

1/16 The blog project

a post/week for 16 weeks

Key elements of the JJDPA for Youth With Disabilities

As many advocates for people with disabilities in the network of Protection and Advocacy programs have experienced first-hand, youth with disabilities are disproportionately represented in the juvenile justice system by a large margin. One-half to two-thirds of youth in juvenile justice settings meet criteria for one or more mental disorders, as compared to about 15 to 25% in the general population.

When abuse and neglect occur in the juvenile justice system, youth with mental illness and emotional disturbance are at serious risk of long-term harm. These youth are more susceptible to the harms caused by abuse and isolation, especially when coupled with abuse and neglect by adult caretakers. Abusive and isolating techniques in the juvenile justice system can exacerbate mental health symptoms.

The Juvenile Justice and Delinquency Prevention Act (JJDPA) is a critical tool for protecting youth with disabilities within the juvenile justice system. Many P&A advocates have experienced first-hand how their clients benefit from its provisions. For example, one P&A recently represented a thirteen year-old boy with severe disabilities against a truancy charge after his mother was not able to transport him to school. The petition was dismissed in part based on the JJDPA's protections against placing status offenders in the juvenile justice system.

At the heart of the JJDPA are core protections that states must adhere to in order to receive federal support for their state system. **Deinstitutionalization of Status Offenders (DSO)** keeps status offenders, such as runaways and truants, out of secure facilities. Children with untreated or poorly

treated mental health issues, which in some cases are the result of parental abuse and neglect, compose a substantial portion of the status offender population.

Adult Jail and Lockup removal prevents youth from being placed in adult jails and lock-ups (with limited exceptions) and **Sight and Sound Separation** provides that when youth are held with adults (as occurs in limited instances) they be separated by both sight and sound from adult offenders. These protections help ensure that youth with mental illness receive treatment rather than incarceration and help break the school-to-prison pipeline.

All youth benefit from the protections of the JJDPa, but the statute is especially critical for youth with disabilities.

This is part of the ACT4JJ Campaign's JJDPa Matters Blog Project, a 16-week series that launched Sept. 10, 2013. You can find the full series at the [JJDPa Matters Action Center](#).