



# Kentucky can...

## Keep Young Kids Out of Court

Kids are kids, and we do not expect them to act like tiny adults. Yet, children as young as 5 and 6 years old can be arrested and sent to court. Young children, such as elementary and middle school students, who get in trouble need responses and interventions that address the root causes of their behavior; the juvenile court system is not the place to do that. The formal court process can be traumatic, negatively impact a child's development and education, and trap children in an increasingly difficult maze of problems.

**To ensure safer communities and brighter futures for all kids, Kentucky can make commonsense shifts in how we respond when young children get in trouble by setting an age limit on when a child can be arrested or prosecuted in court.**



**Children have limited capacity to stand trial.** The court system is complex, which is why attorneys must go to law school for 3 years. How can a child still learning to read understand or navigate the legal system? They can't.



**Prosecuting children is costly and ineffective in addressing the root causes of the child's behavior.** Given their limited capacity, young children are not likely to be found competent to stand trial. This results in expensive and unnecessary competency proceedings. By connecting children with age-appropriate services in the community, we can hold them accountable while ensuring they grow up into responsible adults.



**Black and Brown kids are harmed most.** Perceptions that youth of color are older than their actual age, or are more culpable, contribute to more young Black children than their White peers having complaints filed against them – the first step into the juvenile justice system maze. Despite only modest differences in behavior across groups, complaints are filed on young Black children at a rate twice as high as children of other races.



**Children are being funneled through the school-to-prison pipeline.** Schools refer a large portion of cases to court. By prohibiting the arrest of young children through minimum age of juvenile jurisdiction laws, states can prevent many children from being arrested in school and sent through this pipeline. Prevention-focused approaches by schools, such as restorative justice, and increased partnerships with local organizations to counsel and mentor youth can reduce disparities.



**Children and public safety are at risk.** Children who are incarcerated are at high risk of becoming victims of physical or sexual abuse and experiencing psychological issues. Incarceration can also increase the chances that youth will commit new offenses which runs counter to public safety goals.

### Blueprint for Kentucky's Children Solution:

Establish a minimum age – at least 12 years old – that a child can be charged with an offense and, instead of sending them through the juvenile justice system, connect the child and family to community-based services.



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