



# Support or Court:

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

### By the Numbers: How States Handle Minimum Age of Juvenile Court Jurisdiction

There has been a growing recognition that young adults (18–25) in contact with the justice system require distinct approaches. Yet states have given far less attention to the developmental differences between children/pre-teens and older adolescents and to proactively determining and funding those systems, services, and supports best suited to prevent these children and pre-teens from future involvement in the justice system.

To address this gap, it's important for states to examine their policies around the minimum age at which a child is subject to juvenile court jurisdiction if they break the law. This is especially true because research consistently shows that youth in contact with the justice system—particularly lower-risk youth—are more likely to recidivate and less likely to complete high school than their similar peers who are diverted from any form of system contact.<sup>1</sup>

This document details key findings from a 50-state scan<sup>2</sup> conducted in 2023 by The Council of State Governments Justice Center on state policies regarding the minimum age at which a child is subject to court jurisdiction if they break the law.

### Minimum Age of Juvenile Court Jurisdiction

~50%

States that don't have a minimum age of juvenile court jurisdiction. In these states, children as young as 7 and 8 years old can be arrested and referred to court for any delinquent or status offense. Delinquent offenses are acts committed by minors that would be considered crimes if committed by adults. Status offenses are behaviors such as truancy, running away, and curfew violations, which are only crimes because they are committed by minors.

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~70%

States that have a minimum age of court jurisdiction that is 10 or younger. The remaining states have a minimum age of 11 or 12, with two states having a minimum of 13.

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~50%

States with a minimum age that is subject to offense exceptions, most often for homicide, violent offenses, and/or serious felonies.

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States that have both a minimum age of court jurisdiction and a higher minimum age for secure detention and/or placement.

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States that don't have a minimum age of court jurisdiction but do have a minimum age of competency in which children are presumed unable to understand the charges against them.

More generally, only a handful of all states have specific competency laws and required evaluation processes to determine whether children referred to court understand the crime they have committed and the legal process. Indeed, research and developmental science show that children and pre-teens (12 and under) are generally not competent to stand trial.<sup>3</sup>

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States that don't have a minimum age of court jurisdiction but do have a minimum age for placing youth in a secure facility.

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States that don't have a minimum age of court jurisdiction but do have a minimum age for placing youth in a nonsecure facility, such as in a group home or private residential facility.

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1. Anthony Petrosino, Carolyn Turpin-Petrosino, and Sarah Guckenbug, "Formal System Processing of Juveniles: Effects on Delinquency," *Campbell Systematic Reviews* 6, no. 1 (2010) 1–88, <https://doi.org/10.4073/csr.2010.1>.

2. The findings detailed here reflect state policy as authorized in statute and court rules regardless of how often such authority is used in practice (e.g., whether youth can be legally detained for a status offense). We also use approximations rather than exact numbers and don't identify specific states for the following reasons: some states' laws can be interpreted in multiple ways; states' laws are continuously in flux; and more generally, some states have confusing, even conflicting laws and court rules related to these populations leading to different interpretations even among state leaders and practitioners.

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