSITIVE POWER* report and other related materials are available online:

http://www.juvjustice.org/sos_publications.html

For more information, please contact Marie Williams, CJJ Director of State Strategies, at 202-467-0864, ext. 113 or williams@juvjustice.org, or visit CJJ on line at

<http://www.juvjustice.org/sos.html>.

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The Coalition for Juvenile Justice (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. 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.