

Juvenile Justice Legislation Regarding Status Offenders (Note)

By The CSG Justice Center

The Juvenile Justice and Delinquency Prevention Act, or JJDP, contains provisions that limit detention, mandate service provision and provide guidelines for status offenders who violate a valid court order, or VCO. And over the past several years, many states have passed additional legislation to decriminalize status offenses—crimes that are only illegal because of the offender’s age. A wide range of behaviors may be considered status offenses (laws related to status offenses vary by state), including truancy, running away from home, curfew violations, being beyond a parent or guardian’s control, and underage consumption of alcohol or tobacco.

Some states have integrated status offender changes into larger juvenile justice reform legislation. For example:

In 2013, Georgia passed [HB 242](#), a sweeping bill that overhauled the state’s juvenile justice system. Under the new law, juveniles charged with status offenses will no longer be held in the state’s detention centers. Additionally, the law places a greater emphasis on providing offenders with community-based alternatives to detention.

Kentucky passed [SB 200](#) in 2012, and, to reduce confinement for youth who commit status offenses, created Family Accountability, Intervention and Response, or FAIR, teams, whose aim is to work with youth and families to target the roots of delinquent behavior.

Louisiana passed a senate concurrent resolution ([S.C.R. 44](#)) in 2011 that created the Families in Need of Services, or FINS, Commission to study Louisiana’s FINS system, including how the state handles youth who commit status offenses. The commission issued its final report in February 2012, which recommends limited use of detention for youth who commit status offenses, use of alternatives to detention and appropriate graduated sanctions, and gathering and analysis of data related to the FINS system in order to track outcomes.

Other states have passed legislation focused on a particular status offense category:

Texas passed [HB 2398](#) in 2015, which repealed the criminal offense of failing to attend school (truancy), and instead establishes a civil enforcement procedure.

Massachusetts passed [SB 2410](#) in 2012, which prohibits the arrest of youth who run away or are habitually truant. These youth may not be confined in shackles or placed in court lockup or any other facility meant for youth in the delinquency system. Instead, law enforcement may place such youth in custodial protection and must immediately notify their parents or guardians. The law also establishes a statewide network of child and family service programs and resource centers to support these young people and their families.

In 2010, Kansas passed [SB 452](#), which prohibits the use of detention or jail for youth under age 18 who are arrested for possession or consumption of alcohol.