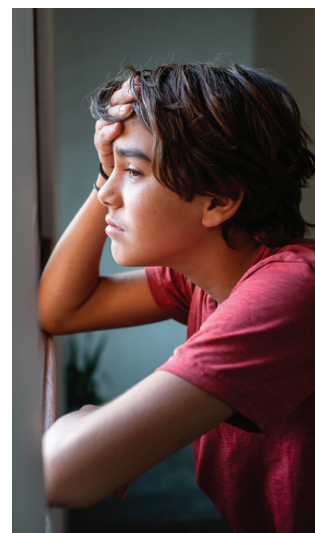


# Adolescent Brain Development and Youth Justice

According to the National Institute of Mental Health, the brain continues to develop until an individual's mid-to-late 20s.

As the brain continues to mature through adolescence, young people are still learning how to create healthy connections with peers, manage their emotions and make good decisions. In light of research distinguishing a teenage brain from that of their adult counterparts, the U.S. Supreme Court has held that “the mitigating qualities of youth” must be taken into account. State lawmakers have also looked to emerging research to inform a developmental approach to juvenile justice policy.



## Five Recent Research Findings Regarding Youth, Brain Development and Justice-System Involvement

1

### Brain Development:

Over the past several years, [research](#) has shown that the brain continues to mature even after an individual reaches the legal age of majority. In fact, studies suggest that brain development continues into one's mid-to-late 20s.

2

### Self-Control

Since their prefrontal cortex is still developing, young people experiment, take risks, and focus more on their relationships with peers. This has been found to be especially true for young males.

3

### Decision Making

Adolescents and young adults need guidance and support to consider the long-term consequences of their actions or make future-oriented decisions.

4

### Response to Incentives

Young people are particularly receptive to reward-based responses. While positive incentives can contribute to adverse decisions, they can also be used to encourage positive and prosocial behavior.

5

### Transitory Behavior

Justice-involved youth often [outgrow delinquent behavior](#) with only a small percent continuing to commit offenses as adults.

# 5 Ways States are Aligning Adolescent Brain Development with Policy

1

## Age Boundaries for Juvenile Court Jurisdiction

[Maryland](#) recently passed legislation narrowing the circumstances under which a person younger than 13 can enter the juvenile justice system. In 23 states, there is no specified lower threshold age for juvenile court jurisdiction. In most states, once an individual reaches 18, that person falls under the purview of adult criminal court. However, [Vermont](#) allows 18-year-olds to remain in the juvenile justice system.

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2

## Diversion

The [Idaho](#) Legislature enacted a new law that allows prosecuting attorneys to refer a young person's case directly to probation or a community-based diversion program for informal supervision and counseling. At least 34 states have codified laws that provide for at least one form of diversion or alternative to formal court processing.

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3

## Due Process

A number of states are taking steps to safeguard a young person's due process rights during custodial interrogations. In 2022, five states—[Arizona](#), [California](#), [Delaware](#), [Maryland](#) and [Utah](#)—codified requirements for law enforcement who take youth into custody for questioning. Many of these laws prohibit the use of deception or psychologically manipulative interrogation tactics when questioning a minor.

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4

## Age-Appropriate Responses

Some jurisdictions have been turning to psychologists to assist with [revising juvenile probation policies](#). In Pennsylvania and Ohio for example, probation policies are centered around incentivizing progress toward the goals of a supervision program rather than punishing non-compliance with the conditions of supervision.

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5

## Reducing Collateral Consequences

While all states allow juvenile records to be sealed or expunged, the process and criteria for expungement varies between jurisdictions. At least [22 states](#) have codified laws that automatically seal or expunge juvenile records in certain circumstances. [Indiana](#) provides a procedure for automatic expungement of most misdemeanor records within 60 days of a young person reaching age 19. Judges are allowed discretion to not expunge a record if it "would not serve the interests of justice." Sealing or expunging a young person's record can help reduce barriers to employment, education and housing.

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