NO PLACE FOR A CHILD:
ALTERNATIVES FOR CHILDREN UNDER 12 IN
CONNECTICUT’S JUVENILE JUSTICE SYSTEM
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JUST FACTS
THE PROBLEM
Currently, children as young as seven are subject to arrest and detention in Connecticut’s juvenile justice system. Connecticut Voices for Children engaged in developmental, legal, and social science research to investigate this phenomenon and the implications it has on children, their families, and our state. Converging research suggested that children are not able to understand the legal process, that court involvement can harm the well-being of involved children, and that this can have long-term negative implications for public safety. Following this research, we compared Connecticut to other states that have raised the minimum age of juvenile court jurisdiction and the international standards around juvenile culpability. We conclude that raising the minimum age from seven to 12 and diverting young children to age-appropriate services is a superior alternative to the existing process.

CHILD DEVELOPMENT AND COURT INVOLVEMENT
- **Cognitive immaturity of children:** children in early and mid-adolescence are neurologically immature. They have not yet attained mature cognitive abilities to respond effectively to situations that require careful or reasoned decisions, and they are more inclined than adults to act impulsively and without planning.
- **Unique factors inherent in pre-adolescence:** studies demonstrate most children younger than thirteen or fourteen years of age exhibit the same degree of impairment as legally incompetent adult defendants. This means children fail to appreciate the importance of legal rights and lack even basic competence to understand or to participate in their defense during court proceedings.

LEGAL ARGUMENTS THAT THE COURT SHOULD DISTINGUISH CHILDREN FROM OLDER YOUTH
- **United States and Connecticut Supreme Court decisions:** the U.S. and Connecticut Supreme Court have increasingly relied upon neuroscience research to distinguish children from adults in assessing criminal culpability. Their observations regarding a child’s immaturity and lack of development is consistent with treating children dissimilarly from their older counterparts.
- **Procedural Justice:** evidence indicates alternatives to the formal juvenile justice process lead children to perceive the law as more legitimate and to therefore increase their compliance with the law, which improves public safety.

POLICY ARGUMENTS FOR DISTINGUISHING CHILDREN FROM OLDER YOUTH
- **Assists vulnerable children:** children who are arrested or charged are significantly more likely to have histories of child maltreatment, underlying and unaddressed behavioral health conditions, and/or be children from underserved populations.
- **Reduces recidivism:** decades of research have shown that formally processing youth in the juvenile justice system does not a) result in preventing future crime b) increases likelihood of future criminal behavior by deterring psychosocial development.
INTERNATIONAL STANDARDS

- Out of 193 countries surveyed, only 24 countries in the world have a minimum age where children are considered criminally responsible at seven. This is due, in part, to the United Nations adoption of the Beijing Rules, which specified that the minimum age of criminal responsibility (MACR) be no less than age 12.
- Countries with higher MACRs than Connecticut use special law enforcement procedures and/or a continuum of diversionary programs when dealing with children. These procedures and programs allow these countries to avoid the crime promoting and negative effects of the formal justice system.

COMPARATIVE STATE POLICY

- Both California and Massachusetts raised their minimum age of juvenile court jurisdiction to 12 after finding children do not meet standards of capacity and competency under state law. Children under 12 were arrested and charged largely for minor violations, such as destruction of property and simple assault, in these states. Importantly, Massachusetts passed a “clean” bill that did not impose carve outs or exceptions for certain categories of crime.

RECOMMENDATIONS

- According to data provided by the Connecticut Judicial Branch’s Court Support Services division, 141 youth under age 12 were referred to Connecticut court in 2018. The vast majority of these referrals (80 percent) were for misdemeanor offenses. Almost all of these children were not prosecuted, were discharged, or had their cases not accepted/dismissed during that time. In line with the findings above, Connecticut Voices for Children recommends Connecticut pass a “clean” bill to raise the minimum age of juvenile court jurisdiction to age 12.
- We further recommend that Connecticut ensure that diversionary and/or community programs sufficiently serve these children under 12 and that they are accessible, age-appropriate, trauma-informed, and tied to procedurally-just practices.