

REPORT

Youth Justice: A Guidebook for Legislators



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The National Conference of State Legislatures is the bipartisan organization dedicated to serving the lawmakers and staffs of the nation's 50 states, its commonwealths and territories.

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Introduction

Youth justice remains a perennial issue in states, requiring lawmakers to balance the interests of accountability and public safety with the welfare and rehabilitation of young offenders.

State legislative responsibility for juvenile justice includes integrating policies that affect those agencies and their handling of children in contact with, or at risk of being in, the child welfare, mental health, juvenile justice or adult systems. In most states, different legislative committees have jurisdiction over these intersecting issues and the related juvenile justice agencies.

Past juvenile justice systems were shaped by the more punitive legislative policies of the 1980s and 1990s, a result of laws passed in every state, in reaction to rising youth crime. That resulted in the expansion of the numbers of young offenders who could be transferred and prosecuted in adult court.

However, with the developments in brain science, adolescent development research and studies showing that as kids grow up, they grow out of committing crime, policies have shifted over the past 20 years to embrace the distinct differences between youth and adult offenders and what it means to be “smart on crime.”

After a strict reexamination in states of the punitive policies of the past, modern youth justice policies and practices emerged—aligning fiscal responsibility, community safety and better outcomes for youth and society.

From landmark U.S. Supreme Court cases to state laws reforming entire justice systems, youth justice has become a model bipartisan issue embraced by all three branches of government.

Today, a sound body of youth justice law now exists across the country and political spectrum based on research and evidence that is purposeful, sustainable and focuses on the multiple aspects of adolescent development.

With more and better information on adolescent development, youth justice policies have become increasingly research-based from 2005 to 2025. Overarching administrative laws have created commissions or legislative committees to evaluate and make recommendations for states’ juvenile justice systems. State legislatures have enacted prevention and intervention statutes that address truancy, provide early intervention services for at-risk youth, reform detention and distinguish juvenile from adult offenders. Recent laws also provide due process protections for young people, reduce collateral consequences, and provide for successful juvenile reentry into the community after incarceration.

This guidebook is designed to provide a solid foundation of information on today’s youth justice issues to help inform and guide policymakers in effective approaches to youth justice policy that balance rehabilitation, accountability and public safety.

The following sections of the guidebook explore youth justice policy at the federal and state level.

CHAPTER 1: YOUTH JUSTICE AT THE FEDERAL LEVEL

Both Congress, the executive branch, and the U.S. Supreme Court have had a profound impact on young people involved in the justice system. This section will discuss the Juvenile Justice and Delinquency Prevention Act of 1974, the Department of Justice’s Office of Juvenile Justice and Delinquency Prevention and important court cases that have shaped federal youth justice policy.

CHAPTER 2. TURNING LESSONS IN ADOLESCENT DEVELOPMENT INTO POLICY

The abundance of research distinguishing adolescents from adults has fueled the ongoing legislative trend to re-establish boundaries between the adult and juvenile justice systems. Such actions to restore jurisdiction to the juvenile court are reflected in laws that reform transfer and direct file statutes, raise the age of lower and upper juvenile court jurisdiction, and return discretion to juvenile court judges.

CHAPTER 3. MINIMIZING CONTACT WITH THE JUSTICE SYSTEM

One of many lessons learned by policymakers and backed by evidence-based research is that most youth are better and more effectively served and rehabilitated in the community. States have focused on reducing the once over-reliance of juvenile detention—and time in the system in general—for youth who do not pose a significant risk to public safety.

CHAPTER 4. PROTECTING DUE PROCESS RIGHTS OF YOUNG PEOPLE

This section explores promising state options to address juvenile defense, which include making it more difficult for young people to waive counsel, changing processes for determining indigence, and increasing juvenile defender resources to better ensure quality counsel. It also includes a discussion of juvenile competency to stand trial and offers recommendations of expanded definitions of “competence” for juveniles that consider social and cognitive development.

CHAPTER 5. EFFECTIVE RESPONSES TO MENTAL AND BEHAVIORAL HEALTH NEEDS

[Studies](#) have shown that as many as 70% of youth in the juvenile justice system have some mental health issues, and that those mental health issues become more prevalent the deeper the young person goes into the system. The section highlights state policies that treat the mental and behavioral health needs of youth who have come into contact with the justice system, including recent legislation to specifically address collaboration strategies in states.

CHAPTER 6. REFORMING DETENTION AND CONDITIONS OF CONFINEMENT

When it is necessary for youth to be admitted into residential facilities, it is widely acknowledged that conditions should be humane and support rehabilitation. Some state legislatures have supported improving conditions of confinement by establishing new standards and compliance for facility licensing and education. Others have focused on creating remedies for specific concerns, such as solitary confinement.

CHAPTER 7. REDUCING COLLATERAL CONSEQUENCES FOR SYSTEM INVOLVED YOUTH

Many collateral consequences await youth and their families even after they complete their involvement with the juvenile justice system. Lawmakers have enacted policies that promote youth success by reducing the obstacles youth face in the process of rehabilitation.

CHAPTER 8. REENTRY AND COMMUNITY

This section focuses on the important role of providing aftercare services to improve post-release supervision, services and supports for youth transitioning home. It also details new Medicaid requirements for young people transitioning out of youth facilities and restorative justice.



For more information on legislation, including bill numbers and statutory text, please visit NCSL's Juvenile Justice Legislation Database.



CHAPTER 1

Youth Justice at the Federal Level

The JJDPA

On Sept. 7, 1974, just weeks after President Gerald Ford took office, Congress passed the landmark [Juvenile Justice and Delinquency Prevention Act or JJDPA](#). At the time, young people could be prosecuted as adults at any age, rarely had representation by an attorney and could be housed in adult jails and prisons. The law was the first federal law to address juvenile justice comprehensively and created the Office of Juvenile Justice and Delinquency Prevention, or OJJDP, inside the Department of Justice. OJJDP partners with states and provides research and support to communities to develop more appropriate approaches for youth accused of delinquency.

Throughout the JJDPA's reauthorizations, the law created four requirements for federal grants that states must meet when working with youth in state juvenile justice systems:

- [Requires states to prohibit the placement of status offenders in secure detention](#). Status offenders are children who have committed infractions based solely on their age (e.g., underage drinking, curfew violations, truancy). This provision contains exceptions that allow status offenders to be detained if they were in violation of a previously issued court order.
- Requires states to provide a “sight and sound separation” in the limited circumstances when children are housed in the same facility as adults. This means that children cannot be housed next to adult cells, share dining halls, recreation areas, or any other common spaces with adults, or be placed in any circumstance that could expose them to threats or abuse from adult offenders.
- Prohibits placing youth in adult jails or lockups.
- Requires states and territories to measure and address racial and ethnic disparities within their juvenile justice systems.

Under the original bill, and in its various reauthorizations, states and territories are required to establish State Advisory Groups, or SAGs, and implement the core requirements for how young people are to be treated in the justice system to receive federal funding. SAG members, appointed by the governor in each jurisdiction, are principally responsible for monitoring and supporting their state's progress in addressing the four core requirements of the JJDPA.

Four Core Requirements of the JJDP

Deinstitutionalization of Status Offenders (DSO): Status offenses, behaviors that would not be considered crimes if committed by adults, may not result in confinement or detention. The DSO core requirement also prohibits placement of juveniles charged as adults in adult jails unless a judge finds that such placement is in the interest of justice.

Sight and Sound Separation: Youth in secure confinement must remain completely separate from incarcerated adults, with no visual or verbal contact allowed anywhere in the facility.

Jail Removal: With few exceptions, no youth may be detained in an adult jail. In the rare occurrence where a young person is held in an adult jail, they must be kept separate by sight and sound from adults and released within six hours.

Racial and Ethnic Disparities: Requires that states measure and address racial and ethnic disparities in the juvenile justice system.

Under the JJDP, only states that commit to achieving and maintaining compliance with the core requirements are eligible to receive funding under the [Title II Formula Grants program](#). OJJDP administers the grants, and states decide where to apply the funding.

The last reauthorization, in 2018, made changes and updated some elements of the core protections, and states are responding. The Act calls on states to remove youth who are charged as adults from adult jail pre-trial unless it is found during a court hearing to be in the interest of justice to hold them in an adult facility. For example, Oklahoma came into compliance when HB 2311(2021) passed, which prohibits young people under age 18 from being held in adult jails or facilities. There is an exception for children aged 15 or older who are charged with first degree murder, but the court must hold a hearing about adult placement, and the child must have legal representation at the hearing.

States were also required, as a part of the 2018 reauthorization, to implement plans that eliminate the use of restraints on pregnant girls housed in secure detention and correctional facilities. In 2021, North Carolina passed the “[Dignity for Women Incarcerated in Prison Facilities](#)” act that prohibits correctional employees from applying restraints on a pregnant female during the second and third trimester of pregnancy, during labor and delivery, and during the postpartum recovery period. The act



provides exceptions and allows for handcuffs or wrist restraints held in front of the female’s body if they are being transported between facilities.

Finally, Congress revised the previous “Disproportionate Minority Contact” requirement and called on states instead to document how they are addressing racial and ethnic disparities. State officials must identify and analyze data on race and ethnicity at decision points in state, local or tribal juvenile justice systems to determine which points create racial and ethnic disparities among youth who come in contact with the juvenile justice system. The statute now requires work plans to be developed and implemented based on the data that contains measurable objectives for policy, practice, or other system changes. Oregon passed a law in 2023 directing the state’s youth authority to collect and maintain demographic data related to young people adjudicated delinquent. This data is to be used to examine disparities between justice-involved youth and to develop culturally appropriate programming. Oregon [publishes its data](#) on its Youth Authority website. Utah created a collaborative of stakeholders to comply with the JJDPA and publishes action plans on its [website](#).

The Purpose of JJDPA

In the [2018 reauthorization](#), Congress said the purpose of the law is to “support a continuum of evidence based or promising programs that are trauma informed, reflect the science of adolescent development and are designed to meet the needs of at-risk youth and youth who come in contact with the justice system.”

The U.S. Supreme Court

In the 1967 case “In Re Gault”, the Supreme Court ruled that young people have the same constitutional due process rights as adults. Many have said the landmark case prompted Congress’ increased interest in the juvenile justice system and led to congressional hearings and the introduction and eventual passage of the JJDPA.

While Gault was decided more than 50 years ago, more court rulings in the past 20 years continue to significantly reshape juvenile justice policy.

In 2005, the U.S. Supreme Court held in *Roper v. Simmons* that the Eighth Amendment’s ban against cruel and unusual punishment prohibits juveniles from being sentenced to death for crimes they committed before they reached age 18. At the time the case was heard, more than half the states had already prohibited the death penalty for those who committed crimes before they reached 18. Justice Anthony Kennedy wrote, “When a juvenile offender commits a heinous crime, the state can exact forfeiture of some of the most basic liberties, but the state cannot extinguish his life and his potential to attain a mature understanding of his own humanity.”

The court expanded Eighth Amendment protections for young people by abolishing the sentence of life without the possibility of parole for youth convicted of nonhomicide crimes in the 2010 decision in *Graham v. Florida*. The court underscored the importance of considering age and maturity when considering punishment. “An offender’s age is relevant to the 8th amendment, and criminal procedure laws that fail to take defendants’ youthfulness into account would all be flawed.”

Building on these two cases, the court in 2012 abolished mandatory life sentences without the possibility of parole in *Miller v. Alabama*. In this case, the court determined that proportionality—ensuring that punishment be appropriate to the crime committed—must consider “the mitigating qualities of youth.”

The court’s rationale extended from the two previous cases detailing how juveniles differ from adults. Young people are prone to impulsive behavior and less able to understand the full impact of their actions—and how this makes them somewhat less culpable for even egregious crimes. The judges who sentenced the defendants in the *Miller* case had no discretion to impose different punishments because of mandatory minimum sentencing. Under these sentencing structures, judges could not consider youth or any other factors that might make the sentence disproportionate to the crime.



The court ruled that judges need to examine all circumstances of a case and, therefore, sentencing schemes that have a mandatory requirement of life in prison without the possibility of parole for juvenile offenders violate the Eighth Amendment.

In January 2016, the court ruled in *Montgomery v. Louisiana* that its 2012 *Miller* decision must be applied retroactively. States are not required to relitigate sentences in each case where young people received a mandatory sentence of life without parole, but a state must permit juvenile offenders to be considered for parole.

After the ruling in *Montgomery*, state courts could still sentence individual juveniles to life without the possibility of parole if the sentence is not a mandatory penalty under state law.

In 2021, the court in *Jones v. Mississippi* held that when a judge is considering sentencing a young person to life without the possibility of parole, the judge is not required to make a separate finding of permanent incorrigibility.

Near the end of the majority opinion in *Jones*, Justice Brett Kavanaugh wrote that states can pass laws that offer juvenile homicide offenders protections beyond what the federal constitution requires. “Importantly, like *Miller* and *Montgomery*, our holding today does not preclude the States from imposing additional sentencing limits in cases involving defendants under 18 convicted of murder,” he wrote. “States may categorically prohibit life without parole for all offenders under 18. Or States may require sentencers to make extra factual findings before sentencing an offender under 18 to life without parole. Or states may direct sentencers to formally explain on the record why a life without parole sentence is appropriate notwithstanding the defendant’s youth. States may also establish rigorous proportionality or other substantive appellate review of life-without-parole sentences. All of those options, and others, remain available to the states.”

See Chapter 2 for more information on Juvenile Life Without Parole.

CHAPTER 1 RESOURCES

- Ames, Blair. Office of Justice Programs. *The history of the 1974 Juvenile Justice and Delinquency Prevention Act*. (2024).
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CHAPTER 2

Turning Lessons in Adolescent Development into Policy

Introduction

In 1899, the first juvenile court was established in Cook County, Ill. The creation of a separate court emphasized the distinct differences between youth and their adult counterparts—specifically related to processing, decision-making and amenability to rehabilitation.

Now, over a century later, neurocognitive and developmental science suggests that the brain continues to mature into the mid-to-late 20s. During this time, young people are more susceptible to risk-taking and less likely to consider the long-term impact of their actions. But just as an underdeveloped prefrontal cortex can contribute to adverse decision-making, it also makes youth more likely to outgrow delinquent behavior and more responsive to incentives that encourage positive, prosocial interactions.

According to a longitudinal [study](#) examining the transition from adolescence to adulthood among serious youth offenders, most young people significantly reduced their offending over time. Researchers also found that while longer stays in juvenile detention facilities did not reduce recidivism, community-based supervision following a period of confinement helped curtail future offending.

Research also shows that adolescents respond better to opportunity-based incentives as opposed to punitive sanctions. For example, young people given the choice to participate in community-based services in lieu of arrest for low-level, school-based offenses were less likely to recidivate in the two years following the initial offense when compared with their arrested peers. The [study](#) also found that serious behavioral incidents decreased by 34% following the implementation of this diversion program.

With a growing body of research underscoring the unique cognitive and psychological needs of youth, lawmakers and juvenile justice stakeholders have looked to align policy with science. From the age of juvenile court jurisdiction to post-dispositional opportunities for young people who commit even the most serious offenses, jurisdictions across the nation are shaping youth justice systems that hold children and adolescents accountable for their actions while simultaneously differentiating them from adults.

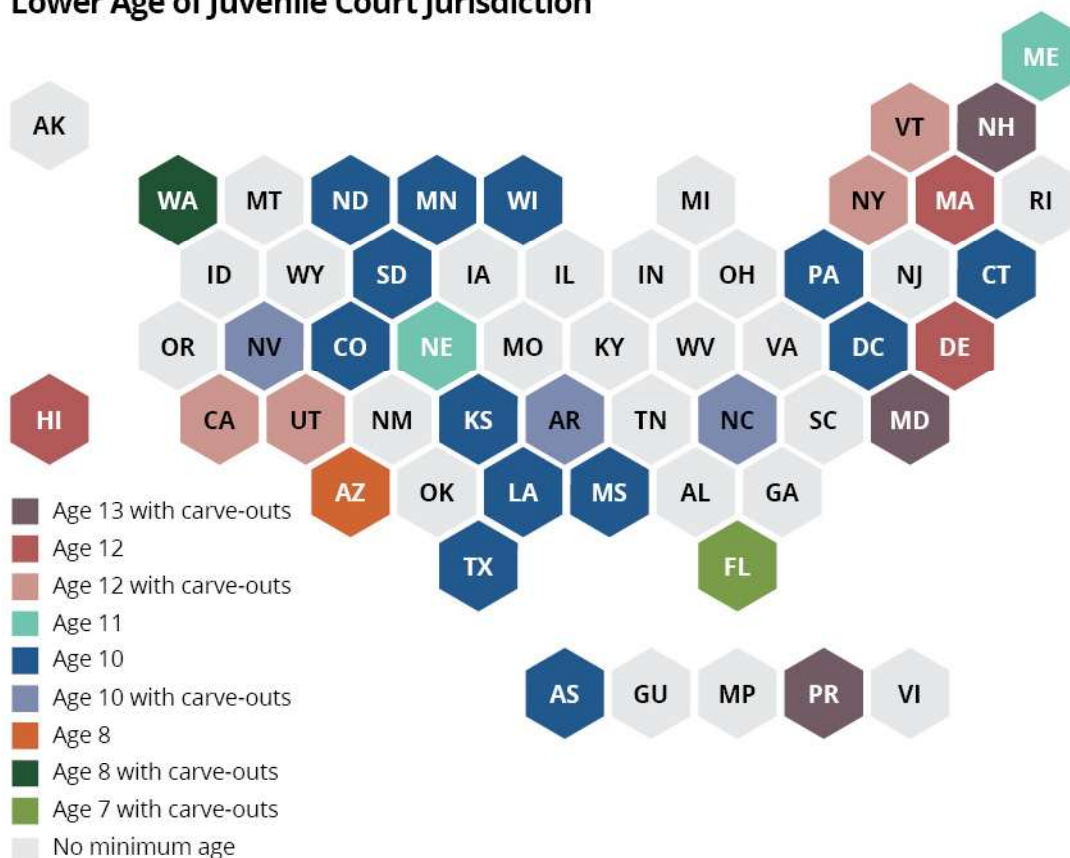
Age of Juvenile Court Jurisdiction and Transfer Into Adult Court

In all 50 states, Washington, D.C., and the U.S. territories, age boundaries—often referred to as upper and lower age limits—are used to determine whether a young person falls under the purview of the juvenile court.

In most states, the upper age limit of juvenile court jurisdiction includes those who are 17 or younger. Policymakers over the past decade have been expanding the uppermost age in which a young person can be considered a juvenile under state law. For example, in Alabama, individuals 18 and under can be petitioned in the juvenile court; Vermont became the first state to “raise the age” of juvenile court jurisdiction to include 19-year-olds. Only a small number of states (Georgia, Louisiana, North Carolina, Texas and Wisconsin) have laws delineating 17 as the age of criminal responsibility.

Just as there are upper limits to juvenile court jurisdiction, 28 states, Washington, D.C., and two U.S. territories have specified in statute the minimum age at which young people can be arrested. In the remaining jurisdictions, a minor—regardless of how young they are—could be formally processed in juvenile court.

Lower Age of Juvenile Court Jurisdiction



Source: [NCSL](#), 2026

In most states that have codified a minimum age of juvenile court jurisdiction, a young person must be at least 10 years old to be brought into the juvenile court system. Florida has set the minimum at 7, while in New Hampshire and Puerto Rico, young people must have attained the age of 13.

North Carolina (SB 207 2021-2023) established “vulnerable juveniles” as a category to address the needs of children between the ages of 6 and 10 without pursuing delinquent charges. The law establishes that if a juvenile court counselor receives a complaint against a vulnerable juvenile, they cannot refer the child to court but must instead provide consultation services, including screenings, assessments, community resources and programming to the child and family.

Regardless of age of jurisdiction laws, all states [have mechanisms](#) that allow—or for serious offenses, require—young people to be transferred out of juvenile court and moved into adult court.

Laws in 15 states mandate a young person be transferred to criminal court under certain circumstances; this is often referred to as “mandatory waiver.” For example, in Connecticut, if a minor has attained the age of 15 and is charged with a serious felony, the juvenile court must waive jurisdiction and transfer up to adult court. Juvenile courts in Ohio are also required to transfer a case to the adult justice system if the young person is at least 14 and is suspected of having committed an offense involving murder, or if the minor is 16 and charged with manslaughter, aggravated robbery, aggravated burglary, rape or aggravated arson.

Mandatory waiver laws stipulate that a young person’s case originate in the juvenile court prior to transfer to criminal court. Other laws—referred to as “statutory exclusion”—provide that the minor’s case originate in adult court when a serious offense is suspected. Alaska, Illinois and Mississippi are examples of states that have such exclusions in place.

While there is statutory variation as to both the upper and lower age boundaries, and variations in waiver and transfer laws, a 2019 University of California [study](#) found that “there appeared to be broad support from stakeholders that younger children are better served outside of the formal court process in a fair and consistent manner.”

According to recent [data](#), most young people formally processed in juvenile court are between 15 and 17. Only 3% of delinquency cases filed in 2020 involved minors under the age of 12. In fact, the total number of delinquency cases for all ages has declined by 69% between 2005 and 2020, the most current data set available.

Furthermore, [research](#) suggests that individuals between the ages of 10 and 24 function at the neurocognitive level of an adolescent. For young people who do come into contact with the justice system, age-appropriate responses, according to experts, are more advantageous than a “one-size-fits-all” approach to holding youth accountable for their actions. In a widely regarded longitudinal study, “[Crossroads in Juvenile Justice](#),” researchers found that “youth who were formally processed during adolescence were more likely to be re-arrested, more likely to be incarcerated, engaged in more violence, reported a greater affiliation with delinquent peers, reported lower school enrollment, were less likely to graduate high school within five years, reported less ability to suppress aggression, and had lower perceptions of opportunities than informally processed youth.”

In lieu of filing a formal petition, some states have implemented diversion programs for young people who meet certain criteria (read more on diversion in Chapter 3). Additionally, jurisdictions have explored ways to tailor sanctions to reflect the unique needs of youth and young adults. Juvenile justice stakeholders have recommended [programming options](#) that encourage engagement in treatment and cultivation of prosocial skills for older youth in secure detention. In Oregon and Utah, minors charged as adults are permitted to stay in a juvenile facility until the ages of 25 and 21, respectively.

Juvenile Competency

Regardless of age, an individual suspected of law-breaking behavior is entitled to constitutional and due process protections throughout the legal process. One of these protections is determining

whether the young person alleged to have committed an illegal act has the cognitive capacity to understand the charges brought forth as well as meaningfully participate in activities such as consultation with an attorney and standing trial.

As competency relates to justice-involved youth, results from a [study](#) conducted by the John D. and Catherine T. MacArthur Foundation indicate that young people between 11 and 13 were three times more likely than emerging adults (ages 18 to 24) to be found “seriously impaired” when evaluated using a “standardized battery of tests designed to assess their knowledge and abilities relevant for competence to stand trial.” Youth 14 to 15 were twice as likely as emerging adults to be found “seriously impaired” upon assessment.

[Researchers](#) also noted that young people were less likely to consider the long-term impacts of their actions during critical phases of the legal process such as police interrogation. Authors of the study concluded, “[...] compared to adults, a significantly greater proportion of juveniles in the community who are 15 and younger, and an even larger proportion of juvenile offenders this age, are probably not competent to stand trial in a criminal proceeding [...] Based on these findings, states should consider implementing policies and practices designed to ensure that young defendants’ rights to a fair trial are protected.”

Acknowledging the inherent differences in cognition and decision-making capacity possessed by minors as compared with adults, policymakers in over half the states, Washington, D.C., and the U.S. Virgin Islands have codified in statute or court rules of procedure competency standards specific to juveniles.

In California, the law stipulates that experts evaluating a young person’s competency must possess specialized knowledge in child and adolescent development. Likewise, evaluators in Ohio are required by statute to have undergone education and training related to the forensic assessment of children and adolescents.

A handful of states have presumptions of incompetence based on age. Georgia courts are required to suspend proceedings in cases involving individuals under 13 who are alleged to have committed a violent felony until a competency evaluation is completed; in Michigan, children 10 or younger are presumed incompetent to proceed.

Centering around the neurocognitive arc of children and adolescents, researchers have developed [guidance](#) for lawmakers and other stakeholders looking to tailor competency standards and procedures to minors. Recommendations include:

- Protection against self-incrimination.
- Examiner qualifications including experience in child clinical psychology/psychiatry and forensics.
- Use of the least restrictive environment to conduct the assessment.
- Evaluation time limits.
- Clear statutory definitions of what is to be addressed in the evaluation.

For more information about competency, see NCSL’s [States with Juvenile Competency Laws](#).

Juvenile Life Without Parole

As mentioned in Chapter 1, the Supreme Court abolished mandatory life sentences without the possibility of parole in 2012 in its ruling in *Miller v. Alabama*. Four years later, the court ruled in *Montgomery v. Louisiana* that its 2012 *Miller* decision must be applied retroactively.

Following the *Miller* and *Montgomery* decisions, 28 states and Washington, D.C., have prohibited juvenile life without parole either by statute or court ruling.

In five states—Maine, Missouri, Montana, New York and Rhode Island—juvenile life without parole is still permitted by law, but no one is currently serving such a sentence.

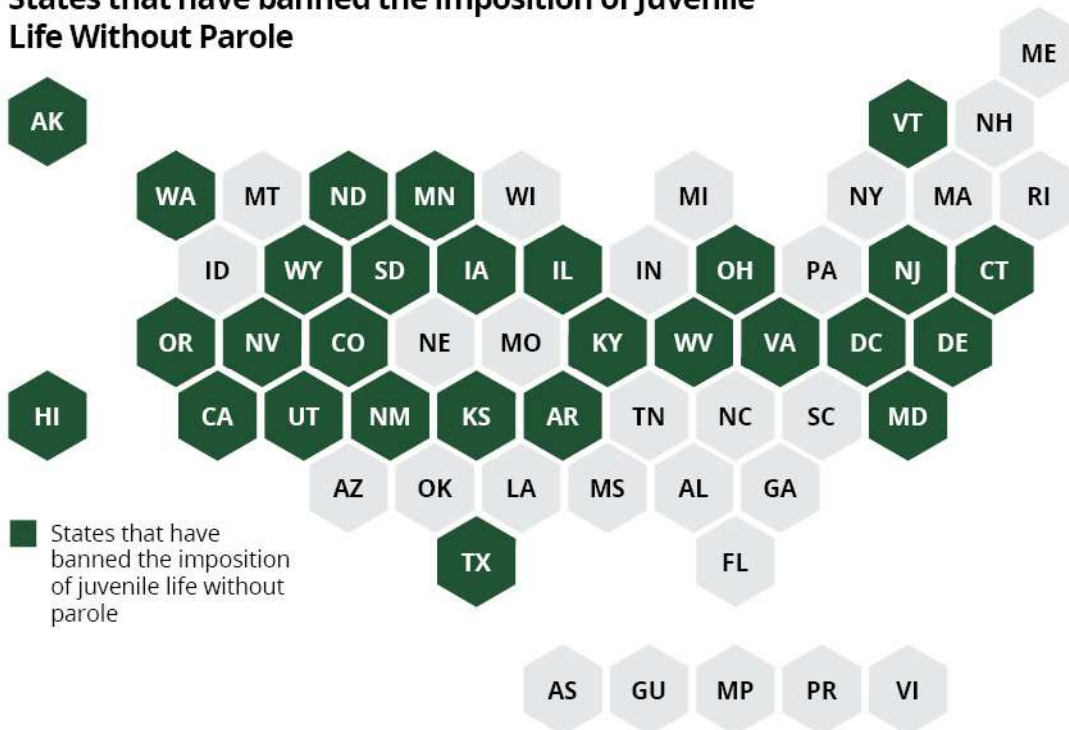
JLWOP and State Court rulings

While state lawmakers have been turning nearly a decade of research into evidence-based juvenile justice policy, state supreme courts have also leaned on science to inform their holdings.

Notably, in 2024, the Massachusetts [Supreme Court](#) extended the state’s prohibition on juvenile life without parole to young people under 21—becoming the first state to ban juvenile life without parole for young people through the age of 20. Emphasizing the neurocognitive underpinnings separating emerging adults from adults, Justice Dalila Arguez Wendlandt wrote in her concurring opinion, “The court’s careful review of this record is undisputed. In brief, it shows that neuroscientists see in their magnetic resonance imaging (MRI) scans corroboration for that which we experience in life; the brain generally continues to develop through the mid-twenties. Until some ill-defined point in the third decade of life, adults, especially men, are generally more impulsive and their brains are more plastic than those of older adults.”

State supreme courts in Michigan and Washington also considered the issue of life without parole for young adults. In 2022, the Michigan Supreme [Court](#) held that automatic life without parole for 18-year-olds violates the state’s constitutional interdiction on cruel or unusual punishment—a few years after the ruling, the [Michigan Court of Appeals](#) found that the decision is to be applied retroactively. Washington’s [supreme court](#) has similarly held that mandatory life without parole sentences are unconstitutional for individuals 18 to 20. A few years earlier, the state’s supreme court barred life without parole for youth under 18.

States that have banned the imposition of Juvenile Life Without Parole



HAWAII JLWOP

In 2025, Hawaii became the second state (the first state to pass it through the legislature) to prohibit life imprisonment without the possibility of parole for people who were under the age of 21 at the time of the offense. House Bill 103's preamble mentions the Massachusetts supreme court case.

The laws vary as to how many years a young person must serve before being eligible for parole. For example, in Oregon, a young person must serve at least 15 years; in Texas, the parole board will not review a case until the individual has served 40 years.

In Arkansas, Delaware, Minnesota, Nevada, New Mexico and Ohio, the minimum amount of time a person must be incarcerated prior to parole eligibility depends on the severity of the offense.

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CHAPTER 3

Minimizing Contact with the Justice System

Introduction

From the initial point of contact with law enforcement, a young person suspected of having engaged in law-breaking behavior faces several potential “doors” into the justice system. For example, a police officer can either refer the minor to the juvenile court or issue a civil citation. If the case is sent to court, either a petition can be filed and formal proceedings would occur, or the young person can be referred to a diversion program.

Diversion—a general term for decisions, programs or services that allow youth to complete certain requirements or activities instead of being formally charged with an offense—is one approach to minimizing a young person’s involvement in the justice system while simultaneously elevating public safety and cost efficiency. In some states, diversion is called “probation,” but “probation” also might refer to a young person who already has been adjudicated.

A [study](#) published in the *Crime and Delinquency Journal* examined the relationship between pretrial detention and recidivism and found that youth detained before their court hearings were 33% more likely to commit a felony offense and 11% more likely to commit a misdemeanor offense within one year of admission to a juvenile facility. Moreover, an [analysis](#) of justice system involvement in relation to the transition to adulthood showed that formal sanctions can adversely impact a young person’s long-term employment, earnings potential and education attainment.

In response to this research, states have continued to focus efforts on reducing the once over-reliance on juvenile detention, and time in the system in general, for youth who do not pose a significant risk to public safety.

Legislation codifying alternatives to formal court processing has made it easier for law enforcement officers, educators, prosecutors, judges, or other court staff to steer youth away from traditional court proceedings. According to [OJJDP](#), between 2010 and 2019, juvenile court referrals [decreased by 45%](#). Nationally, about [half](#) of all delinquency cases referred to juvenile court are handled without filing a petition. In [four out of 10 cases](#) where a petition is not filed, the charges are dismissed.

Boston's Summer Youth Employment Program

Minimizing contact with the system can come in the form of crime prevention. Summer youth employment programs, like the one in Boston, [have been proven to reduce crime](#). A 2019 study of Boston's summer youth employment program showed that youth who were randomly selected to participate in Boston's SYEP experienced "significant declines in the number of arraignments for both violent (-35%) and property (-29%) crime, compared with those in the control group." The study also found the "impact on the number of arraignments for violent crimes does not become statistically significant until six months after the program ends, suggesting that there may be long-lasting effects that change youth behavior." Researchers concluded that these types of programs fostered community engagement, and participants "show significant improvements in feeling connected with their neighbors and co-workers and knowing how to manage their emotions, ask adults for help, and resolve conflicts with a peer."



As jurisdictions shift away from formal court processing and out-of-home placement, policymakers have looked to other strategies to hold young people accountable for their actions while simultaneously minimizing the amount of contact a young person has with the justice system. Tools such as citation in lieu of arrest, diversion and community-based programming are not only viable rehabilitation options but often less fiscally burdensome for state and local budgets.

Minimizing System Contact for Status Offenses

As mentioned in Chapter 1, since 1974, the JJDP Act has outlined protections for young people and families in the juvenile and criminal courts. Recognizing the harms of confinement and system involvement on kids who misbehave, the JJDP Act mandates that kids charged with status offenses be handled via less restrictive, community-based programs and not be put in locked facilities. Status offenses are conduct that would not be a crime if committed by an adult, but for which juveniles may be adjudicated, such as truancy, curfew violations, running away, incorrigibility and underage possession and/or consumption of alcohol or tobacco.

This type of behavior often reflects underlying personal, familial, community and systemic issues.

Status offense cases have been trending downward over the past couple of decades, with formally handled status offense caseloads declining by [73% between 2005 and 2021](#). The data shows that status offenses in 2021 had a larger caseload involving truancy and smaller proportion of all other status offenses compared with the 2005 caseload.

In 2019, [Washington](#) amended its law to match youth who have committed status offenses with effective services to keep them out of detention. Specifically, the state eliminated the “valid court order exception,” a provision in the JJDP Act that allowed judges to detain status offenders for disobeying court orders. The new law directs the court to use other interventions designed to support youth and families in crisis and to prevent the need for out-of-home placement. These include nonsecure out-of-home placement options, community-based mentoring, counseling, family reconciliation, behavioral health services and other services.

In 2021, Idaho [enacted](#) legislation prohibiting out-of-home placement for status offenses. In 2023, Kentucky [expanded](#) the state’s expungement law to include all status offenses.

Minimizing System Contact Using Diversion

According to OJJDP, an estimated [437,300 juvenile cases](#) were processed by juvenile courts in 2021. Of these cases, 194,274 were handled informally—that is, the young person agreed to complete certain activities and services instead of being formally charged with an offense and adjudicated by the court.

Informal processing is just one of many terms used to describe diversion or other non-judicial alternatives to traditional court procedures. [Diversion programs](#) can require that young people and/or their families attend mental health or family counseling sessions, complete community service or victim awareness classes, or participate in other skill-building activities.

While diversion can be initiated prior to arrest, by the prosecutor, or during court intake, this intervention generally is used in instances in which the minor is not a danger to public safety and has had limited or no previous contact with the justice system.

Policies can allow law enforcement officers the discretion to divert youth who have committed low-level offenses away from court by issuing a civil citation instead of arresting the young person.

Research conducted by [Florida State University](#) found that young people in Florida who received a civil citation instead of being arrested were 54% less likely to recidivate than youth who were taken into custody.

As of 2021, Florida has implemented [civil citation programs](#) in all 67 of its counties. A [Comprehensive Accountability Report](#) reflecting data for fiscal year 2021-2022 shows that 10,042 citations were issued and 8,059 youth completed the civil citation process. Young people who successfully completed the citation program demonstrated an overall recidivism rate of 4%.

Like Florida, states across the nation are creating non-judicial pathways to steer youth away from formal court proceedings.

Idaho passed [legislation in 2022](#) allowing prosecuting attorneys to refer a juvenile's case directly to the county probation officer or a community-based diversion program for informal supervision and counseling.

In Utah, youth referred for misdemeanor offenses are automatically eligible for diversion, with diversion rates of [64% in 2023](#), up from 31% in 2015.

Following this trend of expanding diversion eligibility, Indiana [enacted comprehensive juvenile justice reforms](#) in 2022 requiring the Juvenile Justice Oversight Committee to research and develop best practices to guide the operation of diversion programs and track outcomes. Following [a report by the committee](#) in 2023, the Indiana General Assembly appropriated \$5 million for diversion and community alternative grants with base amounts for each grant totaling \$37,500. In 2025, the state [extended funding availability](#) for these programs and formalized the role of the Youth Justice Oversight Counsel.

Transforming Probation

Juvenile probation is a form of community supervision that may include reporting to a supervisory officer, participating in behavior-change programming, paying victim restitution, being tested for drug use or other conditions. It remains one of the most common dispositions for young people who are formally adjudicated. In 2019, [265,000 youth were placed on probation](#), representing almost 40% of all youth arrested that year. Youth on probation receive anywhere from [five to more than 30 conditions](#) with which they must comply during the supervision period. Of those conditions, one study showed that youth can actually recall about one-third of the conditions imposed on them. [Conditions can include](#) reporting to a probation officer, participating in therapy and/or counseling, paying victim restitution, and participating in drug testing. Failure to follow these conditions can result in a probation violation, which may lead to incarceration or other sanctions or incentives to modify behavior.

An interactive tool from The Pew Charitable Trusts [illustrates that probation violations](#) and revocations are major drivers of detention and placement. In some states, as many as 40% of young people in detention are there for violating probation rules, not for actually breaking the law. This pulls more young people deeper into the justice system which can be costly for state and local governments and detrimental to young people.

[Research](#) into adolescent brain development has confirmed that traditional, punishment-based probation is not as effective for young people as a more incentive-based approach. A few jurisdictions, like Pierce County, Washington, have initiated [a juvenile probation paradigm](#) shift that focuses less on monitoring and compliance and more on behavioral change, personal growth, and community and family partnerships. In the [program](#), "...youth set achievable short-term goals and outline action steps that build responsibility and self-efficacy. Progress is tracked through a points system based on goal completion, attendance and active participation. Points can be redeemed for meaningful rewards such as food, gift cards, movie tickets and other experiences. Youth who reach 30 points, meet all probation requirements and demonstrate behavioral change may qualify for early graduation from probation."

In 2022, Indiana enacted House Bill 1359, which required the Judicial Conference of Indiana to develop statewide juvenile probation standards that reflected research-based practices. In the Youth Justice Oversight Committee's [final 2023 report](#), the committee recommended that probation tailor specific individual goals identified in collaboration with the youth and family, use incentives and graduated responses to support behavior change, provide positive youth development opportunities to develop youth skills and interests and promote clear pathway to successful completion of probation term.

Shifting Resources from Incarceration to Community-Based Alternatives

Reinvesting resources from out-of-home placement to community-based alternatives has been a focus of state legislators that want changes to juvenile justice policy. In 2014, the Kentucky General

Assembly enacted provisions expanding access to timely, quality treatment and supervision in the community, focusing on serious offenders. The bill also required oversight and data tracking to assess policy implementation and outcomes. Data examining Kentucky's court information showed that 90% of diversions were successful from 2013-2016, which in turn allowed the state to reinvest the money saved on 82 rehabilitation beds into intensive in-home services for high-risk youth. Diversion [success rates](#) have since increased in Kentucky, growing from [85% to over 93%](#) from 2014 to 2023.

South Dakota also enacted comprehensive reforms in 2015 based on recommendations from the Juvenile Justice Reinvestment Initiative Work Group. The new provisions provide that juveniles younger than 10—the state's minimum age of juvenile court jurisdiction—who have committed an offense are eligible for Child in Need of Supervision Services, or CHINS. The state also developed a fiscal incentive program to expand the use of diversion for non-violent misdemeanors and children in need of supervision with no prior adjudications and further reimbursed courts when a young person successfully completed a court-approved diversion program. In 2023, the Legislature enacted provisions to increase the amount of funding available for successful diversion from [\\$250 to \\$750](#) per successful diversion. Since the inception of the program, over [\\$4 million](#) has been paid to counties for 14,000 successful diversions.



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CHAPTER 4

Protecting Due Process Rights of Young People

Introduction

The American legal system relies on ardent advocacy from skilled attorneys to argue for the positions of their clients, including young people. The quality of representation provided plays a key role in the outcome of court decisions. The landmark 1967 Supreme Court decision, *In Re Gault*, involved a 15-year-old sentenced by a juvenile court to serve six years in a state industrial school for making a prank phone call. The court held that children facing prosecution in juvenile court have the same due process rights as adults, including the right to remain silent, the right to notice of the charges, the right to an attorney and the right to a full hearing on the merits of the case.

However, more than 50 years after the *Gault* decision, gaps in procedural due process protections for young people remain. For example, most states allow children to waive their right to a lawyer, even if they are unclear about what that means. In many states, lawyers are not guaranteed for every child during police interrogation, an important process where a young person can feel pressured into making statements against their interests.

State lawmakers recognized the importance of working towards enhancing fairness and protecting due process in the juvenile justice system over the past decade.

Simplified Miranda Warnings

The American Bar Association has adopted [a resolution](#) urging federal, state, territorial and local lawmakers, as well as government agencies, to develop and use simplified Miranda rights language when engaging with young people during custodial interrogations. (The International Association of Chiefs of Police has endorsed a variety of [sample juvenile Miranda warnings](#).)

Juvenile Interrogations

Many young people might not realize they have a right to remain silent and not talk to anyone until a parent or attorney arrives. When law enforcement officers question a young person in custody, it is called custodial interrogation. In many states, lawyers are not guaranteed for every child during police interrogation, and most states allow children to waive their right to legal counsel—regardless of the possibility of significant criminal penalties.

Some of a young person’s conduct during custodial interrogation can be explained by neuroscience. Minors are particularly susceptible to self-incrimination and relinquishing legal rights because the [prefrontal cortex](#)—the region of the brain responsible for reasoning, planning and considering long-term consequences—does not fully develop until age 25. In cases where the person was under 18 at the time of the crime and then exonerated, 34% involved a false confession, according to the [National Registry of Exonerations](#). On the other hand, only 10% of exonerated adults falsely confessed.

Aligning juvenile policy with the latest developmental science as well as [recommendations](#) made by the International Association of Chiefs of Police, some state legislatures are enacting laws that strengthen the due process rights of juveniles during one of the most critical stages of the justice continuum. In [Delaware](#), [Illinois](#), [Oregon](#) and [Utah](#), law enforcement cannot use deceptive tactics such as making false claims about evidence or promising leniency when questioning a minor. [Nevada](#) is among the states to have enacted other safeguards, such as requiring police officers to read a simplified version of Miranda rights to young people during interrogations. Utah passed a similar bill in 2024. In 2023, [Tennessee](#) enacted a law requiring video or audio recording of interview or interrogations involving a child under suspicion and passed additional legislation requiring the young person be allowed a telephone call with their parent or guardian within 24 hours of the child being admitted to the juvenile detention facility.

Also during the 2023 legislative session, three states—[Colorado](#), [Indiana](#) and [Nevada](#)—enacted laws making a young person’s statement inadmissible if deceptive tactics are used during questioning. Colorado’s law specifically requires that the interrogation be recorded and makes a [\\$37,500 appropriation](#) to develop a training program for officers who interact with juveniles during interrogations.

Access to Counsel

Youth often want to resolve their cases quickly due to anxiety, immaturity or pressure from the courts or their family. Sometimes, they waive their rights to counsel without fully understanding what a defense attorney’s role is or what rights or defenses they may be giving up. [Forty-three states](#) allow children to waive their right to counsel without first consulting an attorney. Some states are now requiring that children always consult an attorney before waiving their right to counsel, regardless of the severity of the charge. In 2019, California enacted legislation requiring that anyone 17 years of age or younger [must consult with counsel](#) prior to a custodial interrogation, which may not be waived. Failure by the state to comply with this requirement may bear weight in determining the admissibility of evidence during or after the custodial interrogation. In a similar vein, Utah passed legislation in 2025 that mandates consultation with an attorney prior to a young person agreeing to a diversion or probation agreement.

Colorado Bill of Rights for Youth

In 2024, Colorado enacted a Bill of Rights for Youth, which included, among other rights, “access to the youth’s legal representative, unencumbered access to courts, confidential phone calls and visits with the youth’s legal counsel, and the timely delivery of letters to the youth’s legal counsel.”

In 2021, the [North Dakota](#) Legislature enacted a major overhaul in the juvenile justice code—something that had not happened since 1969. The bill makes significant changes, including designating a presumption that all juveniles are indigent and therefore are provided with counsel in delinquency proceedings. Other states, such as [Washington in 2023](#), now provide for “access to counsel for indigent persons incarcerated in a juvenile rehabilitation or adult correctional facility.”

State legislatures have also sought to address indigent defense services for young people by establishing task forces to identify barriers and make recommendations to improve the delivery of these legal services to juveniles, as was recently done in [South Dakota](#) and [New Hampshire](#).

Some states have moved away from assessing fines and fees against the juvenile for compensation of services of appointed counsel. A 2022 Delaware law states that compensation for the services of appointed counsel may not be assessed against the juvenile or their parent, guardian, or custodian. Similarly, [Indiana](#), eliminated the obligation for families to pay for public defenders in juvenile cases via legislation in 2023.

Funding indigent defense services for young people is another point of legislative focus for improving juvenile access to counsel.

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Utah’s Indigent Defense Act

In 2025, Utah passed Senate Bill 157, which prevents young people from agreeing to diversion or probation unless first advised of their right to counsel. The law requires the Office of Indigent Defense to offer no-cost legal advice to young people considering a nonjudicial adjustment. The law is designed to ensure that youth and their families have the chance to consult with an attorney before accepting or rejecting an offer of diversion or probation.



CHAPTER 5

Effective Responses to Mental and Behavioral Health Needs

Introduction

Addressing mental health issues among youth within the juvenile justice system is of paramount importance to overall youth health. More than [65%](#) of youth involved with the justice system have mental health conditions, compared with 9% to 22% of youth in the general population who have mental health conditions.

Substance use and abuse among youth who have come into contact with the justice system is also high. One [study published](#) in the Journal of the American Academy of Child and Adolescent Psychiatry found that “among youth in the juvenile justice system, more than 90% report using illicit drugs and as many as three-quarters of males and females have a substance use disorder (SUD).” States have enacted a variety of approaches to create a more supportive and resilient environment for youth in the care of the justice system.

Adverse Childhood Experiences (ACEs)

Many young people in the justice system have suffered an elevated number of adverse childhood experiences—also known as ACEs—which can “affect children well into adulthood, causing toxic stress, chronic disease, food insecurity, living in under-resourced neighborhoods, and an unstable work history.” ACEs include abuse; neglect; witnessing violence in the home or community; having a family member attempt or die by suicide; growing up in households with substance use and mental health problems; and instability due to parental separation or a household member being in jail or prison. Juvenile justice system contact often exacerbates youths’ mental illness because youth within the system often do not receive proper care.

The prevalence of mental illness among youth in juvenile justice settings is much higher than in the general population.



2 in 10 youth ages 13-18 in the general population have a mental illness.



7 in 10 youth in juvenile justice have a mental illness.

Source: *Issue Brief: Mental Health and Juvenile Justice: A review of Prevalence, Promising Practices and Areas for Improvement.* The National Technical Assistance Center for the Education of Neglected or Delinquent Children and Youth, 2017.

Addressing the mental health needs of justice-involved youth can be a challenge. In the past decade, state legislatures have acknowledged these challenges and enacted policies that increase resources to help divert youth from the justice system; implement standardized screening and assessment tools; improve the access to and quality of mental and behavioral health services; and involve the family and other community supports.

Data from the [National Survey of Children's Health](#) reveals that nearly 1 in 3 youth ages 12 to 17 had mental, emotional, developmental or behavioral problem from 2022-2023.

Illinois established a Mental Health Opportunities for Youth Diversion Task Force, which was “created to identify and recommend diversion programs that will help treat youth with mental health conditions in the community and avoid initial or further involvement in the justice system.” The task force made these [recommendations](#) in 2018:

- Improve mental health screening for justice involved youth.
- Invest in early intervention for serious mental health conditions.
- Expand screening and sustain the Illinois Comprehensive Community-Based Youth Services program.
- Train communities in mental health awareness.
- Expand Crisis Intervention Team Training for Youth.
- Avoid the use of arrests for misdemeanor offenses committed by youth living with mental health conditions.
- Implement best practices for new or existing juvenile assessment center model programs.
- Evaluate the effectiveness of station adjustments for juvenile offenses.
- Expand the implementation of juvenile mental health courts.
- Expand funding for the Mental Health Juvenile Justice Initiative.
- Ensure eligible youth are enrolled in Medicaid before release.
- Alleviate the medication gap upon release.
- Ensure continuum of housing and income upon release.
- Track positive youth outcomes, not just recidivism.

In the years since the recommendations' release, the Illinois General Assembly has enacted legislation following these recommendations. For example, in 2019, the General Assembly clarified that the court may order a mental health evaluation before sentencing if the minor is an adjudicated delinquent who threatened violence, death or bodily harm against a person, school, school function or event. House Bill 2054 from 2023 now allows the Department of Juvenile Justice to provide vocational, rehabilitative or supportive services to youth who have been discharged from their care for up to 12 months after release.

In 2025, Illinois passed SB 1560, which requires public schools to offer optional, confidential mental health screenings to identify mental health concerns and link students to support. Students in grades three through 12 can choose to participate in a screening once a school year. The Illinois Board of Education is required to provide resources to schools in 2026.

Mobile Response for Youth in Crisis

Mobile response units are rapid response services for youth and families experiencing crises, including mental and behavioral health incidents.

Connecticut's [Mobile Crisis Intervention Services](#) responds to children and young people experiencing mental and behavioral crises. Funded by the state's Department of Children and Families and comprised of more than 150 behavioral health clinicians, the program connects residents with a mental health professional via phone or face-to-face interaction. This free community-based response has been credited with diverting youth away from emergency rooms and the juvenile justice system.

States like [Connecticut](#), [Nevada](#), [Oregon](#) and [Washington](#) have included youth-specific behavioral health crisis provisions in their legislation related to the implementation of urgent mental health services. In 2023, Washington [appropriated funds](#) to expand the capacity and reach of local behavioral health mobile crisis response teams. Lawmakers enacted provisions in the next legislative session to [create licensure and certification rules](#) for crisis relief centers serving youth.

Juvenile Mental Health Court

Juvenile mental health courts, or JMHCs, are delinquency courts that focus on providing access to treatment, supervision and community support. Mental health courts differ from drug treatment courts in eligibility. Most mental health courts accept youth with misdemeanors and felonies but exclude those with violent or sex offenses. According to the National Treatment Court Research Center, there are about 60 juvenile justice mental health treatment courts in 17 states. These courts are usually run through the juvenile court, the probation agency or a combination of the two. No two courts operate the same, but they all take an intensive case management approach to help young people with unmet mental health needs.

A [study of factors associated with the successful completion of juvenile mental health court](#) found JMHCs share some common characteristics:

- A regularly scheduled special docket.
- Less formal interaction style.
- Age-appropriate screening and assessment for mental health, substance use and trauma.
- Team management of treatment and supervision.
- System-wide accountability.
- Use of graduated incentives and sanctions.
- Defined criteria for success.

The incentives most used are gifts cards or other gifts, praise by the judge or probation officer, reduction in court hearings, and dismissal of charges.

In 2024, [Georgia](#) enacted legislation to permit juvenile courts to establish juvenile treatment court divisions to, among other things, treat mental and behavioral health and related needs of justice-involved youth. The state has established [nine juvenile mental health courts](#). The [CHANCE court](#) in Douglas County, Ga., for example, helps “provide individualized community-based mental health services to youth in the juvenile justice system with intensive case management, community supervision and personalized contact with a judge.”

A study in California addressed [costs of juvenile mental health courts](#). The research suggests that there can be cost savings of up to \$7,000 per participant for 212 days, “which accounts for the difference between the total cost of the juvenile mental health court, prosecutor, probation, and mental health services and the cost of incarcerating a youth for the same amount of time.”

Connecticut’s School-Based Diversion Initiative

Connecticut’s [School-Based Diversion Initiative](#) is designed to reduce the rate of in-school arrests, expulsions and out-of-school suspensions. By doing this, SBDI helps keep kids in school, improves student outcomes and ensures that students receive appropriate in-school discipline regardless of mental health, special education needs or other student characteristics. The Initiative works with schools to provide training to teachers and staff on how to manage behavioral health crisis in schools, connects schools to mental health services as an alternative to arrest or expulsion, and engages youth and families to support students’ mental health needs. About 82 schools in the state have implemented the initiative, and participating schools have seen a 25% reduction in court referrals.

Substance Use Among Youth

[Two-thirds of youth](#) in the justice system report at least one substance use disorder, or SUD, and are two to three times more likely to commit suicide than youth in the general population. Of these youth, 12% are in out-of-home placement that do not offer substance use disorder treatment. A recently released [report](#) from the Bureau of Justice Statistics examines drug and alcohol use among young people prior to entering a juvenile detention facility.

Key findings include:

- 60% of youth in juvenile facilities met the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition criteria for substance use disorder, and 36% met the criteria for alcohol use disorder, or AUD, in the 12 months before entering custody.
- Female youth were more likely to have met the criteria for SUD (72%) or AUD (48%) than male youth (59% SUD and 34% AUD).
- Black youth had the lowest reported occurrence of substance use disorder and alcohol use disorder compared with white, Hispanic, American Indian/Alaska Native, Asian/Native Hawaiian/Other Pacific Island, and youth who identified as two or more races.
- Youth victims of sexual assault (82%) were more likely to report ever drinking alcohol compared with youth who did not indicate prior sexual victimization (76%).
- Marijuana was the drug most commonly used; 81% of surveyed youth reported using marijuana in their lifetime.
- 15% of youth in juvenile facilities reported never using drugs or alcohol in their lifetime in 2018 compared with 9% of youth in juvenile facilities surveyed between 2008–2009.

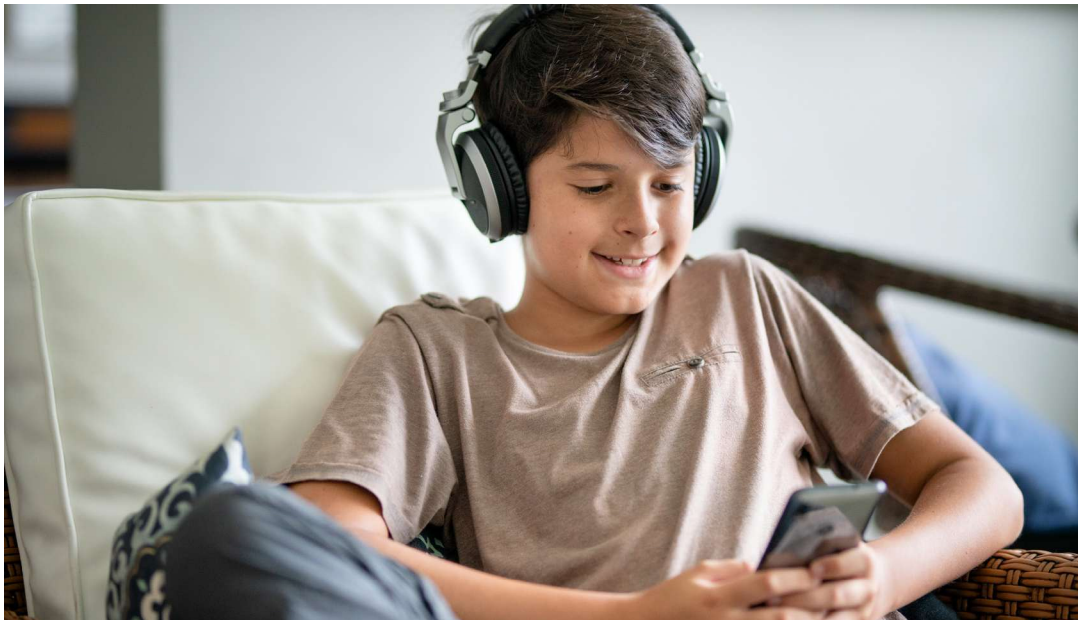
State governments and stakeholders have recognized that substance abuse among young people can drive involvement in the justice system.

Nebraska has enacted legislation [to divert youth](#) with substance use needs away from the justice system by establishing a Family Resource and Juvenile Assessment Center Pilot Program in metropolitan-class cities. The program provides free, 24/7 assessment and services for youth facing mental health, substance abuse or family issues, aiming to prevent system involvement. The Department of Health and Human Services must designate the centers and conduct annual evaluations of program effectiveness.

In [Kentucky](#), a mental health professional must assess young people charged with violent felonies to determine whether they could benefit from behavioral or substance abuse treatment. Any recommended treatment should be administered inside a facility or upon release after a detention hearing.

Mental and Behavioral Health Needs Following Detention

Young people can still struggle with mental and behavioral health needs when reentering the community. Access to services is an important part of a comprehensive reentry approach. (For more information on Reentry, See Chapter 8, “Reentry and Community.”)



Kansas’s Stepping Up for Youth Initiative

Launched in 2024, the Kansas [Stepping Up for Youth Initiative](#) is a coalition led by state agencies and supported by the Council of State Governments Justice Center. The program aims to identify and implement strategies that strengthen public safety and improve outcomes for young people with behavioral health needs who come into contact with the juvenile justice system. The expansive project includes developing a youth-centered framework, tracking performance metrics and shifting policies to divert youth from detention and connect them to community-based care. In the coming years, the project will also work to “align the state’s policies, practices, and resource allocation decisions with what research shows works to improve community safety and outcomes for youth...” Seven counties—Barton, Bourbon, Franklin, Johnson, Seward, Sedgwick and Shawnee—were selected as pilot sites to test and refine the model through localized solutions.

Opportunities for supporting youth mental health upon reentry might include connecting the youth with counseling, services, recreational programs, mentoring and education on healthy exercise, diet and lifestyle.

Supported with appropriations from the North Carolina General Assembly, The North Carolina Department of Health and Human Services [partnered with Talkspace](#), a virtual therapy platform, and has made its services available to justice-impacted teenagers ages 13 to 17. Beginning in 2025, the two-year program began serving nearly 20,000 youth impacted by the legal system, including youth who have been detained, are victims of crime, or are otherwise identified as at risk by having incarcerated family members. The program allows youth to use the app or website for free via a referral key that grants 24/7 text, audio and video access to trained clinicians alongside self-guided activities. Participation in the program is voluntary.

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CHAPTER 6

Reforming Detention and Conditions of Confinement

Introduction

Detention and incarceration of young people take a variety of forms depending on specific stages of the judicial process—just as it does [for adults](#). In the adult criminal context, jails confine persons before or after adjudication and are designed for shorter terms of confinement while prisons confine individuals for longer periods of time following a conviction. Similarly, juvenile detention is [short-term confinement](#) primarily used following a youth's arrest but prior to a court's adjudication.

Detention versus Correctional Facilities

While juvenile detention and youth correctional centers are often interchanged, a clear distinction delineates the two: detention centers are intended for temporary confinement, while correctional facilities are designed for longer-term placement for youth adjudicated delinquent.

Detention

The primary purpose of secure detention is to ensure that a young person appears in court and to minimize the risk of re-arrest while current charges are pending.

Correctional Facilities

Correctional facilities are meant to provide confinement for youth who the court adjudicates delinquent for offenses that would be considered crimes if they were an adult.

Detention and Out-of-Home Placement

Detention is an important and decisive phase in the juvenile justice process. After a juvenile has been arrested, courts decide whether to hold a young person in detention or allow them to remain at home pending a court hearing.

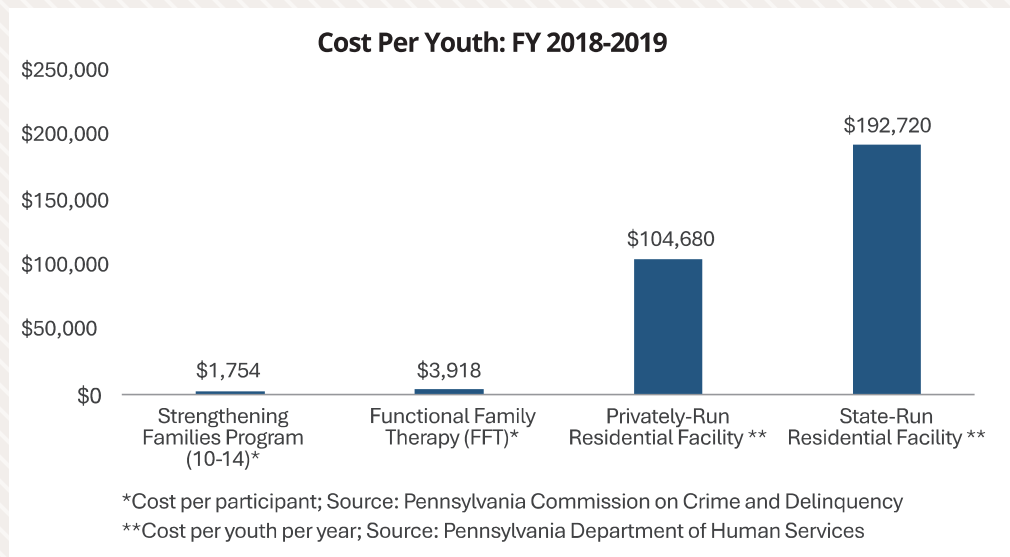
Confined youth include those in detention or in training schools, ranches, camps and farms. On any given night, about **31,000 young** people are held in detention. A young person's stay in a detention facility is usually short, averaging 20 or fewer days.

Many young people may spend only a few nights in detention across the United States, but its effects can have long-lasting consequences for both public safety and youth development.

Cost of Youth Incarceration

The Pennsylvania Juvenile Justice Task Force, a bipartisan legislative and executive branch work group, found that the average cost per youth, per year, to incarcerate a young person is \$192,720 in state-run residential facilities and \$107,468 in privately-run residential facilities.

Source: Pennsylvania Juvenile Justice Task Force Report and Recommendations.



Research indicates that out-of-home placements for youth often fail to produce positive outcomes and may even increase recidivism rates. Studies from Arizona and Pennsylvania showed little difference in recidivism between youth placed in facilities and those on probation. Texas researchers compared youth with similar offenses and found lower rearrest rates among youth completing community-based programs compared with those released from state facilities. Additionally, confinement has been associated with negative consequences, such as increased dropout rates and risks of violence and sexual victimization. Secure confinement, for example, can limit meaningful rehabilitation, expose youth to others who are more experienced with criminal behavior, and reduce the likelihood that a youth will graduate from high school.

In recent years, state legislators have reexamined juvenile detention policies to reduce unnecessary reliance on secure confinement and improve public safety. In 2020, Virginia limited the amount of time a young person who violates a court order can be placed in out-of-home placement to no more than seven days. In Illinois, minors in the care of the Department of Children and Family Services

shall have a hearing held every 14 days to determine whether there is an urgent and immediate necessity to detain the minor for protection purposes. Oregon enacted legislation in 2021 to limit the time youth may be held in detention and requires a review hearing every 30 days where the court determines whether sufficient cause exists to require continued detention of the youth. The law further requires that the detention may be extended for no more than 28 days upon entry of an order denying a motion for waiver hearing.

States like South Dakota have taken alternative approaches to limiting reliance on secure confinement, including treating probation violations as cited violations, diverting youth charged with nonviolent misdemeanors, limiting the use of detention to no more than 14 days over a 30-day period, and requiring state-run juvenile correction facilities to design and operate programs to achieve release to after care within three months. Hawaii allows courts to send youth to residential placement only for a felony-level offense or probation violation/revocation. In Kentucky, youth are not eligible for placement unless they have three or more prior delinquency adjudications and maximum commitment time is limited to 12 months for misdemeanors and 18 months for less severe felonies. Similarly, Georgia prohibits residential placement for status offenses and most misdemeanors and limits placement length for youth adjudicated for felonies.

Conditions of Confinement

The Annie E. Casey Foundation's Juvenile Detention Facility Assessment practice [guide](#) lays out publicly available, detailed and comprehensive standards for juvenile residential facilities. The guide establishes standards in eight areas, using the mnemonic C.H.A.P.T.E.R.S., which stands for:

- Classification and intake.
- Health and mental health care.
- Access to counsel, the courts and family.
- Programming, education, exercise and recreation.
- Training and supervision of institutional staff.
- Environment, sanitation, overcrowding and searches.
- Restraints, room confinement, due process and grievances.
- Safety for confined youth, staff and visitors.

Use of Restraints During Court Appearances

State legislatures and courts across the country are re-examining the practice of shackling youth during court appearances without first assessing each juvenile's individual behavior. The [American Academy of Child & Adolescent Psychiatry](#) says the indiscriminate shackling of juveniles is stigmatizing and further traumatizes young people who might already be traumatized.

Statutes, regulations and case law in [41 states prohibit the use of unnecessary mechanical or physical restraints](#) such as shackles on juveniles during court proceedings. Some states, including Connecticut and Kentucky, hold a presumption that shackles shall not be used on a child during court proceedings unless demonstrated by the prosecution or court to be necessary. Most states require that the use of shackles or other restraints on juveniles during court appearances be justified. Reasons might include prevention of physical harm to the juvenile or another, flight risk, or a history of disruptive courtroom behavior. Generally, states prohibit restraints that are fixed to a wall, floor or furniture.

In recent years, [Montana](#) passed legislation restricting the use of restraints on a youth in youth court proceedings. The law provides that a youth under 10 years of age may not be restrained in a proceeding in youth court under any circumstances unless the court holds a hearing and makes a finding by clear and convincing evidence that the use of restraints is the least restrictive means of preventing physical harm to the youth or another person in the courtroom. Virginia also enacted legislation to prohibit the use of restraints on juveniles during delinquency proceedings unless the court orders otherwise.

Solitary Confinement

Solitary confinement—also referred to as seclusion, room confinement or exclusion—is the most extreme form of isolation in a detention setting. Solitary confinement can include both physical and social isolation in a cell for 22 to 24 hours per day. [The American Academy of Child & Adolescent Psychiatry](#) says that solitary confinement of juveniles can lead to depression, anxiety and even psychosis.

Policymakers in the last 15 years have enacted limits on the use of solitary confinement or bans on punitive confinement. Twenty-nine states have banned the use of punitive solitary confinement through statute, regulation, policy or court order.

Many states have language like that of [Illinois](#), which bans the use of juvenile solitary confinement unless the youth presents an immediate and serious risk of self-harm or harm to others.

Thirty-seven states have placed some type of limit on the use of juvenile solitary confinement by identifying appropriate justifications for its use, limiting the length of time isolation may be used and requiring periodic observation of the confined juvenile.

For example, Kentucky [permits the use of isolation](#) for program disruptions, property damage and possession of dangerous contraband, among other reasons, but limits the use of isolation to four hours unless the superintendent explicitly authorizes an extension of time not to exceed 24 hours.

Although Massachusetts prohibits the use of involuntary room confinement for non-compliance or punishment, the practice continues with limitations. Regulations require staff to monitor involuntarily confined youth at a minimum frequency of 15-minute increments.

In 2022, [California](#) passed legislation restricting the use of room confinement of minors to no longer than two hours.

Although most states have legislated limits or prohibitions on solitary confinement for young people, in the past few years, news stories and official inspections have uncovered that it is still widely used in facilities. [The inspector general in Nebraska](#) confirmed in 2024 that there was a 110% increase in the use of solitary confinement in facilities in the state. [State inspectors in Ohio](#) cited a dire shortage of facility staff that resulted in youth spending more time in solitary confinement. [A 2023 investigation](#) from the Texas Office of the Inspector General Juvenile Justice Department found “administration and staff at the detention center used a program referred to as the Special Needs Unit to circumvent the Texas Administrative Code and confine multiple juveniles to their cells for up to five days.”

For more information on solitary confinement please see NCSL’s [The Use of Solitary Confinement on Youth](#).

Handcuffing Young People

In 2025, [Connecticut](#) passed legislation addressing restraints used on young people. The law prohibits law enforcement, beginning at the point of contact, from using handcuffs on young people believed to be age 14 or younger. An exception is allowed when the officer finds it necessary for purposes of public safety or because the child is using or threatening to use physical force.

Youth Bill of Rights

California’s 2021 [AB 2417](#) extends the Youth Bill of Rights to youth confined in any juvenile facility, including the right to live in a safe, healthy and clean environment conducive to treatment and rehabilitation, to contact attorneys, and to receive quality education.

In 2024, Colorado also enacted [legislation](#) to establish a bill of rights for youth in a juvenile facility. Under this legislation, detained youth must have reasonable access to media and information about the world outside the facility; their own record; phone calls to approved friends and family; and daily exercise. They must be free from unpaid work outside of basic responsibilities and live in a trauma-responsive environment.

Services for Young People in Custody: Education

Youth who have come into contact with the justice system regularly experience interruptions in their education, especially if they are in out-of-home placement. Other challenges include the hiring, retention and training of instructors; inadequate funding for educational programs in detention settings; and addressing the mental health and learning needs of the incarcerated youth.

These disruptions can negatively impact future vocational and educational opportunities. [One survey](#) of youth in detention facilities “found that interruptions to education often begin before the juvenile justice system’s impact. For example, [24%](#) of youth placed in detention facilities were not enrolled in school at the time of their placement. In addition, 61% of youth were expelled or suspended by their school or district in the year prior.”

States employ a variety of approaches to providing education to youth housed in detention facilities. [The Education Commission of the States](#) identifies three types of governance models:

- A statewide school district model that operates educational services in juvenile detention facilities.
- A state school model that oversees and operates schools within juvenile detention facilities under the direct supervision of a state agency.
- A local school district model in which local school districts and education agency partners collaborate to oversee and operate educational services.

There are a number of differing approaches states take to delivering educational services to youth in detention.

In Georgia, the [Department of Juvenile Justice serves as the state’s 181st school district](#), where “the board of juvenile justice oversees the education responsibilities for the district, including the operation and management of schools and their facilities.”

[Arizona](#) “requires the department of juvenile corrections to establish a state education system with specific attention to high school diplomas or certificates of equivalency.” While operating in a similar structure to a district with a superintendent and board, the state operates the school.

In Colorado, [2024 House Bill 1216](#) grants youth the right to alternative education opportunities and prompt enrollment with curriculum providers; the ability to earn credit for coursework completed while under the purview of the court; the right to a graduation plan; and access to gifted and talented programs and college preparation courses. To do so, “a local education provider will work with a team of professionals, intervention teams, families and justice-engaged students to ensure a pathway to graduation, including workforce development opportunities, access to alternative educational programming, and mental health or other supports if appropriate and available.”

An interagency working group established by the legislation makes recommendations regarding the criteria and mechanism for identifying and quantifying the number of justice-engaged students and looking at contributing factors to academic attainment, data sharing agreements and any regulatory or statutory changes or funding needed to implement recommendations.

Accountability and oversight of education for justice-involved youth is another point of legislative attention. In 2020, Washington established the Improving Education Programs and Outcomes Task Force to examine the educational services delivered to youth in the juvenile justice system and students with specialized needs. The task force [provided 12 recommendations](#) on the transitions throughout the institutional education system, including supporting safe school environments, providing services to meet the complex needs of students, and building an equitable, long-term funding model, among others. In 2025, Washington enacted legislation directing the superintendent of public instruction to implement the research conducted by the task force and “examine additional service delivery and governance options that preserves the role of the school districts in providing basic education services to justice-involved students but includes additional state direction in furtherance of the recommendations provided.”



In 2023, Texas passed [House Bill 5195](#), which requires any child that is detained in a juvenile facility must be provided education, programming and other services consistent with the minimum standards adopted by the Texas Juvenile Justice Board. It requires a facility administrator to complete an initial assessment of the child no later than 21 days after the order of detention to evaluate needs and to develop a written plan to ensure an opportunity for the child to make progress on rehabilitation goals.

Beyond the assessment and written plan development, facility administrators must prepare a status report that documents:

- The education, programming and other services provided to the child.
- Behavioral compliance or incidents, if any.
- Any measurable progress on identified rehabilitation goals during the preceding 90 days of detention.
- Any comments, observations or recommendations related to the child's educational or rehabilitative needs.

Increased Oversight of Detention and Correctional Facilities

Oversight mechanisms serve to ensure youth justice laws are implemented effectively and enable regular communication among stakeholders. Many states have established state oversight bodies to guide the progress of juvenile justice system reforms, evaluate whether the system is achieving desired outcomes regarding public safety and fiscal responsibility, and to respond to identified problems.

States employ numerous approaches to oversight, from granting state officials physical access to correctional facilities, as [Montana](#) and [California](#) have done, to granting juvenile courts direct control of detention facilities, like [Tennessee](#) did.

The New York Office of Children and Family Services [audit](#) of juvenile justice facilities covering data from 2018 to 2023 found that while health and safety regulations were met for the required physical conditions, facilities struggled to complete admission assessments and screenings in a timely fashion, did not sufficiently train staff, and did not ensure reviews of incidents were completely documented.

In 2023, Kentucky’s Legislative Oversight and Investigations Committee issued a [report](#) detailing the factors leading to struggles with oversight, including that the facility was not specifically designed for secure detention. These reports ultimately led to the passage of [two bills appropriating funds](#) to support staffing and facility resources.

Enhanced oversight of juvenile detention and correctional facilities is crucial for ensuring adherence to legal standards. In 2025, Colorado enacted HB1146, which contained provisions for a pilot program in two facilities that requires every staff member who is responsible for the direct supervision of youth to wear a body camera while interacting with them.

JJDPa Calls to Eliminate Unreasonable Isolation

The 2018 reauthorization of the JJDPa requires states to “describe the policies, procedures, and training in effect for the staff of juvenile state correctional facilities to eliminate the use of dangerous practices, unreasonable restraints, and unreasonable isolation.”

As new methods for overseeing juvenile detention and correctional facilities emerge, states will continue to enact legislation that strengthens oversight mechanisms.

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CHAPTER 7

Reducing Collateral Consequences for System Involved Youth

Introduction

Many young people coming out of the juvenile justice system experience collateral consequences to system involvement, such as the possibility of being denied acceptance for military service, the loss of the family's federal housing, and fewer prospects for future employment. Reducing these downstream effects of justice system involvement—as well as investing in educational and vocational training and connecting young people to services and stable housing—are just a few ways jurisdictions can ensure that young people stay out of the justice system while simultaneously bolstering effective juvenile justice interventions.

Reducing Collateral Consequences: Fines and Fees

When a young person enters the justice system, fees and costs can be assessed against the individual at virtually every stage of the legal process. These include court filing fees or a fine as punishment for committing an offense.

For example, [a 2016 press release published by the East Bay Community Law Center](#) noted that in Alameda County, Calif., justice-involved youth were charged \$25.29 per day for detention, \$90 a month for probation, \$15 for each day of electronic monitoring, \$300 for legal counsel, \$250 per day for case investigation and \$28.68 for drug testing.

Stakeholders in justice systems around the country argue that assessing fines and fees—sometimes called legal financial obligations—is important to fund day-to-day court operations. And many citizens believe that people convicted of crimes, rather than taxpayers, should bear responsibility for the increasing costs of running the justice system.

What are Legal Financial Obligations (LFOs)?

Fines

- Monetary punishments for infractions, misdemeanors or felonies.
- Punish offenders and deter others from committing similar offenses.

Fees

- Intended to support operational costs in the criminal justice system.
- Fees can include: booking and processing fees, public defense fees, drug testing fees, court record fees, supervision and electronic monitoring fees.

Source: NCSL, 2024

There is a concern, however, that when fines and fees go unpaid, youth and their families face mounting debt for nonpayment, adverse credit score impacts, delayed issuance or revocation of a driver's license and prolonged out-of-home placement or probation.

As such, some have questioned the fundamental fairness and efficacy of fines and fees in youth justice. Researchers from John Jay College of Criminal Justice conducted [a statewide analysis](#) of legal financial obligations assessed against young people in Florida and found that those with court debt are unable to expunge records, obtain driver's licenses, or participate in job corps programs, diminishing their chances for successful reentry. The study also showed minors required to pay fees were more likely to engage in re-offending behavior compared with young people who were not assessed fees.

Many argue that if the judiciary is encouraged to assess fines and fees to fund the courts, a conflict of interest could exist that compromises the integrity of the justice system.

The National Council of Juvenile and Family Court Judges has issued a [resolution](#) calling on courts "to work towards reducing and eliminating fines, fees and costs by considering a youth and their family's ability to pay prior to imposing such financial obligations."

A 2024 [study published by the journal "Law and Social Inquiry"](#) looking at legal financial obligations in Dane County, Wis., found that while most of the young people and families surveyed agreed that there should be mechanisms in place to hold individuals accountable for their actions, monetary sanctions not only created varying degrees of financial hardship but fostered feelings of distrust and skepticism of the court and the judicial process. Study participants expressed frustration with a perceived lack of transparency regarding how fees were being assessed, difficulty navigating the various agencies associated with these fees, as well as feeling that their voices were not being heard regarding ability to pay the ordered sanctions.

In recent years, an increasing number of states and territories have reconsidered how effective and fair monetary sanctions for youth in the justice system are. From 2018 to 2025, nearly 20 states enacted laws that either limit or prohibit legal financial obligations in cases involving minors. California became the first state to prohibit imposing administrative fees in delinquency cases. Nevada soon followed and statutorily eliminated a wide variety of costs, including attorney's fees for appointed council and fees associated with the services and/or placement required by a child's disposition order.

During the 2023 legislative session alone, seven states—Arizona, Illinois, Indiana, Michigan, Montana, Texas and Washington—narrowed the circumstances under which legal financial obligations can be ordered in juvenile court.

In Arizona, except for restitution and certain driving under the influence offenses, courts can no longer impose fees against young people. Illinois canceled most previously ordered legal financial obligations. As mentioned in Chapter 6, Indiana did away with costs associated with public defense in juvenile cases. In [Michigan](#), lawmakers abolished certain fees or costs associated with a court

case, court proceedings and agency costs of care, as well as late fees associated with non-payment in the juvenile justice setting. [Montana](#) also eliminated legal financial obligations for young people under 18 and made the collection of any previously ordered fines and fees unenforceable.

In 2024, the Washington Legislature passed a [bill](#) eliminating fines, penalty assessments, attorneys' fees and court costs in its youth justice system. The new law also stipulates that previous debts are waived, and any unpaid sanctions will not impact an individual's credit, are rescinded from any collections agency and will not show up on a background check.

States that have eliminated or reduced legal financial obligations for young people between 2018 and 2025:



Sealing or Expunging Records

Arrest and delinquency records can have far-reaching impacts on young people's lives long after a case is resolved. Records of justice system involvement can adversely affect one's ability to secure a job, housing or enter educational or vocational programs. And while all states have procedures for juvenile record expungement or sealing (erasing or removing a record from public view), often the individual must petition the court—a process that can be confusing and expensive.

Lawmakers, however, are exploring ways to remove some of the barriers to record clearance for youth who have come into contact with the justice system. In nearly half the states, policymakers have [codified mechanisms](#) for the automatic expungement or sealing of juvenile records. Automating the record clearing process means that qualifying offenses are removed or sealed without filing a motion with the court and in many instances, this is done at no cost to the individual.

States have taken several approaches to automatic record clearance. For instance, delinquent youth in Florida who are not serious or habitual juvenile offenders will have their records automatically expunged upon turning 21.

States such as Rhode Island and Wisconsin automatically seal juvenile records following case dismissal or sentence completion. In other jurisdictions, young people must wait a certain period after adjudication before their records undergo erasure from public view.

In Illinois, a young person's court and law enforcement records for certain offenses are to be expunged two years after the case is closed as long as the individual does not have a pending case and has not had a subsequent delinquency adjudication or criminal charge.

In 2022, the Indiana General Assembly passed a law which requires juvenile courts to immediately order records in a delinquency proceeding expunged if the case is dismissed. The court must also expunge the young person's record when at least one year has elapsed since a petition was filed and there is no disposition, the state is not actively prosecuting the allegations, or the case is vacated.

States that do not automatically expunge records have passed legislation to make it easier for young people to clear their records. Idaho reduced the juvenile record clearance waiting period from five years to three years, and Oregon reduced the waiting period from five years to four years. The Oregon law also creates a process for courts to grant an expunction request without holding a hearing in some cases. [Kentucky](#) expanded expungement eligibility to youth who have committed status offenses, misdemeanors or felonies as long as the felony is not classified as a sex offense or violent crime. Louisiana passed legislation that created an expedited, fee-free expungement order for individuals who were 17 at the time of arrest and had their charges dismissed.

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CHAPTER 8

Reentry and Community

Introduction

For young people sentenced to out-of-home placement, reentering the community can present many challenges. From returning to school to navigating monetary sanctions, supporting system-involved youth as they reintegrate into their surrounding communities can not only curb [recidivism](#), but can facilitate reparation between youth who acted unlawfully and victims of wrongdoing.

Reentry Support

Following residential placement, young people face both challenges and opportunities as they reintegrate into the community. Out-of-home placement can also disrupt a young person's educational trajectory, work opportunities and social circle, and can stress family relationships. It can also exacerbate existing mental health and substance use issues.

Yet just as reentry can be challenging, it is also a chance for youth to receive the types of support that foster pro-social community interactions, address mental health and open doors to educational and vocational programs—all of which enhance public safety by reducing recidivism.

A 2004 [study published by the journal Behavioral Sciences and the Law](#) examined the impacts of transition planning on justice-involved youth with mental health needs and found that access to mental health services, substance use disorder treatment, housing and employment was associated with lower recidivism rates during the first year following release from residential placement. Moreover, as noted by a [2009 report from The Sentencing Project](#), connecting youth to positive mentors in the community can reduce the likelihood that a young person reengages in law-breaking behavior.

Taking what is known about youth who have come into contact with the justice system and reentry, lawmakers and other stakeholders have looked to facilitate access to services and educational opportunities for youth returning home from confinement.

Some states, such as [Louisiana](#) and [Ohio](#), have laws to ensure an easier transition into the community by requiring the department of youth services to provide identification and other critical

documents prior to release. Not having crucial identification documents is a critical barrier to receiving education and services post release.

[Kansas](#) lawmakers codified opportunities in 2024 for young people to have greater access to educational and vocational training. Eligible youth will now be able to leave out-of-home-placement to participate in various learning programs. Previously, youth requiring medical treatment have been the only residents allowed to leave the Kansas correctional complex.

The Indiana General Assembly [enacted](#) a comprehensive approach that provides that a young person who is in the custody of the state's department of correction may receive at least three months of "transitional services to support reintegration back into the community and reduce recidivism." Indiana's juvenile justice oversight body is statutorily required to develop policies and protocols for these services while the department of correction must provide recidivism and reincarceration data used to assess and guide the state's reentry efforts.

JJCPA and Reentry

[Amendments](#) to the Juvenile Justice and Delinquency Prevention Act made by the Juvenile Justice Reform Act of 2018 require reentry planning for youth transitioning from detention to the community as well as the timely transfer of student records and any educational credits the young person earned while in custody or a secure treatment facility.

Source: Key Amendments to the Juvenile Justice and Delinquency Prevention Act Made by the Juvenile Justice Reform Act of 2018 (ojp.gov)

In a 2023 [report](#) published by Indiana's Transitional Services Workgroup, services provided to young people and their families must include access to 24-hour intervention. Other resources can include educational and vocational training, substance use disorder screening or treatment, as well as parent education. It is also noted that "a large body of academic and governmental research support that an individual transitioning out of incarceration will more likely be a safe and productive member of their community if they are provided with help through reintegration."

Restorative Justice and Victim Impact

Restorative justice models present an alternative, unique way for communities to understand and respond to crime. The restorative justice framework consists of three key components:

- The young person taking responsibility for his or her actions.
- A dialogue between the young person who committed the offense and the victim.
- The young person making reparations by taking part in activities such as writing an apology letter, completing community service or paying a fine.

These programs give people who have been harmed the opportunity to be heard, ask questions, and seek restoration and closure. They allow individuals to take accountability, responsibility and attempt to repair the harm done. Victims/survivors can determine what type of repair may help to make them whole—and gain agency in the process.

According to the [Annie E. Casey Foundation](#), the model "uses highly trained facilitators to help connect the responsible party with the harmed party as well as with supportive family and community members. The group works together to determine the appropriate response and, if possible, repair, involved." All parties, including the victims, must agree to participate in the restorative justice process, while facilitators collaborate separately to prepare parties for a restorative conference to discuss what happened.

While restorative justice models can be implemented in various forms such as direct victim-offender mediation, indirect victim-offender mediation and the use of a community panel in lieu of a victim, [one study](#), "The Effectiveness of Various Restorative Justice Interventions on Recidivism Outcomes Among Juvenile Offenders," found that youth who participated in restorative justice programs—

regardless of the format—were less likely to engage in recidivism compared with those formally processed by the juvenile court.

Medicaid for Justice Involved Youth and Young Adults

The Consolidated Appropriations Act of 2023 required states to provide [Medicaid coverage](#) for eligible youth during transitions out of incarceration. Under the new law, states must provide medically necessary screening and/or diagnostic services for medical, behavioral and dental services to Medicaid-eligible youth and young adults who are in confinement 30 days prior to release. Additionally, the new law requires states to provide targeted case management 30 days prior to release and least 30 days following release. Targeted case management includes a needs assessment, a care plan, referrals and monitoring to ensure the care plan is implemented. States were required to comply with this act by Jan. 1, 2025, and states are in [various stages of implementation](#).

Additional research [from OJJDP](#) suggests that relative to the use of traditional court sanctions, restorative justice fosters a greater sense of victim satisfaction with how their case was handled and creates an increase in perceived fairness with the justice process.

Restorative justice can be implemented at virtually any point along the justice continuum. For example, in [Nebraska](#), justice-involved youth and victims can participate in a restorative justice program before a petition is filed with the court, as part of a diversion program, or after a young person is adjudicated delinquent. In other states, laws narrow the circumstances in which a young person can be referred to a restorative justice program. Young people in [West Virginia](#) who are alleged to have committed status or certain misdemeanor offenses are eligible to participate in restorative justice but can only do so prior to the disposition of their case. If the young person successfully completes the program, the court petition will be dismissed.

A 2017 meta-analysis found a significant decrease in delinquency for juveniles in restorative justice programs. One study concluded that restorative justice participation accounted for a 26% decrease in juvenile recidivism relative to those who did not participate in such programs.

Source: "Justice for All: How Restorative Justice Mutually Benefits Victims and Youth"
<https://www.rstreet.org/wp-content/uploads/2023/09/Final-Study-No.-294.pdf>

Providing infrastructure and funding these models are a part of a greater effort by policymakers to reduce the over-reliance on secure confinement and promote collaboration in the justice system.

The Vermont legislature requires [Vermont's](#) Attorney General's [office](#) to provide grants to community-based restorative justice programs as part of the state's juvenile pre- and post-charge diversion programs. Kentucky law now requires a juvenile restorative justice advisory committee to be established in each of the state's counties. The committees are tasked with developing and implementing restorative justice programs.

In 2023, Minnesota passed [comprehensive legislation](#) establishing the Office of Restorative Practices within the state's Department of Public Safety. The office is tasked with several duties including creating a statewide directory of restorative justice initiatives, facilitating cross-jurisdiction collaboration, allocating grants to community providers as well as overseeing and evaluating the efficacy of restorative justice initiatives. The state will allocate \$500,000 each year to maintain the Office of Restorative Practices and will provide \$4 million annually to finance grants for restorative justice programs.



Privileged information has become a nuanced and timely issue for states which have adopted restorative justice models. For example, in many restorative justice programs, the person responsible for the harm may be asked to provide a letter of accountability to the person they harmed. Participants' counsel raised fears that these letters of accountability would later be used against them in a court of law if restorative programs are not successfully completed and traditional prosecution is commenced. States often address such concerns by creating legal privileges. For example, doctor-patient privileges and attorney-client privileges are both designed to encourage participants to be open and honest without fear of reprisal. In an attempt to increase open and honest participation, Illinois passed a law providing confidentiality protection for restorative justice processes, setting up a legal privilege similar to an attorney-client privilege. Maine also enacted a law to protect statements of juveniles made during restorative justice programs.

Besides evidence that restorative justice can reduce recidivism and improve victims' perceptions of the justice process, this intervention can also serve as a cost saving tool. An [Impact Justice report](#) detailing the effectiveness of Community Works West's Restorative Community Conferencing (RCC) program in Alameda County, California, suggests while the average annual cost to monitor a young person on probation is \$23,000, it only costs \$4,500 to engage youth and victims in the RCC process.

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