

# NATIONAL JUVENILE JUSTICE NETWORK

January 23, 2024  
SUPPORT  
House Bill 1420

Chairwoman Vivian E. Watts and Members of the House Courts of Justice - Criminal Subcommittee:

On behalf of the National Juvenile Justice Network (NJJN), we urge you to vote in favor of HB 1420, which would establish a minimum age of 11 years old for delinquency adjudication. NJJN is a membership organization focused on youth justice reform, which is comprised of 60 state-based organizational members and nearly 100 Youth Justice Leadership Institute (YJLI) members and alumni in 42 states across the country, including Virginia.

The lack of a minimum age for delinquency adjudication puts young children at risk of experiencing the trauma and collateral consequences associated with arrest and police involvement. Children as young as 10 years old should be supported by their families, schools, and holistic resources when they misbehave. They do not have the brain development necessary to understand what is happening in court or be able to participate in their defense in any meaningful way, they are unable to fully grasp what it means to break the law or to fully understand the legal and moral implications of their actions, and they face great risk of being physically harmed and emotionally traumatized by the experience. Younger children are at the greatest risk of being victims of violence when in custody – more than one-quarter of youth under 13 years old were victims of some type of violence while confined, compared to nine percent of 20-year-olds.<sup>1</sup> Furthermore, research has found that adults with a history of child incarceration were disproportionately Black or Hispanic, male, and from lower socio-economic backgrounds, enhancing the racial and ethnic disparities in the youth justice system.<sup>2</sup>

The United States is an outlier internationally in prosecuting young children. Fourteen is the most common minimum age of criminal responsibility internationally and the United Nations Convention on the Rights of the Child (CRC) has urged nations to set their minimum age of criminal responsibility to at least 14-years-old.<sup>3</sup> As the United Nations Global Study stated, “depriving children of liberty is depriving them of their childhood.”<sup>4</sup>

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<sup>1</sup> Melissa Sickmund and Charles Puzanchara (eds.), “Juvenile Offenders and Victims: 2014 National Report” (Pittsburgh, PA: National Center for Juvenile Justice, 2014): 216, <https://bit.ly/37TiLON>.

<sup>2</sup> Laura S. Abrams, Elizabeth S. Barnert, Matthew L. Mizel, Antoinette Bedros, Erica Webster, and Isaac Bryan, “When Is a Child Too Young for Juvenile Court? A Comparative Case Study of State Law and Implementation in Six Major Metropolitan Areas,” *Crime & Delinquency* (2019): 26, <https://journals.sagepub.com/doi/abs/10.1177/0011128719839356?journalCode=cadc>.

<sup>3</sup> United Nations Convention on the Rights of the Child (CRC), Committee on the Rights of the Child, General Comment No. 24 (2019) on Children’s Rights in the Child Justice System (2019): 6, CRC/C/GC/24, [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/TBSearch.aspx?DocTypeID=11&Lang=en&TreatyID=5](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/TBSearch.aspx?DocTypeID=11&Lang=en&TreatyID=5).

<sup>4</sup> United Nations, General Assembly, “Global Study on Children Deprived of Liberty: report of the Independent Expert,” A/74/136 (11 July 2019): 4, available at <https://undocs.org/en/A/74/136>.

Momentum has been growing across the country to establish and raise the minimum age of juvenile court jurisdiction. In the past few years, ten states have established or raised their age of juvenile court jurisdiction (CA, CT, DE, FL, MA, MD, NC, NH, NY, UT). **We encourage a favorable vote on HB 1420 so Virginia can join this movement and establish a minimum age of 11 years old for delinquency adjudication.**

Respectfully,

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National Juvenile Justice Network