

# Youth Referred to Family Court

## DEFINITION

Youth referred to Family Court is the percentage of youth ages 10 to 17 referred to Rhode Island Family Court for wayward or delinquent offenses.

## SIGNIFICANCE

Individual, family, peer, school, and community risk factors (such as learning disabilities, substance use, child welfare involvement, access to firearms, poverty, and exposure to crime) can increase a young person's risk of juvenile delinquency and involvement in the juvenile justice system. An increased number of risk factors and length of exposure can increase a young person's likelihood of involvement, but protective factors, treatment programs, and interventions can prevent involvement.<sup>1</sup>

The Rhode Island Family Court has jurisdiction over children and youth under age 18 referred for wayward and delinquent offenses. When a police or school department refers a juvenile to Family Court, a petition is submitted accompanied by an incident report detailing the alleged violation of law.<sup>2</sup> During 2022, 2,084 youth (2% of Rhode Island youth between the ages of 10 and 17) were referred to Family Court, up from 1,477 youth during 2020 and 1,534 youth during 2021. The number of offenses referred during 2022 (3,708) also increased, but remains

drastically lower than in 2019 (4,630), prior to the COVID-19 pandemic. Of the juvenile offenses in 2022, 160 (4%) involved violent crimes.<sup>3,4</sup>

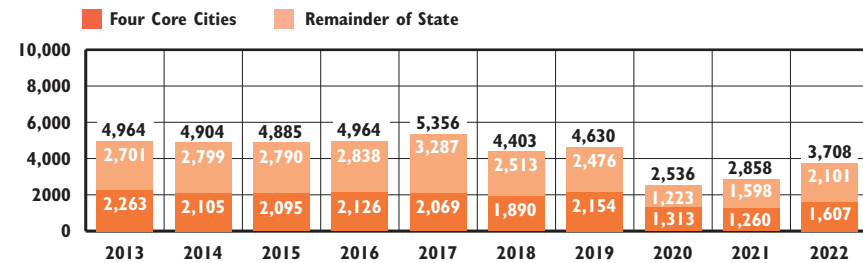
In 2022 in Rhode Island, 20% of juvenile offenses referred to Family Court involved youth from Providence, 23% involved youth from the other three core cities, and 57% involved youth living in the remainder of the state.<sup>5</sup>

Using risk and needs assessments can reduce racial and ethnic bias in juvenile justice sanctions and better predict a youth's likelihood to reoffend than a justice official's professional judgment.<sup>6</sup> Of the youth referred to the Family Court in 2022, 73% were referred for the first time, 15% had been referred once before, and 12% had been referred at least twice before.<sup>7</sup>

Research shows that incarcerating youth is costly and leads to worse public safety outcomes and higher recidivism rates than community-based alternatives.<sup>8</sup> Community-based programs that involve youth and their families and connect youth to role models, education, and resources prevent entry into the juvenile justice system and recidivism better than those that emphasize punishment, discipline, and consequences. Programming must balance adolescents' burgeoning independence, connection to positive peer relationships, and ongoing need for parental guidance.<sup>9</sup>



## Juvenile Wayward/Delinquent Offenses Referred to Rhode Island Family Court, 2013-2022

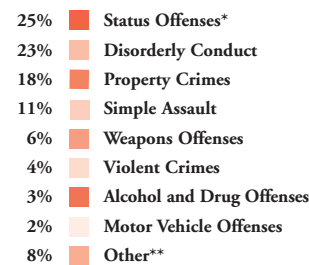


Source: Rhode Island Family Court, 2013-2022 Juvenile Offense Reports.

- ◆ The number of juvenile offenses has fallen by 25% since 2013, from 4,964 to 3,708 in 2022. Although the number of offenses in 2022 is reflective of a recent increase over the past two years, the number of offense referrals have remained lower than prior to the COVID-19 pandemic.<sup>10,11</sup>
- ◆ Youth of Color are disproportionately referred to the Family Court compared to their representation in the youth population. For example, in 2022, 24% of referred offenses involved Black youth who only make up 6% of the Rhode Island child population.<sup>12,13</sup>
- ◆ In 2022, 31% of offenses referred to the Family Court involved females and 69% males. In 2022, 19% of offenses referred to Family Court involved youth under the age of 14, 37% youth ages 14 to 15, 43% youth ages 16 to 17, and 1.5% youth of other or unknown age.<sup>14</sup>



## Juvenile Offenses, By Type of Offense, 2022



n=3,708

\*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, sex offenses, escape from custody, computer crimes, etc. Civil violations, contempt of court, and other violations of court orders are not included in the offenses above.

Source: Rhode Island Family Court, 2022 Juvenile Offense Report.



## Alternatives to Incarceration for Juvenile Offenders in Rhode Island

- ◆ Juvenile courts have a wide range of options for handling juvenile offenders, including restitution, community service, revocation of driving privileges, counseling, substance abuse treatment, and probation.<sup>15</sup> In 2022 in Rhode Island, 51% of all cases referred to Family Court were diverted instead of proceeding to a formal court hearing, up from 45% in 2021.<sup>16</sup>
- ◆ The Rhode Island Family Court administers several alternatives to traditional court hearings, including the Truancy Court and the Juvenile Drug Court. In 2022, 862 youth were referred to the Truancy Court by schools, a significant increase from 214 in 2021 when many schools were still doing distance learning. In 2022, 72 youth who committed drug offenses or had highlighted drug issues were diverted to the Juvenile Drug Court pre-adjudication, similar to 2021, when there were 71 youth.<sup>17</sup>
- ◆ A community-based option that diverts youth from court involvement is the Juvenile Hearing Board (JHB). Comprised of volunteer community members, these Boards permit the diversion of juveniles accused of lower-level offenses, including status offenses and misdemeanors. Youth who complete sanctions, such as community service, restitution, and counseling, are often able to avoid having a court record following this process. In 2022, there were 36 Juvenile Hearing Boards in Rhode Island. Three communities did not have Juvenile Hearing Boards (Little Compton, Richmond, and South Kingstown). Rhode Island Juvenile Hearing Boards reported hearing 362 cases in 2022.<sup>18,19</sup>



## LGBTQ Youth in the Juvenile Justice Systems

- ◆ Many lesbian, gay, bisexual, transgender, and queer (LGBTQ) youth experience family rejection, conflicts at home, and bullying and harassment in school due to their gender identity or sexual orientation. These factors increase LGBTQ youth's risk of Family Court involvement for status offenses (like running away), survival behavior (like engaging in commercial sexual activity), and safety-related truancy. LGBTQ youth are more likely to be subjected to profiling, detained for low-level offenses, and be victims of assault while in custody. Instituting protective policies and training for adults working in the juvenile justice system about the social, familial, and developmental challenges faced by LGBTQ youth could help keep them safe and support positive outcomes while they are in the community, in detention, or in correctional settings.<sup>20,21</sup>



## Age of Jurisdiction for Family Court

- ◆ The Rhode Island Family Court is responsible for all referrals for wayward and delinquent offenses committed by youth under age 18. Unless discharged previously, these youth will remain under the jurisdiction of the Family Court until they reach age 19.<sup>22</sup>
- ◆ Developmentally, young children are unable to understand court proceedings and participate meaningfully in their defense. They are also more likely to experience trauma through the court process and physical harm if sentenced to custody. Rhode Island is one of 24 states that currently has no minimum age of jurisdiction for Family Court. In New England, Connecticut, Massachusetts, New Hampshire and Vermont have laws that set a minimum age for children to be tried in juvenile court. Research suggests that setting a minimum age of jurisdiction at age 14 would be developmentally appropriate and in the best interest of children, especially Children of Color.<sup>23,24</sup>
- ◆ Behavioral research shows that adolescents are less able than adults to weigh risks and consequences and to resist peer pressure. Their judgment and decision-making skills are still developing. As the adolescent brain continues to develop, most youth offenders will stop breaking the law. Michigan, New York, and Vermont have now raised the age of jurisdiction for juvenile court to include young people who are age 18. Vermont's law will continue to raise the age so that in 2024 all young people up to age 20 will be referred to juvenile court with exceptions for certain violent offenses.<sup>25,26</sup>
- ◆ Because the developmental needs of youth are different than adults, youth involved in the adult court and justice system are at risk for abuse, suicide, and prolonged experiences in solitary confinement. In Rhode Island, youth interact with the adult correctional system in two ways—when they are “waived” to adult court at the request of the Rhode Island Attorney General or when they are “certified” resulting in sentencing beyond age 19 and transfer from the Training School to the Adult Correctional Institutions upon reaching age 19. In 2022, nine motions to waive jurisdiction to try juveniles as adults and seven certification motions were filed. Eight waiver motions were pending at the end of 2022, and two motions to certify were certified.<sup>27,28,29</sup>

*(References are on page 185)*