



Support or Court:

How States Respond to Youth Who Commit Status Offenses and Children Who Break the Law

Checklist of Guiding Principles and State Models

As detailed in the brief “Support or Court: How States Respond to Youth Who Commit Status Offenses and Children Who Break the Law,” many states have a confusing, uneven set of policies for how to address youth who commit status offenses and children who break the law. And regardless of state structure, most states have given short shrift to ensuring that these young people (and their families) can obtain the services and support they need to address the root causes of their behavior.

The Council of State Governments Justice Center conducted listening sessions with diverse stakeholders and reviewed research and state practices for improving outcomes for youth who commit status offenses—behaviors such as truancy, running away, and curfew violations—and children who break the law. What follows is a checklist of guiding principles that states can use to evaluate and strengthen their responses to these populations and to children and adolescents in need of services more generally. In addition, we provide examples of states as best practice models that reflect many, if not all, of these principles in their approaches.

Checklist of Guiding Principles for State Policy, Practice, and Funding

1. Statewide, Structural, and Outcome Oriented

- ✓ Is the primary purpose of state responses to youth who commit status offenses and children who break the law to support youth behavior change or to hold them accountable and administer sanctions? And do these responses employ a comprehensive approach to address the individual and structural reasons underlying youth’s behavior, such as school climate, family functioning, community violence, and service availability and access?

-
- ✓ Are there clearly designated entities statewide—public or private—responsible for assessing youth’s needs/competency, case management, and service delivery?

 - ✓ Is there dedicated funding for services for community providers, schools, and other entities for youth who are disconnected from school, run away, engage in underage substance use, and have family conflict, as well as children who break the law?

 - ✓ Are locales required to adhere to a minimum set of research-based assessments, decision-making policies, and service plans, as detailed in statute, administrative policy, or both?

 - ✓ Is data collected to track, analyze, and evaluate system involvement, services, and outcomes for youth who commit status offenses and children who break the law?

2. Focused on Services Rather Than Court Involvement, Supervision, or Sanctions

- ✓ Is court involvement used only, if necessary, for children who commit violent offenses— regardless of legal designation (children in need of services, supervision, etc.)—and never for the primary purposes of service delivery, family strengthening, or sanctions?

- ✓ Are formal mechanisms available for youth and families to obtain evaluations and services without requiring an arrest, court involvement, supervision, fines and fees, or conditions?

- ✓ Are the following services readily available and cost-free statewide: mobile crisis, assessment centers, educational and school attendance supports, mentoring, family and cognitive behavioral therapy, mental health and substance use counseling, respite and shelter, and community-based remediation services?

3. Individualized and Developmentally Appropriate

- ✓ Do youth who commit status offenses and children who break the law receive individualized case management, given that the reasons they don’t attend school, run away, or break the law are multifaceted and varied and require equally diverse, tailored responses?

- ✓ Are expectations for youth’s behavior change developmentally appropriate given that children and adolescents are wired to act impulsively, don’t think long-term, and test limits?*

- ✓ Are court action or other sanctions used as responses when youth (or caregivers) are not engaging in services, or are case management staff trained to motivate and partner with youth and families and identify and address barriers to participation?

*Richard J. Bonnie et al., eds., *Reforming Juvenile Justice: A Developmental Approach* (Washington, DC: National Academies Press, 2013).

4. Community Based

- ✓ Is the use of secure detention or placement restricted for youth who commit status offenses and children who break the law, including for violations of court orders, unless public safety is at imminent risk?
- ✓ Are these youth restricted from ever being placed out of home, regardless of setting, for their own protection, due to family conflict, or to receive treatment unless their behavioral health needs are so acute that they can't be safely managed in the community?
- ✓ Is there funding for locales to develop alternatives to placement to support adherence to these policies, including options such as mobile crisis, respite and shelter, complex case conferencing, wraparound services, and youth advocates and credible messengers?
- ✓ Are there specific funding and capacity-building activities to reduce racial and ethnic disparities in the use of law enforcement and the justice system for youth of color and to ensure community-based services are readily available in communities of color and culturally competent?

5. Youth and Family Centered

- ✓ Are systems and providers required and supported to partner with youth and families in case decisions and service plans, such as through family conferencing and family advocates?
- ✓ Are courts restricted from sanctioning parents for youth's behavior? Instead, do systems connect caregivers with sufficient resources and services so they can support their child's successful transition to adulthood long after system involvement ends?

State Best Practice Models

Status Offenses



Connecticut

Since 2017, Connecticut has adopted policy and funding changes to remove youth who commit status offenses from the jurisdiction of the juvenile court, or any court system more broadly. These changes also strengthen local service structures to assess and address these young people's needs. Key aspects of this system transformation include the following:

- **Public Act (P.A.) 16-147** removed truancy and defiance of school rules as reasons for referrals to juvenile court. Legislation also required all school districts to adopt and implement [truancy policies](#), including developing remediation plans with youth and families and adopting research-based programs identified by the Department of Education.
- Section 8 of PA 19-187 removed all “family with service needs” behaviors from juvenile court jurisdiction, including youth who run away, break curfew, and/or are incorrigible.
- Appropriates funding for local [Youth Service Bureaus](#) (YSBs) to provide assessment, case management, and services for these youth and families. These YSBs are operated directly by one or more municipalities that plan, evaluate, coordinate, and implement a network of resources and opportunities. Youth and families that struggle to connect with services are never referred to court; instead, YSBs continue to provide motivation and support.
- The YSBs are overseen by the Department of Children and Families (DCF), which provides cost-sharing grants to eligible YSBs, grant management services, monitoring and evaluation, and technical assistance. DCF is engaged in ongoing efforts to standardize the approach of the YSBs to reflect research-based practices shown to divert youth from future system involvement.



Florida

Florida has established a statewide system of services for youth who commit status offenses that is managed by the [Florida Network of Youth and Family Services](#) (Florida Network), a community-based provider. Annually, the legislature appropriates approximately \$40 million specifically for Families in Need of Services (FINS) and Children in Need of Services (CINS) (and the Supplemental Nutrition Assistance Program). In 2023, the Florida Network and its contractors provided counseling services to almost 8,000 youth and families:

- Youth and families can voluntarily receive free services at FINS through a contracted set of providers overseen by the Florida Network.

- Each county has a primary community service agency that offers intake, assessment, case management, community-based counseling, and other interventions, with a supporting network of 28 respite and shelter centers statewide.
- The Florida Network assists by developing a specialized assessment tool for these youth; offering training for providers; offering a statewide data system for tracking referrals, services, and outcomes; and instituting ongoing quality assurance activities.
- If a FINS case is not successful through this voluntary process, youth can be referred to court as a CINS case through a prosecutorial petition, but approximately 95 percent of all FINS cases are never sent to court.



Utah

Utah has established a statewide “early intervention” approach to serving youth who commit status offenses—and youth and families in need of services more generally. It is overseen by the Utah Department of Juvenile Justice and Youth Services (JJYS) but sits outside the formal juvenile justice system. This approach was accelerated by comprehensive [legislative reforms](#) to the juvenile justice system in 2017–2018 that included significantly restricting youth who commit status offenses from being referred to court. Legislation also required schools to implement evidence-based interventions and truancy mediation before making court referrals. Additionally, reforms resulted in closing secure facilities and shifting staff and resources to early intervention services, which now encompass the following:

- JJYS employs approximately 100 full-time staff and dedicates \$15 million a year to providing early intervention services to over 4,000 youth and families annually.
- JYS staff are in schools and communities throughout the state, including rural areas, and support youth through mental health and trauma screening, strengths-based assessments, and ongoing case management.
- Services are offered through a network of community-based providers and include intensive, evidence-based services, such as Functional Family Therapy and Wraparound, and a network of respite and shelter programs for runaways and other youth in crisis.

Minimum Age of Court Jurisdiction



California

California has statutory provisions for the minimum age of juvenile court jurisdiction, minimum age of “capacity,” and assessing and remediating juvenile competency. These include the following:

- First, youth who are under 12 years old are not [eligible for juvenile court jurisdiction](#) unless they commit a homicide or violent sex offense. Counties are required to pursue appropriate measures for these children using the least restrictive alternatives through school, health, and community-based services and funding.
- Second, California law presumes that youth under the age of 14 are not capable of committing a crime unless “at the time of committing the act charged against them, they knew its wrongfulness.” Law enforcement and probation officers, prior to interviewing a child under 14, must first determine whether they believe the child understands the difference between right and wrong. If there are concerns about a youth’s capacity, then they can refer the youth for further evaluation and ultimately a determination by the court.
- Third, California law provides for a competency assessment and remediation process, which involves the juvenile court suspending all court proceedings if there are competency concerns and requiring an evaluation by an outside qualified expert. If the youth is found incompetent, the case must be dismissed if it includes only misdemeanor charges. If there are felony charges, courts must schedule a Competency Planning Hearing, and youth are referred to restoration services in the least restrictive environment possible to help them attain competency, with periodic, required court review hearings. For most charges, if youth can’t be remediated within one year, the case is dismissed.



Massachusetts

In 2018, Massachusetts [passed legislation](#) raising the minimum age at which a child is subject to juvenile court jurisdiction if they break the law from 7 to 12 years old as part of a larger package of juvenile and criminal justice reforms. Massachusetts has no statutory offense exceptions to this minimum age. The state also has laws prohibiting youth under 12 from being detained pretrial and prohibiting youth under 14 from secure placement after disposition. While there is no delinquency system involvement for youth under 12 who commit what would otherwise be delinquent offenses, there is a range of alternate court and community-based interventions for these children and pre-teens, including the following:

- Referral to a network of community-based [Family Resource Centers](#) in every county—funded by the Massachusetts Executive Office of Health and Human Services and the Department of Children and Families—that provides wraparound services such as health, education, employment, and crisis intervention supports.



Nebraska

Nebraska uses a tiered, developmentally appropriate approach for keeping children and pre-teens from initial and deeper involvement in the juvenile justice system, including establishing a separate minimum age for court jurisdiction, detention, and secure placement. These components include the following:

- As of July 1, 2017, Nebraska [established a minimum age](#) of juvenile court jurisdiction of 11 years old, with no offense exceptions for this minimum age. Children 10 years old and younger are both voluntarily and formally referred to the Department of Health and Human Services for an assessment and services.
- The minimum age for detention is 13—a child 12 or younger “shall not be placed in detention under any circumstances.” Nebraska also outlines in statute that detention cannot be used “to punish, treat, or rehabilitate” any youth. Instead, many counties participate in the Juvenile Detention Alternative Initiatives to develop community-based alternative options and supports.
- Lastly, Nebraska set 14 as the minimum age a youth could be placed in or committed to a youth rehabilitation and treatment center, which are the state’s youth correctional facilities.