

# Youth Referred to Family Court

## DEFINITION

*Youth referred to Family Court* is the percentage of youth ages 10 to 17 referred to Rhode Island Family Court for wayward or delinquent offenses.

## SIGNIFICANCE

Risk factors for juvenile delinquency and involvement in the juvenile justice system include association with other delinquent youth, cognitive impairments, academic and learning difficulties, poor parental supervision and attachment, child maltreatment, and community disorganization, poverty, and crime.<sup>1</sup>

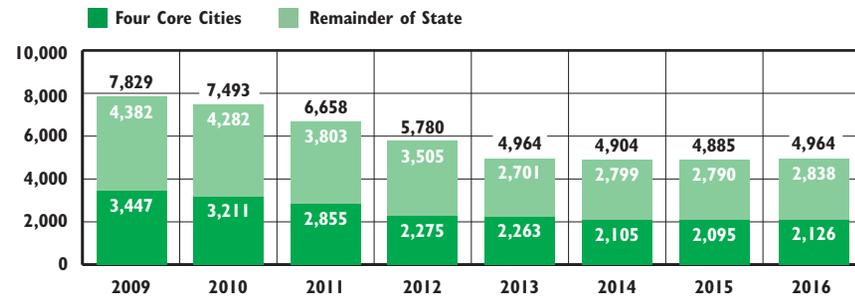
The Rhode Island Family Court has jurisdiction over children and youth under age 18 referred for wayward and delinquent offenses. When a police or school department refers a youth to Family Court, a petition is submitted, accompanied by an incident report, detailing the alleged violation of law.<sup>2</sup> During 2016 in Rhode Island, 2,634 youth (3% of Rhode Island youth between the ages of 10 and 17) were referred to Family Court, down from 2,770 youth during 2015. The number of offenses referred during 2016 (4,964) increased slightly over 2015, when 4,885 offenses were referred. Of the juvenile offenses in 2016, 243 (5%) involved violent offenses (54% of which occurred in the four core cities). In addition, 566 probation violations also came before the Family Court in 2016.<sup>3,4,5</sup>

In 2016 in Rhode Island, 24% of juvenile offenses referred to Family Court were committed by youth from Providence, 19% were committed by youth from the other three core cities, and 57% were committed by youth living in the remainder of the state.<sup>6</sup>

Using validated assessment tools to determine the risk of re-arrest, prioritizing and addressing the behavior and learning needs of each individual youth, and focusing efforts on youth most likely to reoffend can help prevent recidivism.<sup>7,8</sup> Sixty-two percent of youth referred to the Rhode Island Family Court in 2016 were referred for the first time, 17% had been referred once before, and 21% had been referred at least twice before.<sup>9</sup>

Research shows that incarceration of youth is not cost-effective and leads to worse public safety outcomes and higher recidivism rates than the use of community-based alternatives to incarceration.<sup>10</sup> Community-based programs that improve a youth's skills, relationships, and insight are more effective at preventing recidivism than those that emphasize discipline and threat of consequences. Effective interventions include individual, group, and family counseling, mentoring programs, academic and vocational training, case management services, and restorative justice practices.<sup>11</sup>

**Juvenile Wayward/Delinquent Offenses Referred to Rhode Island Family Court, 2009-2016**



◆ The number of juvenile offenses fell by 38% since 2009, from 7,829 to a low of 4,885 in 2015, before increasing slightly to 4,964 in 2016. The number of children and youth referred to Family Court for wayward and delinquent offenses declined 45% between 2009 and 2016, from 4,825 to 2,634.

◆ In 2016, 71% of offenses referred to the Family Court involved males and 29% females. Forty-six percent of offenses involved White youth, 23% Black youth, 18% Hispanic youth, 1% Asian youth, and 13% of offenses involved youth of some other race or an unknown race.

◆ In 2016, 7% of offenses referred to Family Court involved youth ages 12 or younger, 43% youth ages 13 to 15, 49% youth ages 16 to 17, and 1% of unknown age.

## BY TYPE OF OFFENSE

24%	Status Offenses*	4%	Motor Vehicle Offenses
22%	Property Crimes	4%	Weapons Offenses
20%	Disorderly Conduct	3%	Alcohol and Drug Offenses
10%	Simple Assault	8%	Other**
5%	Violent Crimes		

n=4,964

\*Status offenses are age-related acts that would not be punishable if the offender were an adult, such as truancy and disobedient conduct.

\*\*Other includes offenses such as conspiracy, crank/obscene phone calls, computer crimes and possession of a manipulative device for automobiles, etc. Probation violations, contempt of court, and other violations of court orders are not included in the offenses above.

Source: Rhode Island Family Court, 2009-2016 Juvenile Offense Reports. Percentages may not sum to 100% due to rounding.

# Youth Referred to Family Court

## Alternatives to Incarceration for Juvenile Offenders in Rhode Island

- ◆ Juvenile courts have a wide range of options for handling juvenile offenders, including restitution, community service, revocation of driving privileges, counseling, substance abuse treatment, and probation.<sup>12</sup> In 2016 in Rhode Island, 21% of all cases referred to Family Court were diverted instead of proceeding to a formal court hearing, up from 20% in 2015.<sup>13</sup>
- ◆ The Rhode Island Family Court administers several alternatives to traditional court hearings, including the Truancy Court and the Juvenile Drug Court. In 2016, 1,324 juveniles were referred to the Truancy Court by schools, down from 1,353 in 2015. In 2016, 88 juveniles who committed drug offenses or had highlighted drug issues were diverted to the Juvenile Drug Court pre-adjudication, up from 53 in 2015.<sup>14</sup> Juveniles referred to the Drug Court undergo a six- to twelve-month program that includes intensive court supervision, drug treatment, and educational and employment services.<sup>15</sup>
- ◆ In 2015, there were 33 Juvenile Hearing Boards in Rhode Island. Three communities did not have Juvenile Hearing Boards (Little Compton, Richmond, and South Kingstown), one had no activity (New Shoreham), one had been inactive for two years (North Kingstown), and one was in the process of reorganizing (Providence). Comprised of volunteer community members, these Boards permit the diversion of juveniles accused of status offenses or misdemeanors. Sanction options in this process include, but are not limited to, community service, restitution, and counseling. Rhode Island Juvenile Hearing Boards reported hearing 345 cases in 2015 (the most recent year for which data are available).<sup>16</sup>

## LGBT Youth in the Juvenile Justice System

- ◆ Many lesbian, gay, bisexual, and transgender (LGBT) youth experience family rejection, conflicts at home, and bullying and harassment in school due to their gender identity or sexual orientation. These factors increase LGBT youth's risk of family court involvement for status offenses (like running away), survival behavior (like engaging in commercial sexual activity), and safety-related truancy. LGBT youth are more likely to be subjected to profiling, detained for low-level offenses, and victims of assault while in custody. Instituting protective policies and training for adults working in the juvenile justice system about the social, familial, and developmental challenges faced by LGBT youth could help keep them safe and support positive outcomes while they are in the community, in detention, or in correctional settings.<sup>17,18</sup>

## Juveniles Tried as Adults in Rhode Island

- ◆ Youth tried and punished in the adult court system are more likely to re-offend and to commit future crimes than youth who commit similar crimes but who are in juvenile systems. Adolescents in the adult criminal justice system are at risk for sexual and physical victimization, and disruptions in their development, including identity formation, learning, and relationship skills.<sup>19</sup>
- ◆ Behavioral research shows that most youth offenders will stop breaking the law as part of normal development and that adolescents are less able than adults to weigh risks and consequences and to resist peer pressure. Research also shows that judgment and decision-making skills are not fully developed during adolescence due to biological immaturity of the brain.<sup>20,21</sup>
- ◆ When a juvenile has committed a heinous and/or premeditated felony offense or has a history of felony offenses, the Rhode Island Attorney General may request that the Family Court Judge voluntarily waive jurisdiction so that the juvenile may be tried as an adult in Superior Court. Waiver of jurisdiction is mandatory for juveniles who are 17 years old and who are charged with murder, first degree sexual assault, or assault with intent to commit murder.<sup>22</sup>
- ◆ In 2016, the Attorney General's Office filed 11 (10 discretionary and one mandatory) motions to waive jurisdiction to try juveniles as adults. Of the discretionary waiver motions, three youth were waived voluntarily, one was waived after a hearing, three waiver motions were denied, and three were pending before the Family Court at the end of 2016.<sup>23</sup>
- ◆ A juvenile in Rhode Island also may be “certified,” allowing the Family Court to sentence the juvenile beyond age 19 if there is otherwise an insufficient period of time in which to accomplish rehabilitation. There were four certification motions filed in 2016 (all of which resulted in certification). While the child is a minor, the sentence is served at the Training School. The youth can be transferred to an adult facility upon reaching age 19, if the Court deems it appropriate.<sup>24,25</sup>

### References

<sup>1</sup> Development Services Group, Inc. (2015). *Risk factors for delinquency-Literature review*. Washington, DC: Office of Juvenile Justice and Delinquency Prevention.

<sup>2</sup> Rhode Island Family Court. (n.d.). *About the Family Court*. Retrieved February 17, 2017, from [www.courts.ri.gov](http://www.courts.ri.gov)

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