



May 2014

In Support of H.R. 4123, the Prohibiting Detention of Youth Status Offenders Act

Dear Member of Congress:

We, the undersigned, representing a broad array of children, youth, disability, and justice-oriented organizations, urge you to cosponsor and support passage of H.R. 4123, the Prohibiting Detention of Youth Status Offenders Act.

Introduced by Representative Cardenas on February 28th, 2014, H.R. 4123 would strengthen the Deinstitutionalization of Status Offenders (DSO) core protection of the Juvenile Justice and Delinquency Prevention Act (JJJPA) of 1974 by eliminating the Valid Court Order (VCO) exception.

Since 1974, the DSO core protection of the federal JJJPA law has provided that youth adjudicated for a status offense may not be placed in locked confinement. Known as the “deinstitutionalization of status offenders” or “DSO provision,” this core protection of the JJJPA applies to youth whose actions would not be considered offenses at the age of majority, such as skipping school, running away, breaking curfew and possession or use of alcohol.

Congress, rightly, understood that locking up these youth does not resolve the factors that led to their status offense and can often make things worse. Children held in secure facilities are exposed to negative influences, subjected to social stigmatization, and their needs are often left unmet. The DSO protection was designed to ensure that these youth, who often have unmet mental health or education needs, receive help from the appropriate human services agency rather than the justice system.

Unfortunately, a 1980 amendment to the law, known as the Valid Court Order (VCO) exception – has allowed status offenders to continue to be locked up for second and subsequent status offenses, such as violating a court order not to commit another status offense. While judges in many states are effectively and proactively addressing the needs of these youth without resorting to detention, too many young kids are still finding their way into the juvenile justice system unnecessarily.

We know that detention of status offenders is more costly and less effective than home and community-based responses. It interrupts education, increases the chances the youth will go “deeper” into the system, and leads to higher recidivism rates. Girls, who are much more likely than boys to be arrested for status offenses and to receive more severe punishment, are particularly impacted. Many girls who act out as the result of abuse or trauma are simply re-traumatized by violent and abusive experiences in the juvenile justice system.

H.R. 4123 repeals this detrimental exception by giving states one year to phase out the practice in order to continue to receive federal JJDPA support for their state system. We urge you to support this important provision to strengthen federal juvenile justice law to better protect children by preventing unnecessary and harmful involvement in the juvenile justice system.

Thank you for your consideration.

Sincerely,

National Organizations

ACLU

American Psychological Association

Blacks in Law Enforcement of America

Campaign for Youth Justice

Center for Children's Law and Policy

Center for Juvenile Justice Reform

Children’s Defense Fund

Coalition for Juvenile Justice

Community Action Partnership

Council for Children with Behavioral Disorders

Futures Without Violence

Gay, Lesbian, and Straight Education Network (GLSEN)

Human Rights Project for Girls

Human Rights Campaign

Justice for Families

Justice Policy Institute

Juvenile Law Center

MENTOR: The National Mentoring Partnership

NAACP

National Center for Lesbian Rights

National Center for Transgender Equality

National Council of Juvenile and Family Court Judges

National Council on Crime and Delinquency

National Disability Rights Network
National Juvenile Defender Center
National Juvenile Justice Network
National Network for Youth
National PTA
National Youth Advocate Program
Strategies for Youth
Student Peace Alliance
Team Child
The Ella Baker Center for Human Rights
The Equity Project
The National Center for Youth Law
The National Crittenton Foundation
The Peace Alliance
The Sentencing Project
The Trevor Project
True Colors Fund
W. Haywood Burns Institute
Youth Advocate Programs
Youth Law Center

State and Local Organizations

Advocates for Children and Youth (Maryland)
Arkansas Advocates for Children and Families
California Alliance for Youth and Community Justice
California Public Defenders Association
Center for Children's Law and Policy Juvenile Justice Coalition (Ohio)
Colorado Juvenile Defender Coalition
Columbia Legal Services
Department of Juvenile Services (Newport News, Va.)
East Bay Children's Law Offices (Oakland, Ca.)
Franklin County Public Defender Office in Columbus, Ohio
Illinois State Advisory Group
Juvenile Justice Project of Louisiana
Just Children program of the Legal Aid Justice Center (Virginia)
Justice for Children Project at the Moritz College of Law (Ohio)
Kentucky Youth Advocates
Mennonite Central Committee U.S. Washington Office

Michigan Council on Crime and Delinquency
Minnehaha County Public Defender (South Dakota)
New Jersey Association of County Youth Services Commissions (NJACYSC)
New Jersey Parents Caucus, Inc.
Office of the Ohio Public Defender
Pacific Juvenile Defender Center (California)
Prison Law Office (California)
Sin Fronteras (California & Maryland)
The ALPHA Behavioral Health Center (South Carolina)
The Washington Defender Association
University of Arkansas Law School Legal Clinic
University of Baltimore School of Law Sayra and Neil Meyerhoff Center for Families, Children
and the Courts
Violence Prevention Coalition of Greater Los Angeles
Voices for Children in Nebraska
Washington Association of Criminal Defense Lawyer
Wisconsin Council on Children and Families