



BOB CASEY

FIGHTING *for* PENNSYLVANIA FAMILIES

The Justice for Juveniles Act of 2023

U.S. Senators Bob Casey, Richard Durbin and U.S. Representatives Mary Gay Scanlon, Kelly Armstrong

Young people are at a uniquely high risk of harm in juvenile and criminal justice facilities, including possible physical and sexual violence, solitary confinement, and harmful restraints from other youth and facility staff. A [2019 investigation](#) by the *Philadelphia Inquirer* into abuse at the Glen Mills School, a detention center for juveniles in Pennsylvania, revealed that, for decades, youth at the facility were assaulted and harassed by counselors and other staff. The physical injuries reported ranged from being knocked unconscious to broken bones, not to mention the years of mental trauma and abuse experienced by many at the facility.

As evidenced by the investigation into Glen Mills, juveniles throughout the correctional system are in need of stronger protections against abuse. Unfortunately, in an attempt to address concerns over possibly inundating the courts with lawsuits filed by incarcerated adults, the Prison Litigation Reform Act (PLRA) has also placed particularly burdensome requirements on juveniles seeking justice and protection, including provisions to:

- **Exhaust all applicable administrative remedies before filing a lawsuit:** Under the PLRA, all incarcerated individuals, including juveniles, must exhaust all possible administrative processes before filing a lawsuit against their abusers in court, a requirement that is particularly difficult for young people considering the sophisticated understanding of how to navigate technical procedures required on top of the fact that juveniles will expectedly file such complaints with the same people who have abused them.
- **Prove physical injuries to receive compensatory damages:** The PLRA requires an incarcerated individual to prove physical damages in order to receive compensatory damages, and while solitary confinement and strip searches are harmful to anyone, they are even more harmful for juveniles, whose brains are still developing. Thus, a physical injury requirement for compensatory damages is particularly unfair for juveniles experiencing psychological trauma as a result of their abuse.
- **Limit attorneys' fees:** The PLRA has been interpreted to limit attorneys' fees to a maximum of 150% of the damages awarded. This has led to some attorneys only receiving \$1.50 for years of work on meritorious civil rights cases, and it serves as a significant limitation that can make it more difficult for juveniles to find attorneys to represent them.

Ultimately, the PLRA was not drafted with young people in mind, and consequently, its provisions do not consider the disproportionate impact such requirements have on juveniles navigating the correctional system. To address these issues and help juveniles who are stuck in cycles of systematic abuse, **the Justice for Juveniles Act would exempt anyone 21-years-old and younger from the PLRA.** This would ensure that they can access justice where they suffer harm, and that they are properly protected from further abuse in correctional institutions.

The Justice for Juveniles Act is supported by Juvenile Law Center and over thirty other organizations, including Community Legal Services of Philadelphia and Disability Rights Pennsylvania, that advocate on behalf of children in the juvenile and criminal legal systems.