

Children's Defense Fund

Children's Rights

<https://www.childrensdefense.org/blog/juvenile-justice-treat-kids-like-kids/>

Public Facing Advocacy Writing

Children should be treated differently than adults. Yet, in our criminal justice system, we are quick to disregard childrens age and push them especially children of color into a punitive system that was not designed with their needs in mind. Despite arrest and incarceration having [devastating and life-long impacts](#) on childrens health, education, economic stability, and well-being, there remains no minimum age for arresting and prosecuting a child. Additionally, in the federal criminal justice system, a child as young as 13 years old can be tried as an adult for certain offenses, facing severe, inappropriate punishment and [even greater risk of lasting negative harms](#), as children in adult jails are more likely to suffer permanent trauma and are five times more likely to die by suicide than children held in juvenile detention centers.

The criminalization and incarceration of our children goes directly against what we know about child and adolescent development as well as childhood trauma. Research shows that young people have less impulse control than adults and [their brains continue to develop and mature](#) through their late teens and into their mid-twenties. Whats more, [the vast majority of children](#) involved in the juvenile and adult criminal justice systems are contending with early childhood trauma like physical or sexual abuse or witnessing domestic violence. A young persons age and the impact of possible childhood trauma must be taken into account when they come into contact with the criminal justice system.

The lasting, harmful impacts that come with criminalization and incarceration are especially alarming for children of color who are overwhelmingly targeted across the juvenile and adult criminal justice systems, [from higher rates of policing in schools and increased risk of arrest to harsher sentencing and increased transfer to the adult criminal system](#). As we reported in the [State of Americas Children 2021](#), Black youth are nine times more likely than white youth to receive an adult prison sentence, American Indian/Alaska Native youth are almost two times more likely, and Hispanic youth are 1.4 times more likely.

In order to take steps towards creating a more fair and equitable system that acknowledges childrens age and developmental distinction from adults, Representatives Bass (D-CA), Cardenas (D-CA), and Westerman (R-AK) recently introduced a package of legislation, which the Childrens Defense Fund was proud to endorse. This package includes:

These bills would protect young people in the federal jurisdiction and would signal an important shift towards age-appropriate protections for states to follow.

We joined [more than 50 organizations](#) in voicing support of this legislation, and we urge Congress to pass this meaningful legislation to reduce childrens contact with the criminal justice system; address racial disparities in criminalization, arrests, and sentencing; and create more equitable and age-appropriate measures for those children that do encounter these systems.

[Find the full letter in support of this legislation here.](#)

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The Childrens Defense Fund is a 501(c)(3) nonprofit organization. Our Federal Tax ID number is 52-0895622.

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