

RAISE the AGE | NY

Governor Signs into Law New Legislation to Raise the Lower Age for Juvenile Delinquency and End the Arrest and Prosecution of Children Under 12

December 30, 2021. Yesterday, Governor Hochul signed into law ground-breaking legislation to end the arrest and prosecution of children as young as 7 as juvenile delinquents for almost all offenses and create an alternative response of community-based supports. The result of years of advocacy led by young people, defenders, community-based service providers and advocates, the Coalition applauds Governor Hochul, and the bill's sponsors Assemblyman Andrew Hevesi and Senator Jamaal Bailey, for their leadership and tireless commitment to New York's children.

This legislation recognizes that criminalizing young children is counter-productive; it runs contrary to scientific research and the recommendations of leading pediatric experts, penalizes children who are more likely to have mental health issues, and increases the risk of involvement in the adult justice system later in life. Prosecuting children as young as 7 raises significant concerns about their capacity to meaningfully participate in the court process. Today, New York opens a new chapter.

"Governor Hochul, Assemblyman Hevesi and Senator Bailey have helped New York take another step towards centering the needs of children and strengthening community safety. With this law we continue to expand youth justice, aligning our response to children with current research on child development, helping to close the school-to-prison pipeline, and addressing the persistent overrepresentation of Black and Latinx youth in the system. We thank the Governor for listening to the voices of young people, their families and communities and signing this important bill into law."
Julia Davis, Director of Youth Justice & Child Welfare, Children's Defense Fund-New York.

"For decades, our young clients - the overwhelming majority of whom come from communities of color - have suffered significant trauma from these draconian practices, including lifelong harm," said ***Dawne Mitchell, Attorney in Charge of the Juvenile Rights Practice at The Legal Aid Society.*** "Raising The Lower Age builds on the successes of Raise the Age and other recent reforms to further justice for New York State's children and youth. We laud Governor Hochul, Senator Bailey and Assembly Member Hevesi for ensuring this critical legislation's passage into law."

"CCC thanks Governor Hochul for signing and Assembly member Hevesi and Senator Bailey for championing legislation to raise the lower age of juvenile delinquency and end the arrest of children under twelve years of age. Research has long demonstrated the impact that traumatizing court proceedings, use of handcuffs, and other punitive measures, have on children and how such experiences can result in continued justice system involvement into adulthood. With this historic reform, New York is leading with evidence-supported youth justice reforms that advance race equity and justice and result in better and safer outcomes for children and communities." said ***Jennifer March PhD, Executive Director, Citizens' Committee for Children of New York.***

“Passage of the bill to Raise the Lower Age is a huge step in the right direction. This bill allows for youth not much different than myself to get the help they need and desire immediately. It took me nearly two decades to get help and work through the trauma of my childhood. This bill helps to break the cycle and helps to eliminate the criminalization of childhood.” **Charles Anthony Rice, Regional Youth Partner, Families Together in New York State, Impacted Young Person.**

“In 2017, New York State passed landmark legislation to raise the age of juvenile delinquency jurisdiction from 16 to 18. Unfortunately, at that time the lower age was left on the chopping room floor. Finally, in 2021, New York State recognizes what families intuitively know: second graders who commit unlawful acts are not criminals to be feared and punished, but children who need the support and understanding of kind, compassionate adults. By signing this bill, Governor Hochul has made clear that New Yorkers value the potential of all our children, including those who make mistakes. Today, we right a wrong that has, for far too long, disproportionately traumatized Black and Latinx children and their families.” **Paige Pierce, CEO, Families Together in New York State.**

“We need to help kids, get them services if they need them, and build systems of restorative justice that help them learn from their experiences and move away from punitive practices. Although further work remains ahead to provide our most marginalized Black and Latinx children with the safe communities they need and deserve, I'm glad that Governor Hochul heard us on the steps of the Capitol and in all of those Zoom meetings, and that we will finally stop arresting elementary school age children.” **KJ Morris, Beat the Odds Scholar, Youth Advocate with Children's Defense Fund-NY.**

“I'm passionate about the way my community and young people are impacted by the system, which is one of the many reasons I spoke up about ending the arrest of young children. It's a youth justice issue and a racial justice issue. Thanks to Governor Hochul, Assemblyman Hevesi and Senator Bailey, this law will help us make sure that children and families get what they need! Families are able to feel a huge relief in their own communities.” **Jaramin Gomez, Youth Mentor, Community Connections for Youth.**

“This is good news for the children of New York. Thank you, Governor Hochul and lawmakers, for recognizing that young children caught up in the justice system are crying for help. This law brings us closer to giving our children the supports they need while they are young. We are on the way to fulfilling a broader youth justice agenda that will benefit us all.” **Allison Lake, Executive Director of Westchester Children's Association.**

“No child belongs in handcuffs or courtrooms,” said **Kate Rubin, Director of Policy at Youth Represent.** “This legislation brings New York State one step closer to treating children as children by responding to them with effective services and interventions rather than detention and prosecution. We thank Governor Hochul for signing this crucial piece of legislation, as well as Assemblyman Hevesi, Senator Bailey and the young people, families, and advocates who have been fighting for years to end this practice.”

“We thank Governor Hochul for taking this important step in addressing an overdue injustice in our state's juvenile legal system. New York's juvenile delinquency law has allowed for children as young as 7 years old to be arrested and prosecuted. Common sense and scientific research tells us that young children should be disciplined at home and in school as opposed to the courts. The

disproportionality with which charges were filed against Black and Latinx children makes this legal change critical. The Raise the Lower Age Act will create an alternative response pathway for assessment and services for youth without involving the justice system and will redirect resources into community-based services that are more developmentally appropriate for young children. This bill joins a list of important reforms to New York's juvenile legal system, including the 2017 landmark Raise the Age legislation and this year's Second Chance at Youthful Offender bill, which all seek to invest more in the futures of New York's youth." **Lisa Salvatore, Attorney-in-Charge, Brooklyn Defender Services' Adolescent Representation Team.**

"After years of relentless work by impacted communities and advocates, this legislation finally acknowledges that society should not label and punish children who are at a unique and pivotal stage in their development. We applaud the law's inclusion of alternative responses that are more appropriate for children compared to detention or incarceration. The legislation is a step in the right direction for New York State." **Reverend Wendy Calderón-Payne, Executive Director, Urban Youth Alliance (BronxConnect).**

"We thank the Governor for signing this bill! This is a step in the right direction for our youth, families and communities. Our hope is that this bill will move us towards undoing the long-term harm our criminal justice system has caused. For far too long we have relied on a punitive system that has only devastated the problem. This bill will push the consensus that our children and our families need healing, resources and opportunities." **Empowerment Collective of Long Island.**

"**The Center for Family Representation** congratulates Governor Hochul, Assemblyman Hevesi and Senator Bailey for standing with New York's children by raising the lower age. This is another important step in reforming a system that has too long devalued children, and most especially Black and Brown children. It honors the science of child brain development while removing a source of harm that can lead to further adverse childhood experiences, with repercussions lasting well into adulthood. It sets out a better way to support our young people and invest in their future - *our* future."

"We applaud the Governor for signing this law, and thank the bill sponsors and the coalition of advocates - including young people - for their work to ensure that New York responds to our children as children, acknowledging what we now know about brain development, trauma, and the effectiveness of restorative rather than punitive responses. This critically needed law, which includes training and increased access to supportive services, advances healing-centered approaches that bring about positive outcomes for young people." **Tanya Krupat, Director, Osborne Center for Justice Across Generations.**

"In raising the lower age of delinquency, and ending the arrest of children under age 12, Governor Hochul stands admirably behind New York's young people and their families. Instead of treating children punitively, effective interventions will help young people overcome their challenges, reach their full potential, and build healthy communities that benefit all New Yorkers." **Ronald E. Richter, CEO/ED of JCCA.**

"We applaud the Governor and Legislature for their passage and approval of the Raise the Lower Age for Juvenile Delinquency and End the Arrest and Prosecution of Children Under 12 legislation. The

law recognizes the science of young persons' brain development and the value and impact of community alternatives and interventions. We can balance safety with appropriate intervention and support of young persons. The bill will create game changing outcomes for our young persons.” **William Gettman CEO, Northern Rivers Family of Services.**

“By raising the age of youth prosecution, New York joins states such as Delaware, Massachusetts, and California in recognizing that we can better serve public safety by keeping very young children out of courts and with their families. Thank you to Governor Hochul and the New York Legislature for their leadership in enacting this sound trauma-informed legislation.” **Alyson Clements, Director of Membership and Advocacy, National Juvenile Justice Network.**

“We are grateful that the voices of young people and their families in New York are being heard – thank you for signing this critical piece of legislation, Governor Hochul. This important law will take our state closer to stopping the criminalization of children and disrupting the pipelines that impact particularly Black and Latinx students. It is beyond time to invest in our young people, their healing, and their communities. Thanks to our leaders in Albany we are making progress toward that goal.” **Shereen A. White, Director of Advocacy & Policy, Children’s Rights.**

The legislation, which will go into effect one year from the date it becomes law, will:

- raise the lower age of delinquency jurisdiction from age 7 to 12 for all offenses other than homicide offenses, ending the arrest and prosecution of most children under 12;
- end the use of secure detention for children under 13 (except homicide offenses);
- create an alternative response pathway for assessment and services for youth through local departments of social services (LDSSs);
- provide training for police and LDSS staff to ensure appropriate response and that children and families can access services, when necessary;
- ensure records associated with services for youth are confidential and cannot be disclosed to anyone who is not involved in their treatment;
- fund the alternative response through existing budget streams; and,
- require the Office of Children and Family Services to produce an annual report documenting how programs are ensuring safety and well-being.

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For more information, please contact:

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