

Analytical Report on the Model Juvenile Justice Act for States (v0.3)

Author: Hanna Kotyk, Juvenile Justice Policy Analyst

Date: 11/10/2025

This report provides an analytical framework for understanding the rationale, structure, and expected impact of the modular Model Juvenile Justice Act for U.S. states.

1. Purpose and Objectives of the Report

The purpose of this Analytical Report is to accompany the text of the Model Juvenile Justice Act for States (Model Juvenile Justice Act, v0.3 – Draft for Expert Review) and to:

- Explain why there is a need for a modular Model Juvenile Justice Act in the United States;
- Identify the key systemic problems that the Act is designed to address;
- Justify the modular structure and internal logic of the Act (Modules 1–8);
- Outline the expected impact, key performance indicators (KPIs), and conditions for successful implementation at the state level.

2. Overview of Key Problems in Current Juvenile Justice Regulation

2.1 Fragmentation of Juvenile Statutes Across States

Juvenile justice statutes in the United States have evolved in a highly fragmented manner. States differ in their minimum age for juvenile court jurisdiction, rules on diversion, transfer to adult court, and record sealing. There is no shared logical framework that connects goals, tools, and performance indicators across jurisdictions.

As a result, the life chances of a child in conflict with the law often depend more on the state where the child resides than on the nature of the behavior itself.

2.2 Uneven Alignment with Constitutional Standards and Youth Jurisprudence

U.S. Supreme Court decisions on youth sentencing and the treatment of juveniles in the criminal justice system have set important constitutional standards. However, many states have not fully updated their juvenile codes to reflect these developments. Existing mechanisms for transfer to adult court, life sentences, and procedural safeguards are not consistently aligned with modern constitutional and developmental norms.

2.3 School-to-Prison Pipeline and Criminalization of School-Based Behavior

In numerous jurisdictions, relatively minor school-based incidents – such as fights, disruptive behavior, or bullying – are referred to law enforcement and processed through juvenile courts. This practice can create a first juvenile record, weaken the youth’s connection to school, and increase the likelihood of further justice involvement.

The Model Act responds by proposing a presumption of diversion for misdemeanors, prioritizing school-based and restorative responses, and limiting when school incidents can be criminalized.

2.4 Transfer to Adult Court and the Absence of Effective Reverse Waiver

Many states still allow prosecutorial direct file, broad categories of automatic transfer to adult court, and limited or non-existent mechanisms for returning cases from adult back to juvenile jurisdiction. This creates an imbalance in procedural safeguards, exposes youth to adult criminal consequences, and contributes to racial and ethnic disparities in who is transferred.

2.5 Data Gaps and Lack of KPIs

In many states, data on juvenile justice are incomplete, not comparable across agencies, or not systematically analyzed. Without clear indicators and regular public reporting, lawmakers cannot reliably assess whether reforms are working, and the public cannot hold systems accountable.

3. Methodology for Developing the Model Juvenile Justice Act

The development of the Model Juvenile Justice Act is based on the following methodological pillars:

1. 1) Comparative legal analysis of juvenile statutes across U.S. states and selected foreign jurisdictions;
2. 2) Review of constitutional youth jurisprudence and developmental science related to adolescence;
3. 3) Evidence-based policy design with embedded mechanisms for data collection and evaluation;
4. 4) A modular architecture that allows states to adopt and implement reforms incrementally.

4. Concept and Modular Structure of the Model Act

The Model Juvenile Justice Act is conceived as a set of interconnected modules that states can adopt as a comprehensive code or as phased amendments to existing law. Each module addresses a specific building block of a modern juvenile justice system.

The core modules are:

- Module 1 – Core Framework (General Provisions and Definitions);
- Module 2 – Age and Jurisdiction;
- Module 3 – Diversion and School-Based Offenses;
- Module 4 – Transfer to Adult Court (Waiver and Reverse Waiver);
- Module 5 – Restorative Justice and Family Group Conferences (FGC);

- Module 6 – Procedural Safeguards and Conditions of Custody;
- Module 7 – Data, KPIs, and Evidence-Based Policy;
- Module 8 – Implementation and Transitional Provisions.

5. Analysis of Key Modules

5.1 Module 2 – Age and Jurisdiction

Module 2 sets a clear minimum age for juvenile court jurisdiction at fourteen (14) years and clarifies that children below this age should be supported through child protection and mental health systems, not processed as delinquents. It also provides for extended jurisdiction up to age twenty-one (21) to allow completion of rehabilitative programs.

5.2 Module 3 – Diversion and School-Based Offenses

Module 3 introduces a general presumption of diversion for misdemeanor-level offenses and imposes strict limits on the criminalization of school-based behavior. It requires prosecutors to justify in writing any decision to refuse diversion and calls for accredited diversion programs that are evidence-based and culturally responsive.

5.3 Module 4 – Transfer to Adult Court (Waiver and Reverse Waiver)

Module 4 is a critical safeguard against overuse of adult criminal courts for juveniles. It prohibits prosecutorial direct file, narrowly defines the serious violent and sexual offenses that may be eligible for waiver, establishes age floors and presumptions against transfer, and codifies a detailed waiver hearing process with modified Kent factors and appeal rights. It also introduces reverse waiver, allowing cases to return from adult to juvenile jurisdiction where juvenile interventions are sufficient to protect public safety.

5.4 Modules 5–7 – Restorative Justice, Safeguards, and Data

Module 5 elevates restorative justice and Family Group Conferences (FGC) from pilot projects to formally recognized justice options. Module 6 codifies fundamental procedural safeguards, including the right to counsel and restrictions on custodial interrogation. Module 7 embeds data collection and annual reporting requirements to ensure that reforms are transparent, measurable, and adjustable over time.

6. Comparative Overview: Problems and Model Act Solutions

The table below summarizes how the Model Juvenile Justice Act responds to key systemic problems identified in current practice.

Problem Area	Typical Current State	Model Act Solution (Module/Section)	Expected Effect
Minimum age and jurisdiction	Very low or undefined age of responsibility; mixed use of child welfare and delinquency pathways.	Module 2 – §2-201–2-203: minimum age 14, exclusive juvenile jurisdiction, clear link to child protection.	Protects younger children from criminalization; clarifies responsibilities of systems.
School-to-prison pipeline	Frequent referral of school incidents to police and juvenile court for minor misbehavior.	Module 3 – §3-101–3-103: presumption of diversion for misdemeanors; limits on criminalizing school behavior.	Reduces formal system entry; strengthens school-based and restorative responses.
Transfer to adult court	Broad transfer statutes, prosecutorial direct file, limited protections and no reverse waiver.	Module 4 – §4-101–4-207: prohibition of direct file, narrow eligibility, robust hearings, reverse waiver.	Ensures individualized decisions; reduces unnecessary adult prosecution of youth.
Data and accountability	Fragmented or incomplete data; limited use of indicators or public reporting.	Module 7 – §7-101–7-102: mandatory data collection, KPIs, annual public reporting.	Enables evidence-based policy-making and monitoring of disparities.

7. Indicative KPIs by Intervention Area

The following table proposes indicative key performance indicators that states can adapt when assessing the impact of adopting the Model Act.

Intervention Area	Example KPI	Baseline (to be collected)	Indicative Target (3–5 years)
Diversion and school-based referrals	Number of new school-based petitions filed in juvenile court per year.	To be established by initial data collection.	Decrease by 30–50%, depending on state context.
Transfer to adult court	Number of juvenile cases transferred to adult court per year.	To be established by initial data collection.	Decrease by 40–70% with effective implementation of Module 4.
Restorative justice and FGC	Percentage of eligible cases referred to FGC or restorative programs.	To be established by initial data collection.	Increase to at least 50% of eligible cases.
Recidivism	12- and 24-month reoffending rates after diversion/FGC versus traditional adjudication.	To be established (disaggregated by intervention type).	Meaningful reduction in reoffending in diversion/FGC cohorts compared to baseline.

8. Illustrative Graphs

The following charts provide illustrative scenarios showing how key indicators could change over time if the Model Juvenile Justice Act is effectively implemented. These figures are hypothetical and intended only for visualization.

Figure 1. Illustrative change in school-based referrals to juvenile court.

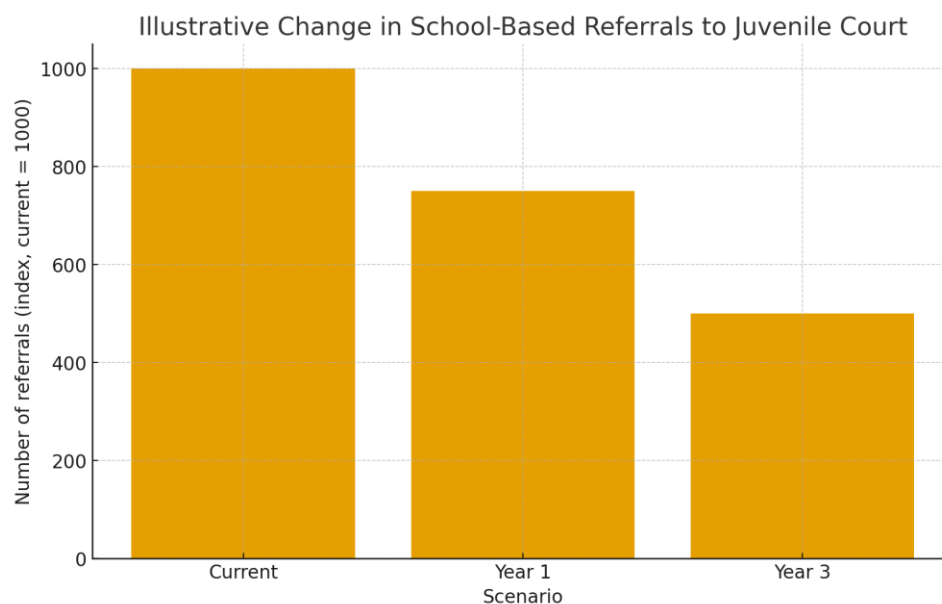
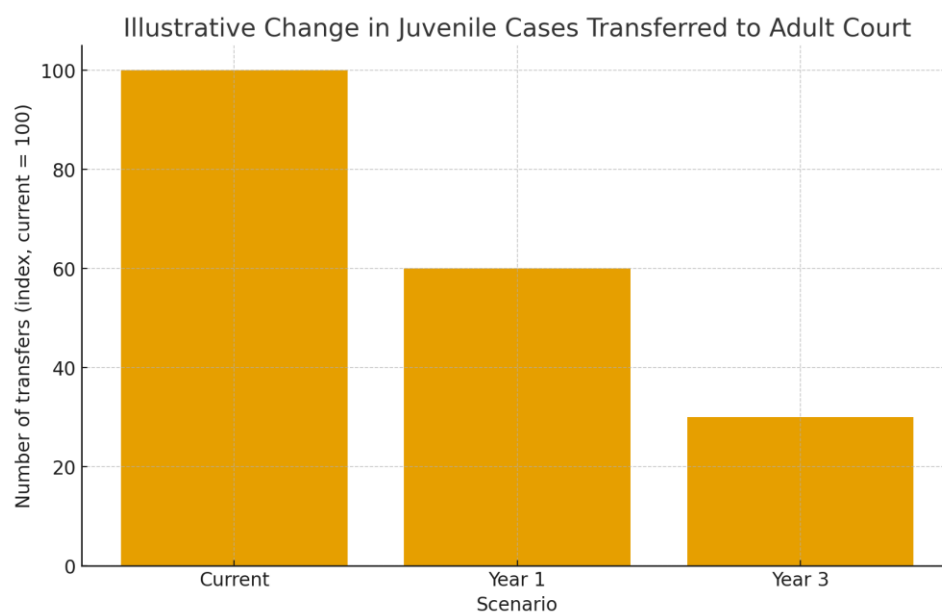


Figure 2. Illustrative change in the number of juvenile cases transferred to adult court.



9. Risks, Preconditions, and Next Steps

Implementation of the Model Juvenile Justice Act will require political will, inter-agency coordination, and investment in diversion and restorative programs. Potential resistance

from stakeholders accustomed to broad transfer powers and school-based criminalization must be addressed through training, communication, and phased implementation.

Next steps may include presenting this analytical report and the Model Act draft to key state stakeholders, establishing an expert working group to adapt the text to a specific state code, and designing a pilot implementation plan with clear timelines and evaluation milestones.