



BOB CASEY

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The Prohibiting Detention of Youth Status Offenders Act of 2024

U.S. Senator Bob Casey and Representative Tony Cárdenas

Every year, thousands of kids are incarcerated for “status offenses”—such as truancy, breaking curfew, or running away from home—acts that would not be considered crimes if they were committed by an adult. The Prohibiting Detention of Youth Status Offenders Act of 2024 would prohibit states from detaining youth for status offenses, in favor of responses that better address the causes of this behavior. To prevent unnecessary confinement of youth, the Prohibiting Detention of Youth Status Offenders Act would eliminate the use of the so-called “valid court order” (VCO) exception that currently permits states to place youth status offenders in detention facilities. The legislation provides one year for states currently using the VCO exception to come into compliance with the Act, as well as an additional year for states that can show hardship and a good-faith effort to reduce the number of youth status offenders placed in a detention facility. A number of states have already outlawed or stopped using the VCO exception, with 43 states and territories reporting no uses of the VCO exception in 2021.

History of the VCO Exception:

The Juvenile Justice and Delinquency Prevention Act (JJDP) of 1974 included as a core mandate the deinstitutionalization of status offenders. However, in 1980, the JJDP was amended to allow judges to issue detention orders in status offense cases if the offense violated a VCO. Since this amendment, the VCO exception has been used thousands of times each year to institutionalize children. This exception has had a disproportionate impact on young people of color, who comprise a higher rate of status offense cases relative to their population size.

In the Juvenile Justice Reform Act of 2018, Congress limited the time that a juvenile could be detained under a VCO to no more than 7 days. However, this amendment did not fully close the VCO loophole, which the Prohibiting Detention of Youth Status Offenders Act aims to do.