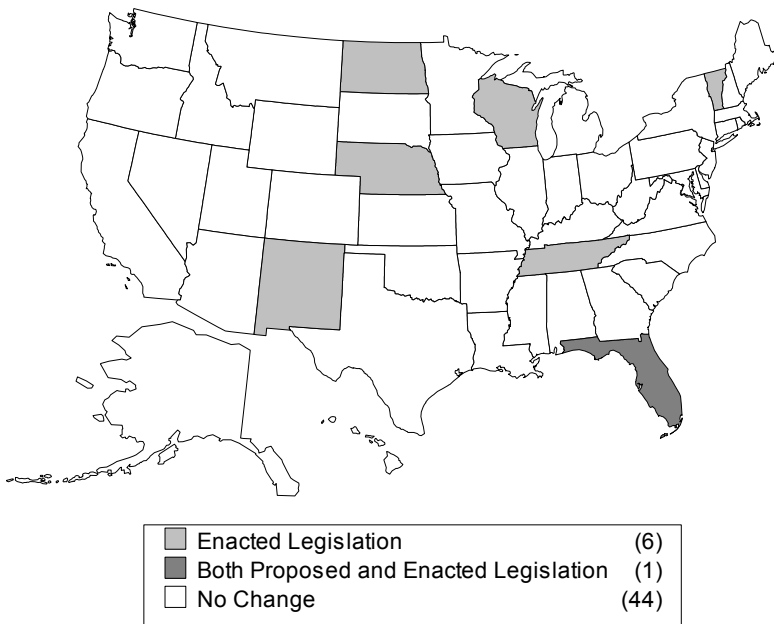


Do All States Have a Juvenile Delinquency Purpose Clause?

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Juvenile Delinquency Purpose Clauses



Currently, all states have a purpose clause that explains the goals of the state juvenile justice system. North Dakota repealed its statutory purpose clause in the 2007 legislative session. However, it adopted a new purpose clause when it enacted new Juvenile Court Rules in 2010. Arizona's purpose clause is found in appellate court case law. All other states have statutory purpose clauses.

In 2009 and 2010, seven states—Florida, Nebraska, New Mexico, North Dakota, Tennessee, Vermont, and Wisconsin—enacted legislation that amended their juvenile delinquency purpose clause.

For example, in 2010, Nebraska added a new subsection stating that one of the purposes of the Juvenile Code was: to make any temporary placement of a juvenile in the least restrictive environment consistent with the best interests of the juvenile and the safety of the community.

In 2009, New Mexico added a new subsection stating that one of the purposes of the Children's Code was: to reduce overrepresentation of minority children and families in the juvenile justice system through early intervention, linkages to community support services and the elimination of discrimination.

Both Tennessee and Wisconsin amended their purpose clauses to ensure compliance with the Indian Child Welfare Act.

Effective January 1, 2009, Vermont rewrote its purpose clause and adopted the juvenile justice model known as Balanced and Restorative Justice Approach.

In 2010, Florida has proposed (but not yet enacted) legislation concerning its purpose clause. One proposed subsection would address the issue of children who were age 9 or younger at the time of referral for a delinquent act.

The proposed subsection reads: the Legislature finds that very young children need age-appropriate services in order to prevent and reduce future acts of delinquency. Children who are 9 years of age or younger and are referred for delinquent acts, should be diverted into pre-arrest or post-arrest programs, civil citation programs, or children-in-need-of-services and families-in-need-of-services programs, or other programs, as appropriate.

Florida has also proposed (but not yet enacted) legislation that would add more information about restorative justice to its purpose clause: Offender accountability is one of the

principles of restorative justice. The premise of this principle is that the juvenile justice system must respond to delinquent behavior in such a way that the offender is made aware of and takes responsibility for repaying or restoring loss, damage, or injury perpetrated upon the victim and the community (Proposed 2010 Florida Senate Bill 1072).

As can be seen from all this recent legislative activity, Juvenile Code purpose clauses remain a vital and important part of each state's Juvenile Code.

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