

## **Addressing the Criminalization of Status Offenses in Kentucky**

Kentucky incarcerates children charged with or adjudicated of committing status offenders more than any other state in the country, except for Washington state. Status offenses are acts considered illegal only if they are committed by someone under the age of 18. In Kentucky, these acts include habitual truancy, habitual runaway, beyond control of the parents/guardians or the school, possessing alcohol if a minor, purchasing tobacco if a minor. Even though status offenses aren't criminal offenses, a youth charged with a status offense will have a juvenile record. The most common status offense is habitual truancy. Typically, children accused of status offenses include children who have a history of abuse and neglect, suffer from mental health problems, struggle with learning disabilities, or have a home life that's in turmoil.

Kentucky receives funds from the Office of Juvenile Justice and Delinquency Prevention in Washington, D.C. to prevent the incarceration of status offenders and to provide services to this population. Locking up status offenders places Kentucky at risk of losing these critical federal dollars. The Blueprint for Kentucky's Children, a coalition of child advocacy groups in the Commonwealth is dedicated to changing this practice.

In 2009, the Administrative Office of the Courts reported 9,696 status offender complaints were filed. African American youth accounted for 13 percent of all status offense charges in 2009, yet represented only 9.6 percent of all youth statewide.

Statewide in 2009, there were 1,746 youth who spent time in secure detention for a status offense. In Kentucky these youth are detained in secure detention facilities with children who have committed serious criminal offenses. This increases the risk that these youth will engage in criminal activity after release. Detaining these youth impairs their ability to become productive citizens in the future. Experts who work with children are concerned that status offending behavior will likely continue after secure detention because being locked up does not effectively address why the child is acting out.

Proposed legislation sponsored by the Blueprint for Kentucky's Children is designed to meet the child's needs earlier in the process so that prosecution in courts becomes the last resort. The communities (families, schools and youth serving organizations) should be the first to address these behaviors and underlying issues. Alternatives to detention include truancy diversion programs, using mediation or restorative justice in lieu of filing a complaint. CLC is hosting educational forums on this initiative around the Commonwealth. If you are interested in participating or hosting a forum in your community to discuss how we can bring more resources to bear to build a better future for our children, contact the Children's Law Center. ([childrenslaw@fuse.net](mailto:childrenslaw@fuse.net) or call our Lexington Office at (859) 253-0152)