

# END KINDERGARTEN COURTS

NATIONAL  
JUVENILE  
JUSTICE  
NETWORK

Did you know in 28 states 4, 5, and 6 year olds can be arrested and sent to court? This is because states don't have age limits on when a child can be arrested or prosecuted in court for misbehavior. **In 2019, 36,691 10 to 12 year-olds were arrested and 2,550 youth under 10 were arrested.** Research shows this is a failed approach. NJJN urges states to pass laws to ensure no child under 14 can be sent to court.

## States Must Raise the Age of Youth Prosecution Because...

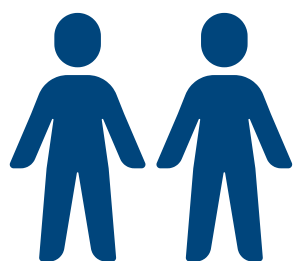


### CHILDREN HAVE LIMITED CAPACITY TO STAND TRIAL

The court system is complex, which is why attorneys have to go to law school for 3 years. How can a child still learning to read exercise their legal rights? They can't.

### PROSECUTING CHILDREN IS COSTLY

Given their limited capacity to stand trial, young children are not likely to be found competent to stand trial. This results in expensive and unnecessary competency proceedings. Meanwhile, youth still don't get the services they need.



### BLACK AND BROWN KIDS ARE HARMED MOST

Nationally, **52.7 % of children aged 12 and under who had cases processed in juvenile courts in 2018 were youth of color** (Black, American Indian, Asian/NHPI, and Hispanic). Black children specifically were overrepresented at each stage of the youth criminal legal system relative to white youth.

### CHILDREN ARE BEING FUNNELED THROUGH THE SCHOOL-TO-PRISON PIPELINE

Schools refer a large portion of cases to court. By prohibiting the arrest of young children through minimum age of juvenile jurisdiction laws, states can prevent many children from being arrested in school and sent through this pipeline.



### CHILDREN AND PUBLIC SAFETY ARE AT RISK

Children who are incarcerated are at high risk of becoming victims of physical or sexual abuse and experiencing psychological issues. At the same time, incarceration can actually increase the chances that youth will commit new offenses which runs counter to public safety goals.

### WE HAVE BETTER WAYS TO SERVE CHILDREN

Services in the community are cheaper than court and can address a child's underlying needs. By connecting children with age-appropriate services in the community, we can hold them accountable while ensuring they grow up into responsible adults and keep our neighborhoods safe.



## States Must Take Action

It's well past time for states to set a reasonable minimum age for prosecution, detention, and commitment. NJJN supports the United Nation's recommendation that states set a minimum age of prosecution no lower than 14- years-old.

As of July 2021, 22 U.S. states specified a minimum age for prosecution. In 2021 alone, 14 states were actively considering legislation to raise minimum age laws.

To follow the progress each state is making, check out the chart on NJJN's Raising the Minimum Age webpage [here](https://www.njjn.org/raising-the-minimum-age).

**Learn more by checking out NJJN's policy platform**  
**[www.njjn.org](https://www.njjn.org)**