

Juveniles Referred to Family Court

DEFINITION

Juveniles referred to Family Court is the percentage of youth ages 10 to 17 referred to Rhode Island Family Court for all wayward and delinquent offenses.

SIGNIFICANCE

Risk factors for juvenile delinquency and involvement in the juvenile justice system include early antisocial behavior, poor cognitive development, poor parenting, child maltreatment, exposure to family violence, association with other high-risk youth, poor academic performance and family poverty.¹ During 2007 in Rhode Island, 5,275 youth (5% of youth between the ages of 10 and 17) were referred to Family Court for 8,301 wayward and delinquent offenses.^{2,3} Of these, 395 (5%) involved violent offenses, 242 (61%) of which occurred in the core cities.^{4,5}

The Rhode Island Family Court has jurisdiction over all juvenile offenders referred for wayward and delinquent offenses. All referrals to Family Court are from state and local law enforcement agencies, except for truancy cases, which are referred by local school departments.^{6,7} In 2007, 22% of all cases referred to Family Court were diverted instead of proceeding to a formal court hearing. In 2007, 2,249 juveniles were referred to the Truancy Court and 346 juveniles

who committed drug offenses or had highlighted drug issues were diverted to the Juvenile Drug Court.⁸ Juveniles referred to the Drug Court undergo a six-to-twelve-month program that includes intensive court supervision, drug treatment, and educational and employment services.⁹

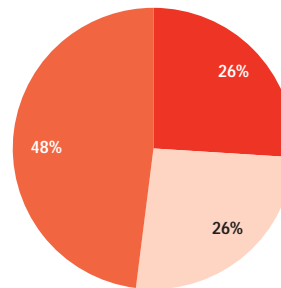
The Family Court also administers 30 Juvenile Hearing Boards that serve 32 communities. Comprised of volunteer community members, these Boards permit the diversion of juveniles accused of status offenses or misdemeanors. Sanction options in this process include community service, restitution and/or counseling. A total of 840 cases were heard before Juvenile Hearing Boards in 2006.¹⁰

Ten percent of juveniles referred to Family Court in 2007 had been referred at least twice before.¹¹ Prevention and early intervention programs are the most cost-effective approaches to reducing delinquency and recidivism. Successful programs are research-based, and involve highly-trained staff who work with youth and their families; offer a wide range of community-based sanctions for non-violent offenders; ensure intensive interventions for youth at risk for becoming chronic offenders; and provide high quality, coordinated mental health, substance abuse treatment, educational, and career development services.¹²

Juvenile Wayward/Delinquent Offenses Referred to Family Court, Rhode Island, 2007

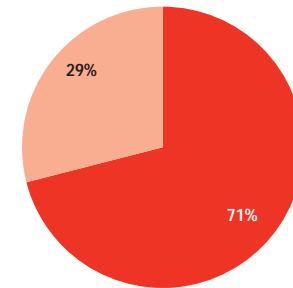
By Residence of Juvenile

26% ■ Providence
26% ■ Other Core Cities
48% ■ Remainder of State



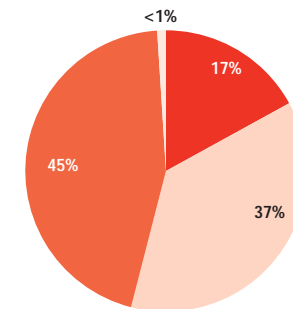
By Gender of Juvenile

71% ■ Male
29% ■ Female



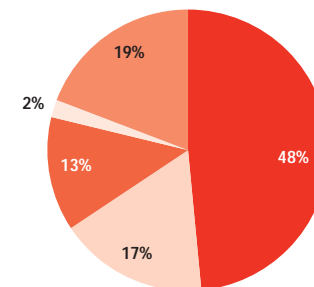
By Age of Juvenile

17% ■ Ages 13 or Younger
37% ■ Ages 14 and 15
45% ■ Ages 16 and 17
<1% ■ Over Age 17



By Race and Ethnicity of Juvenile

48% ■ White
17% ■ Black
13% ■ Hispanic
2% ■ Asian
19% ■ Other/Unknown



n=8,301 offenses

Source: Rhode Island Family Court, Juvenile Offense Report, 2007. Percentages may not sum to 100% due to rounding.

Juveniles Referred to Family Court

Juvenile Wayward/Delinquent Offenses Referred to Family Court, by Type of Offense, Rhode Island, 2007

26%	Property Crimes	5%	Traffic Offenses
19%	Status Offenses*	5%	Violent Crimes
19%	Disorderly Conduct	3%	Weapons Offenses
10%	Simple Assault	5%	Other**
8%	Alcohol and Drug Offenses		

n=8,301

*Status offenses are age-related acts that would not be punishable if the offender were an adult, such as truancy and disobedient conduct.

**Other includes offenses such as conspiracy, crank/obscene phone calls and computer crimes.

Source: Rhode Island Family Court, Juvenile Offense Reports for 2007.

Age of Jurisdiction for the Rhode Island Family Court

◆ The Rhode Island Family Court has jurisdiction over delinquent and wayward children and youth under age 18. Between July 1 and November 8, 2007 there was a temporary change in the age of jurisdiction of the Rhode Island Family Court. The maximum age at which youth could be brought before the Family Court was lowered from 18 to 17 and the maximum age for continued monitoring by the Family Court was lowered from 21 to 19.¹³ This resulted in approximately 500 17-year-olds being charged as adults and referred to adult courts during this 4-month period.¹⁴

◆ On October 30, 2007, the General Assembly increased the age of Family Court jurisdiction back up to age 18. This reversal, which took effect on November 8, 2007, included a provision that would seal the records of youth affected by the change.¹⁵ Because it was not retroactive, the estimated 500 17-year-olds who had been charged as adults during this period remained in the adult legal process.¹⁶

◆ A series of judicial decisions in late 2007 and early 2008 resulted in approximately 400 misdemeanor cases involving 17-year-olds (of the estimated 500 total 17-year-olds charged) being returned from the District Court to the jurisdiction of the Family Court. As of February 2008, the Attorney General's office reported having referred 93 cases involving 17-year-olds to the Superior Court (70 of which had resulted in charges and 23 of which were still being screened).¹⁷

Juveniles Tried as Adults

◆ When a juvenile has committed a heinous and/or premeditated felony offense or has a history of felony offenses, the Attorney General may request that the Family Court Judge waive jurisdiction so that the juvenile may be tried as an adult in Superior Court. Waiver of jurisdiction is mandatory for juveniles age 17 or older who are charged with murder, first degree sexual assault or assault with intent to commit murder.^{18,19}

◆ In 2007, the Attorney General's Office filed 19 motions to waive jurisdiction to try juveniles as adults (3 mandatory and 16 discretionary waivers). Five were waived voluntarily, four were waived after a hearing, and three were withdrawn. As of January 2008, seven motions from 2007 were pending before the Family Court.²⁰

◆ A juvenile also may be "certified" allowing a court to sentence the juvenile beyond age 19 if there is otherwise an insufficient period time in which to accomplish rehabilitation. There were two discretionary certifications in 2007.²¹ While the child is a minor, the sentence is served at the Training School. The youth can be transferred to an adult facility upon reaching age 19, if the court deems appropriate.²² The age of transfer from the Training School to the Adult Correctional Institutions changed from 21 years to 19 years in 2007.²³

References

¹ Wasserman, G. A., Keenan, K., Tremblay, R. E., Coie, J. D., Herrenkohl, T. I., Loeber, R. & Petechuk, D. (2003). Risk and protective factors of child delinquency. *Child Delinquency Bulletin Series* (NCJ Publication No. 193409.). Washington, DC: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention.

^{2,4,5,11} Rhode Island Family Court. *2007 Juvenile offense report*. (2008). Providence, RI: Rhode Island Family Court.

³ U.S. Bureau of the Census, 2006 Population Estimates. Table SC-EST2006-AGESEX_RES.

⁶ *Judiciary of Rhode Island, Rhode Island Family Court home page*. (n.d.). Retrieved February 3, 2008, from www.courts.ri.gov/family/defaultfamily.htm

⁷ *Rhode Island Truancy Court-Overview*. (n.d.). Retrieved February 3, 2008 from www.courts.ri.gov/truancycourt/overview.htm

⁸ Rhode Island Family Court, 2008.

⁹ *Rhode Island Family Court, Juvenile drug court*. (n.d.). Retrieved February 3, 2008 from www.courts.ri.gov/family/drugcourt.htm

¹⁰ Pirolli, R. (2007). *Rhode Island Family Court 2006: Juvenile Hearing Board report*. Providence, RI: Rhode Island Family Court.

¹² Mendel, R. A. (2001). *Less cost, more safety: Guiding lights for reform in juvenile justice*. Washington, DC: American Youth Policy Forum.

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