



Background

The handling of status offenses of youth has been a topic for discussion across the country and each state has taken different approaches in their response to these actions. Definitions are provided later, but as a general statement, a status offense is a conduct that would not be unlawful if committed by an adult but is unlawful only because of a child's or youth's legal minor status.

Although significant progress has been made in many states, every year "thousands of kids across the United States are handcuffed, taken to court, or locked up for just these misbehaviors".¹ "Using the justice system to respond to these cases makes little sense, particularly when the primary options available to law enforcement, judges, and other system players relate to protecting public safety, not addressing kids' needs".² In some states, a child who commits a status offense may end up in juvenile court. Other states have increased the use of residential placement for offenders, and others emphasize community-based programs. Today, most states refer to status offenders as "children or juveniles in need of supervision, services, or care." A few states designate some status offenders as "dependent" or "neglected children".³

Status offense behaviors can be a normal part of adolescent development, "which is a time of exploration and risk-taking, often marked by being impulsive and susceptible to peer pressure."⁴ But in other instances, they can signal underlying problems at home or in school that need closer attention. When families, schools, and communities don't know what else to do—and tensions are high—they call on the justice system to step in. A report released by the Vera Institute of Justice, *Just Kids: When Misbehaving is a Crime*, discusses the consequences of status offenses on youth on probation and describes how status offenses unfairly criminalize young people and increase the likelihood of youth reoffending, often with more serious crime. In these cases, youth do not have the opportunity to receive community support. According to the report, "kids who receive services in their homes and communities are able to strengthen family functions, improve their behavioral health and are less likely to reoffend".

By looking at these offenses through a behavioral lens, some state's child welfare agency is the first to deal with the problem and in many states, multiple agencies are involved in responding to status offenses. Further complicating the conversation nationally are age boundaries.⁵ States differ in the age established for delinquency and status offense jurisdiction. "These differences impact how juvenile courts and other social services are organized and resourced".⁶ The effect of

these gaps create unusual structural contradictions where status offense jurisdiction extends beyond delinquency jurisdiction.⁷

State juvenile justice statutes apply different legal labels to youth who commit status offenses. “Researchers at times have associated the labels to legislative intent indicating a child welfare orientation on one side of the spectrum and a public safety approach on the other”.⁸ Removing status offenses from juvenile jurisdiction avoids youth being labeled as delinquent which may increase the likelihood of reoffending.⁹

For the most part, state goals in dealing with status offenses became threefold:

- to preserve families
- to ensure public safety, and
- to prevent young people from becoming delinquent or committing crimes in the future.

However, some states lack options to divert, screen, and assess kids who exhibit these behaviors, often leaving the justice system with no option to keep kids at home and in their communities. When youth are charged with status offenses and end up in locked facilities, it further exacerbates the circumstances that drive their behaviors, and further criminalize under-served kids who are often subject to harsh biases and discipline, including girls, kids in poor communities, kids of color, and LGBTQ/Gender Non-conforming (GNC) youth.

Researchers have studied the various approaches across states along with data concerning the prevalence of status offenders to promote the best ways to respond to “youth whose behavior may violate societal boundaries or rules, rather than the criminal law.”¹⁰ In addition, the cost of incarceration of youth vs. the use of diversion programs and community-based alternatives, has been proven to reduce costs and recidivism.

Status Offenses Defined

The Coalition for Juvenile Justice, Office of Juvenile Justice Delinquency Prevention,¹¹ and many others offer definitions that truly highlight the inappropriateness of using the juvenile justice system as a response to these status offenses.

- Chronic absenteeism/truancy is broadly defined as youth who habitually miss school. While the number of days a youth must miss before being considered truant varies by jurisdiction, researchers have noted common circumstances such as homelessness and transitory lifestyles, poverty, and neglect and abuse may lead a child to become truant. School and interpersonal factors may also play a part, including poor relationships with teachers and peers, fearfulness of attending school, inappropriate academic placement or support, and low self-esteem.
- A runaway is defined as any youth who, without permission, leaves home and stays away overnight, or, if away from home, chooses not to come home when expected. Youth who run away often suffer from turmoil at home that may include physical abuse, sexual abuse, and/or neglect. Poverty and troubled family dynamics are typically associated with their backgrounds.
- Youth who have defiant relationships with their parents and family members, and fail to comply with reasonable requests of a parent or approved caregiver to the point that the youth is deemed to be beyond the control of the parent or caregiver are considered “ungovernable”. These youth often struggle with emotional, social and interpersonal issues that may be compounded when a parent does not possess the ability to deal with the



misbehavior in a healthy fashion.

- Curfew violations are established locally, by cities or counties. Typically, they prohibit young people under a certain age (usually 18) from being in a public place during certain hours (between 11 p.m. and 6 a.m., for example). Most curfew ordinances contain exceptions for things like travel to and from work or school events. For the most part, local governing bodies enact curfews with the goal of preventing juvenile crime and keeping the peace.



Additionally, there are state statutes and local ordinances that lead children and youth to be charged with other types of status offenses, including loitering violations and prohibitions against possession of firearms, tobacco and/or alcohol by youth under the legal age as defined by the jurisdiction.

Rethinking status offenses led to more reform in Connecticut

In the 1990s, thousands of kids in Connecticut were being referred to court for status offenses and hundreds of them were being locked up. In 1992, the state referred 2,500 kids to court for status offenses, and by 2002, that number had grown to more than 4,000. In 2005, state leaders drafted two different bills to rethink their approach and passed legislation that ended the use of detention for any status offenders who had violated court orders and created and funded a network of Family Support Centers throughout the state to identify and address the needs of the kids and their families, and divert them away from the juvenile justice system, allowing them to remain in their communities.¹² In addition, in 2007, Connecticut also passed Raise the Age legislation that ended the practice of punishing 16 and 17 year olds as adults.¹³

Status offense cases in Connecticut are known as Family With Service Needs (FWSN). A FWSN case involves a child who:

- has run away without just cause;
- is beyond control of his or her parents or guardians;
- has engaged in indecent or immoral conduct;
- is truant or defiant of school rules and regulations; and/or
- is thirteen (13) years of age or older and has engaged in sexual intercourse with a person who is thirteen (13) years of age or older and not more than two (2) years or younger than such child.



FWSN cases originate when parents, guardians, the child's school superintendent or other entity files a referral with the Superior Court for Juvenile Matters alleging that the child has committed a status offense. Though FWSN matters are handled in the juvenile court, they are not delinquency offenses. In these non-judicial cases, a juvenile probation officer will meet with the child and family, conduct assessments and based on the factors in that case, he or she may choose to supervise the child for up to 180 days, dismiss the case with no action required, issue a warning, request the child to perform community service or refer the child to counseling.

In judicial FWSN cases, the child is entitled to legal representation in court proceedings, and if indigent, will be appointed an attorney by the court. The child's attorney is usually assigned counsel by the office of the Chief Public Defender.

At the conclusion of a judicially handled FWSN case, the judge can consider a number of possible outcomes or dispositions for the case:

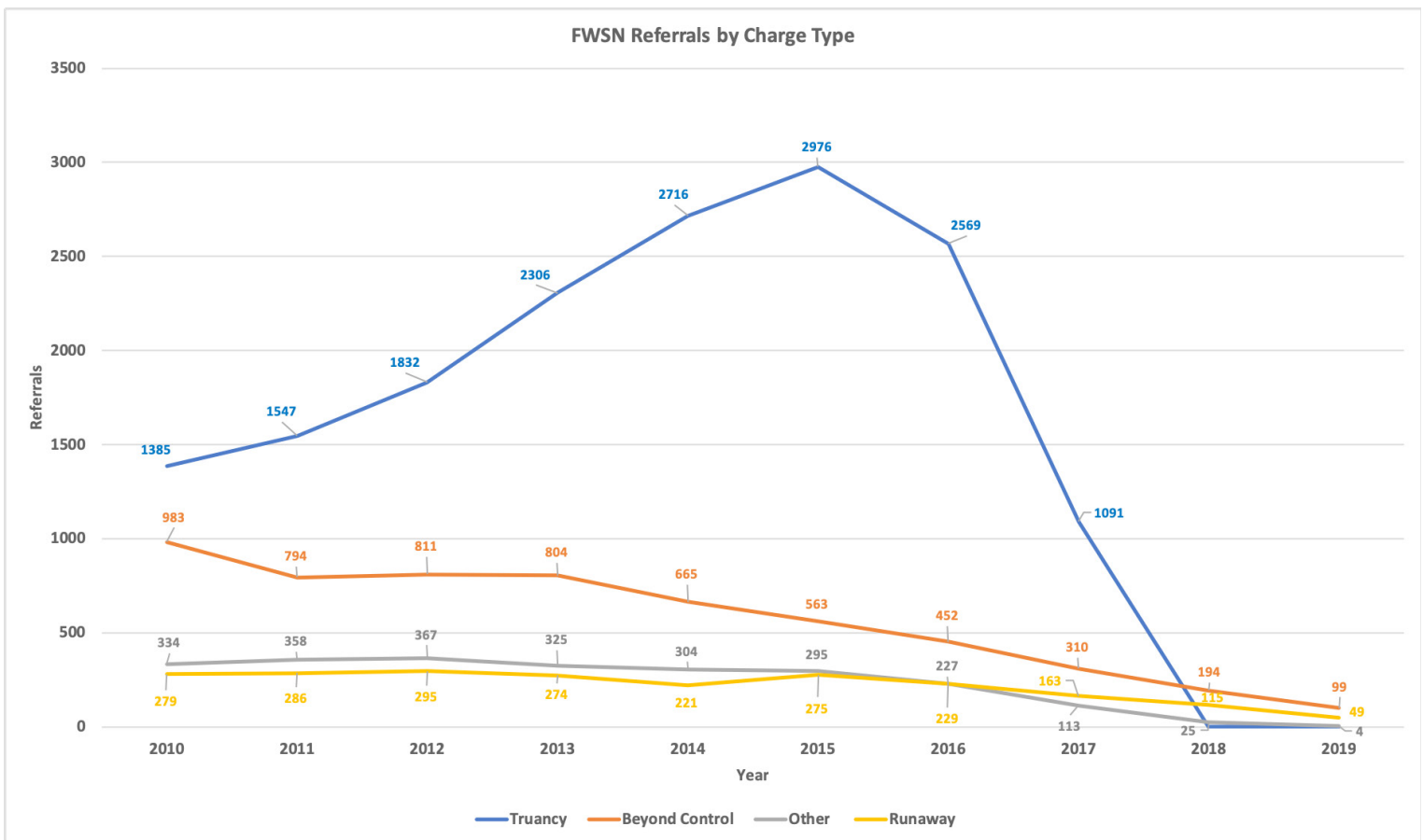
- Issue a warning and send the child home with his/her parents/guardian;
- Continue the case with no finding; such continuance may be extended;
- Refer the child to the Department of Children and Families (DCF) or to a community-based provider for services;

- FWSN supervision by a probation officer;
- Refer to the local Youth Service Bureau (YSB) for participation in an appropriate community based sex education program; or
- Community service. ¹⁴

Given the increasing knowledge about trauma and brain development, juvenile justice stakeholders such as teachers, police officers and social workers are being trained on how to approach youth with a trauma lens and be trained on gender and gender expression, racial and ethnic disparities and systemic bias. ¹⁵

Legislation in 2015 eliminated truancy as a status offense, effective August, 2017, and now requires schools and communities to develop appropriate responses to missed school days. This one legislative change led to a 70 % reduction in the number of status offense petitions coming to the juvenile courts. ¹⁶

The chart below illustrates the number of status offenses through 2017 that were truancy referrals and the drop off when they were no longer handled as judicial cases. This resulted in a small number of remaining FWSN cases.



Legislation was also passed in 2017 that eliminated the remaining Families with Service Needs (FWSN) offenses from court referral effective July 1, 2020 and is redirecting them to other community-based systems who are better equipped to manage these behaviors, including schools, child welfare, and behavioral health systems.

Resources for other states

States still in need of changing their reform practices for status offenses, have tremendous resources to learn from, as well as states like Connecticut that are on the cutting edge of juvenile reform. The Juvenile Detention Alternatives Initiative (JDAI) is a national strategy of the Annie E. Casey Foundation developed to offer state and local juvenile justice systems ways to dramatically reduce their reliance on detention without sacrificing public safety. Launched in 1992, JDAI has been

replicated in over 150 jurisdictions in 32 states and the District of Columbia.¹⁷

Since the early 2000s, Vera Institute has worked with many state and local leaders, practitioners, and policymakers to rethink their policies, practices, and programs around status offenses and offer family-focused, community-based support outside of the juvenile justice system. Vera's Status Offense Reform Center (SORC) has been a critical resource offering tools, on the ground assistance and research, and analytic support.



Footnotes

1. VERA Institute's Status Offense Reform Center
2. Ibid
3. <https://www.nolo.com/legal-encyclopedia/juvenile-law-status-offenses-32227.html>
4. How Status Offenses Shape a Youth's Path Through the Justice System, Chronicle of Social Change
5. Status Offense Issues - Age Boundaries, JJGPS
6. Ibid
7. Ibid
8. Status Offense Issues – Labeling, JJGPS
9. <https://www.nolo.com/legal-encyclopedia/juvenile-law-status-offenses-32227.html>
10. <http://www.jjgps.org/status-offense-issues>
11. <https://www.nolo.com/legal-encyclopedia/juvenile-law-status-offenses-32227.html>
12. VERA Institute's Status Offense Reform Center
13. Justice Policy Institute, Juvenile Justice Reform in Connecticut: How Collaboration And Commitment Have Improved Public Safety And Outcomes For Youth, February 27, 2013, Mendel, R.
14. https://www.jud.ct.gov/juv_infoguide/IJCP_StatusOffense.html
15. <https://chronicleofsocialchange.org/page/2?s=status+offense>
16. VERA Institute's Status Offense Reform Center
17. Coalition for Juvenile Justice SOS project, YOUTH CHARGED WITH STATUS OFFENSES: DEFINITIONS OF COMMON TERMS

Other Resources

- Deinstitutionalization of Status Offenders (DSO), Facts and Resources, CJJ
- 2015, Pew Charitable Trusts, Source: U.S. Department of Justice's Office of Juvenile Justice and Delinquency Prevention
- Status Offense Issues – Reported Data, JJGPS
- Coalition for Juvenile Justice SOS Project, National Standards for the Care of Youth Charged with Status Offenses
- <http://www.juvjustice.org/juvenile-justice-and-delinquency-prevention-act/deinstitutionalization-status-offenders>
- <http://modelsforchange.net/reform-areas/status-offense-reform/index.html>
- Research Division of the National Council of Juvenile and Family Court Judges www.ncjfcj.org
- <http://www.ncsl.org/blog/2019/01/10/new-tool-shows-data-on-juvenile-status-offenses.aspx>

The Tow Youth Justice Institute is a university, state and private partnership established to lead the way in juvenile justice reform through collaborative planning, training, research and advocacy.

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