



March 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,

Campaign for Youth Justice
Coalition for Juvenile Justice
The Ella Baker Center for Human Rights
The Equity Project
Human Rights Project for Girls
NAACP
National Network for Youth
The Peace Alliance
Student Peace Alliance
Center for Juvenile Justice Reform
The Sentencing Project
Council for Children with Behavioral Disorders
California Public Defenders Association
Strategies for Youth
National PTA
W. Haywood Burns Institute
JustChildren program of the Legal Aid Justice Center
National Youth Advocate Program
Justice for Children Project at the Moritz College of Law
Center for Children's Law and Policy
Youth Advocate Programs
National Center for Transgender Equality
Gay, Lesbian, and Straight Education Network (GLSEN)
National Juvenile Defender Center
National Juvenile Justice Network
Michigan Council on Crime and Delinquency
Franklin County Public Defender Office in Columbus, Ohio
Youth Law Center
Team Child
National Disability Rights Network
The National Crittenton Foundation

Center for Children's Law and Policy Juvenile Justice Coalition (Ohio)

Prison Law Office

Minnehaha County Public Defender

Voices for Children in Nebraska

Advocates for Children and Youth

Kentucky Youth Advocates

The National Center for Youth Law

The Washington Defender Association

Washington Association of Criminal Defense Lawyers

Colorado Juvenile Defender Coalition

Justice for Families