

MODEL JUVENILE JUSTICE ACT FOR STATES

A Modular Core Reform Framework for State Juvenile Justice Systems

Draft 4.0 (Version 0.4)

Published Research Edition for Legal Study, Professional Education, and Jurisdictional Application

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Publication Status and Use Notice

Status. Draft 4.0 is the current complete edition of a modular legal-research and policy framework intended primarily for scholars, legal professionals, universities, law clinics, researchers, and organizations studying or teaching juvenile justice. It may also support comparative analysis and jurisdiction-specific reform work. It is not enacted law or legal advice and does not imply endorsement by any institution or public authority.

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Jurisdictional application. The framework may be used for comparative research, university instruction, law-clinic projects, practitioner education, issue analysis, and jurisdiction-specific reform design. Any application to a particular state should be accompanied by research into that state’s constitution, codes, court structure, appropriations rules, collective-bargaining obligations, and youth-service capacity.

Development Record

Version / Output	Date	Development milestone
v0.1-v0.2	2025 (internal working stages)	Concept development, modular architecture, and partial legislative drafting.
v0.3	August 1, 2025	First full public-facing edition of the modular framework.
Companion Analytical Report	November 10, 2025	Initial problem analysis, module crosswalk, and preliminary measurement framework.
Companion Commentary	November 12, 2025	Initial section-by-section explanation and implementation guidance.
v0.4 / Draft 4.0	August 2, 2026	Complete twelve-module research edition: corrected legislative drafting, expanded safeguards, baseline-driven evaluation, implementation analysis, and jurisdictional application guidance.

Development note. The chronology documents the project’s continuous research and drafting history from 2025 through the present complete edition.

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Prefatory Note

This Model Juvenile Justice Act for States (the “Model Act”) is a complete modular legal-research and policy framework. Its primary functions are to support scholarly analysis, comparative legal study, professional education, university and law-clinic work, and structured examination of juvenile justice reform choices. Because it includes model statutory language, a jurisdiction may also use the text as a reference for recodification, amendments, institutional standards, or module-specific reform. It does not attempt to replace every administrative or procedural provision of a state juvenile code; any jurisdiction-specific use requires local legal mapping, conforming provisions, appropriations analysis, and institutional assignment.

The Model Act is organized around twelve interdependent modules: general principles; age and jurisdiction; intake and diversion; transfer to adult court; restorative justice; procedural safeguards and competency; disposition, probation, and reentry; detention and conditions of custody; records and collateral consequences; data and independent oversight; implementation and financing; and construction, remedies, and periodic review.

Drafting convention: bracketed provisions identify optional or transitional choices for comparative analysis and jurisdictional application. A jurisdiction-specific project should select the relevant option, remove drafting notes, and identify corresponding state-code provisions.

Section 1. General Provisions (Module 1 - Core Framework)

§ 1-101. Short Title

This Act may be cited as the “Model Juvenile Justice Act.”

§ 1-102. Purposes

The purposes of this Act are to:

- protect the constitutional and statutory rights of children;
- promote public safety through developmentally appropriate, individualized, and evidence-informed responses;
- prevent unnecessary entry into the juvenile justice system;
- reduce racial, ethnic, disability-related, geographic, and socioeconomic disparities;
- preserve family and community connections whenever consistent with safety;
- limit confinement and prosecution in adult criminal court to exceptional circumstances;
- recognize victims’ rights, safety, dignity, and voluntary participation;
- provide meaningful opportunities for education, treatment, restoration, and reintegration; and
- establish transparent data, oversight, and continuous evaluation.

§ 1-103. Scope and Modular Adoption

- (a) This Act applies to delinquency proceedings, diversion, transfer proceedings, juvenile detention and placement, probation, reentry, and records arising from conduct alleged to have occurred before a person’s eighteenth birthday.
- (b) A state may adopt this Act as a unified code or may adopt individual modules. When adopting fewer than all modules, the state shall identify and resolve cross-references, definitions, funding obligations, and conflicts with existing law.
- (c) Nothing in this Act creates adult criminal jurisdiction except as expressly authorized by Section 4 after an individualized judicial hearing.

§ 1-104. Governing Principles

A court, prosecutor, law-enforcement agency, defense provider, probation agency, school, child-welfare agency, service provider, and other public entity implementing this Act shall apply the following principles:

1. **Developmental capacity.** Children differ from adults in judgment, impulse control, susceptibility to pressure, and capacity for change.
2. **Rehabilitation and reintegration.** The system shall prioritize lawful development, education, treatment, accountability, and successful return to family and community.
3. **Least restrictive response.** Formal processing and confinement shall be used only when less restrictive alternatives are insufficient.
4. **Individualized decision-making.** Decisions shall not rest solely on offense labels, actuarial scores, race, disability, family income, immigration status, or neighborhood.
5. **Proportionality.** Conditions and sanctions shall be proportionate to the conduct, the child's role and culpability, and the child's developmental and clinical needs.
6. **Procedural fairness.** Children shall receive understandable notice, effective counsel, meaningful participation, and reasoned written decisions.
7. **Family and community engagement.** Family members and supportive adults shall be included unless participation would be unsafe or contrary to the child's expressed interests.
8. **Victim dignity and voluntariness.** Victims shall receive accurate information, safety planning, and voluntary opportunities to be heard, without being required to participate in diversion or restorative processes.
9. **Nondiscrimination and accessibility.** Services and proceedings shall be accessible and free from discrimination, including discrimination based on race, ethnicity, national origin, sex, sexual orientation, gender identity, religion, disability, language, immigration status, or socioeconomic status.
10. **Evidence and transparency.** Programs shall be evaluated with reliable data, and public reports shall distinguish outputs, outcomes, disparities, and limitations.

§ 1-105. Definitions

For purposes of this Act:

- (a) "Adjudication" means a judicial determination that a child committed an act that would constitute a criminal offense if committed by an adult.
- (b) "Child" or "juvenile" means a person alleged to have committed conduct before reaching eighteen years of age and who is subject to original juvenile court jurisdiction.
- (c) "Competency" means the present ability, with developmentally appropriate assistance, to understand the nature and objectives of the proceedings and to consult with counsel with a reasonable degree of rational understanding.
- (d) "Diversion" means a formal or informal process that resolves or redirects a matter without adjudication and is designed to avoid unnecessary court involvement while supporting accountability, restoration, services, or community safety.
- (e) "Family Group Conference" or "FGC" means a facilitated, voluntary process involving the child, family or supportive persons, and, when the victim freely agrees, the victim or representative, for the purpose of developing a restorative and reintegration plan.
- (f) "Least restrictive alternative" means the available intervention that reasonably addresses an identified purpose while imposing the fewest restrictions on liberty, education, family connection, and community participation.
- (g) "Restorative justice process" means a voluntary, facilitated process focused on acknowledging and repairing harm, addressing needs, and reintegrating affected persons.

- (h) “Serious bodily injury” has the meaning provided by state criminal law and shall not include transient pain or minor injury.
- (i) “Status offense” means conduct that would not be a criminal offense if committed by an adult, including truancy, running away, curfew violations, and disobedience-based offenses.
- (j) “Transfer” or “waiver” means a judicial order moving a case from juvenile court to a court of general criminal jurisdiction under Section 4.
- (k) “Reverse waiver” means a judicial order returning a transferred case to juvenile court.
- (l) “Secure detention” means placement in a locked facility from which a child is not free to leave.

Section 2. Age, Jurisdiction, and Status Offenses (Module 2)

§ 2-201. Preferred Minimum Age of Delinquency Jurisdiction

- (a) A child younger than fourteen years at the time of the alleged conduct shall not be adjudicated delinquent, prosecuted in adult court, or placed in secure detention based on that conduct.
- (b) A referral concerning harmful conduct by a child younger than fourteen shall be screened for voluntary, noncriminal supports through child welfare, behavioral health, disability services, education, or community-based services. A referral shall not create a delinquency record.
- (c) Services shall be individualized, family-centered, culturally responsive, and no more restrictive than necessary. Refusal or inability to participate in a voluntary service shall not create delinquency jurisdiction.
- (d) **[Transitional option for a state that cannot immediately adopt age fourteen.]** For no longer than three years after enactment, a state may set a temporary minimum age of twelve only if it also provides appointed counsel before questioning, a competency determination before adjudication, a prohibition on secure detention, and an implementation plan that raises the minimum age to fourteen by a date certain.

§ 2-202. Upper Age and Continuing Jurisdiction

- (a) Juvenile court jurisdiction depends on the person’s age at the time of the alleged conduct.
- (b) The juvenile court may retain jurisdiction until age twenty-one to complete a disposition, probation term, treatment plan, restorative agreement, or reentry plan for conduct committed before age eighteen.
- (c) **[Optional extended jurisdiction.]** A state may authorize jurisdiction until age twenty-five for a narrowly defined category of serious cases if the extension expands rehabilitative capacity and does not expose the person to a longer maximum term than would otherwise be lawful.

§ 2-203. Exclusive Original Jurisdiction

- (a) Except for a transfer ordered under Section 4, the juvenile court has exclusive original jurisdiction over conduct committed before age eighteen.
- (b) Prosecutorial direct file, statutory exclusion, and automatic adult jurisdiction are prohibited.
- (c) A charging instrument filed contrary to this section is void as to adult jurisdiction and shall be transferred immediately to juvenile court.

§ 2-204. Status Offenses

- (a) A child shall not be adjudicated delinquent for a status offense.
- (b) A status offense shall not be the basis for secure detention, placement in a correctional facility, or an order exposing the child to detention for noncompliance.
- (c) The state shall provide a noncriminal response that may include school support, family crisis services, housing assistance, behavioral health care, transportation, or voluntary community services.

(d) A child alleged to be trafficked, commercially sexually exploited, homeless, or acting under coercion shall be screened for protective services rather than charged for conduct arising from exploitation or survival.

§ 2-205. Venue and Interstate Matters

(a) Venue shall be based on the location of the alleged conduct, subject to transfer to the child's county of residence when transfer promotes access to counsel, family participation, services, and fair administration.

(b) Interstate matters shall be administered consistently with applicable interstate compacts and federal law, without reducing the protections of this Act.

Section 3. Intake, Diversion, and School-Based Conduct (Module 3)

§ 3-101. Screening Before Filing

(a) Before filing a delinquency petition, the prosecutor or designated intake authority shall review legal sufficiency, probable cause, diversion eligibility, disability and language access, prior system contact, victim safety, and available community services.

(b) A petition shall not be filed to obtain services that could be provided without adjudication.

(c) The intake authority shall use a written, publicly available screening policy and shall record the reason for filing, diversion, decline, or referral.

§ 3-102. Presumption of Diversion

(a) Diversion is presumed appropriate for:

- misdemeanors;
- nonviolent felonies that did not cause serious bodily injury and did not involve a firearm;
- first or second referrals, unless individualized facts establish a substantial and imminent safety risk;
- school-based conduct within § 3-104; and
- technical violations of probation that do not constitute a new offense.

(b) A child's inability to pay restitution, fees, or program costs shall not make the child ineligible.

(c) A victim's views shall be considered, but a victim's decision not to participate shall not bar non-restorative diversion. Victim participation in mediation, conferencing, or direct communication is voluntary.

(d) Diversion shall not require an admission that may be used in a later adjudication. Any statement made solely for diversion screening or participation is inadmissible, except to address an immediate threat of serious harm or to enforce a knowingly signed restitution agreement through a civil process.

§ 3-103. Denial of Diversion and Review

(a) The prosecutor may overcome the presumption of diversion only by clear and convincing evidence that diversion would create a substantial and specific risk of serious harm that cannot be managed through available conditions.

(b) The denial shall be in writing and shall identify the evidence considered, alternatives evaluated, and reason each reasonable alternative was rejected.

(c) The child may seek prompt judicial review. The court may order diversion when the statutory standard for denial is not met.

§ 3-104. Limits on School-Based Arrest and Court Referral

- (a) A school or law-enforcement agency shall not arrest or refer a child to juvenile court for ordinary disciplinary conduct, including defiance, disruption, profanity, dress-code violations, consensual minor fights without serious injury, possession of school-prohibited items that are not weapons, or conduct caused by disability-related behavior that can be addressed through educational supports.
- (b) A school-based arrest or delinquency referral may occur only when there is probable cause to believe the child committed one of the following and a less restrictive response cannot reasonably address an immediate safety need:
1. homicide or attempted homicide;
 2. conduct intentionally causing serious bodily injury;
 3. a specific and credible threat of imminent serious bodily injury;
 4. unlawful possession or use of a firearm or weapon capable of causing death or serious bodily injury;
 5. sexual assault as specifically defined by state law;
 6. arson creating a substantial risk of death or serious bodily injury;
 7. commercial distribution of a controlled substance, excluding personal possession or sharing without remuneration; or
 8. another specifically enumerated felony for which the legislature makes findings that school-based referral is necessary to address a comparable immediate safety risk.
- (c) Before referral, the school shall document educational, restorative, behavioral, disability-related, and safety interventions considered, unless emergency circumstances make documentation impracticable. Documentation shall be completed within two school days after an emergency referral.
- (d) A memorandum of understanding between a school and law enforcement may narrow but shall not expand the circumstances authorized by this section.
- (e) School resource officers shall not administer routine school discipline, determine educational sanctions, or question a child about suspected criminal conduct without the protections of § 6-103.

§ 3-105. Diversion Program Standards

A state-approved diversion program shall:

- use developmentally appropriate and culturally responsive practices;
- provide reasonable accommodations and language access;
- avoid unnecessary admissions and net widening;
- limit duration and conditions to what is proportionate and achievable;
- prohibit fees or permit full waiver based on ability to pay;
- protect confidentiality;
- include grievance and termination-review procedures;
- collect outcome and disparity data; and
- provide successful completion as a bar to filing or continued prosecution of the diverted charge.

§ 3-106. Time Limits and Completion

- (a) Diversion ordinarily shall not exceed six months for a misdemeanor or twelve months for a felony-level allegation.
- (b) The authority may discharge a child early upon substantial completion.
- (c) A minor, nonwillful failure shall result in modification or additional support, not automatic filing.

(d) Upon successful completion, all diversion records shall be sealed automatically under Section 9.

Section 4. Transfer to Adult Criminal Court (Module 4)

§ 4-101. Exceptional Nature of Transfer

Transfer is an exceptional measure. The prosecution bears the burden at every stage, and any unresolved doubt about the adequacy of juvenile jurisdiction shall be resolved in favor of retaining the case in juvenile court.

§ 4-102. Eligibility

A transfer motion may be considered only if:

- (a) the child was sixteen or seventeen at the time of the alleged offense;
- (b) there is probable cause to believe the child personally committed or intentionally aided one of the following:
 1. intentional homicide;
 2. attempted intentional homicide involving conduct that created a substantial risk of death;
 3. a violent felony in which the child personally used a firearm and intentionally caused serious bodily injury; or
 4. a specifically enumerated aggravated sexual assault involving force or threat of serious bodily injury; and
- (c) the prosecutor files the motion in juvenile court within the time permitted by § 4-103.

Nonviolent offenses, felony murder based solely on accomplice liability without intent to kill, drug offenses, property offenses, and prior adjudications standing alone are not eligible.

§ 4-103. Motion and Notice

- (a) The prosecutor shall file a written transfer motion no later than thirty days after the first appearance, absent good cause that does not prejudice the defense.
- (b) The motion shall identify the eligible offense, alleged personal conduct, evidence supporting transfer, juvenile programs considered, and reasons those programs are claimed to be insufficient.
- (c) The child, counsel, and parent or supportive adult shall receive the motion and discovery at least twenty-one days before the hearing.

§ 4-104. Counsel, Experts, and Evaluation

- (a) Counsel is mandatory and nonwaivable in a transfer proceeding.
- (b) The defense is entitled to funds for a qualified developmental, psychological, psychiatric, social-history, or program-capacity expert when reasonably necessary.
- (c) An evaluator shall use developmentally appropriate methods, disclose limitations, and avoid treating race, poverty, disability, neighborhood, family structure, or immigration status as evidence of dangerousness.

§ 4-105. Waiver Hearing and Standard

- (a) The juvenile court shall conduct an evidentiary hearing. The child has the right to be present, present evidence, confront and cross-examine witnesses, and obtain compulsory process.
- (b) Transfer may be ordered only if the prosecution proves by clear and convincing evidence that:
 1. the case is eligible under § 4-102;
 2. retaining the case in juvenile court would pose a substantial risk of serious violent harm;
 3. no available juvenile disposition, including extended jurisdiction, secure juvenile placement, treatment, supervision, or a blended rehabilitative option, can reasonably manage that risk; and

4. transfer is consistent with the interests of justice after consideration of § 4-106.

§ 4-106. Required Factors

The court shall make individualized findings concerning:

- age, maturity, intellectual functioning, trauma, mental health, disability, and susceptibility to peer or adult influence;
- the child’s alleged role, intent, and degree of participation;
- reliability and strength of the evidence, without deciding guilt;
- prior adjudications and response to prior services, excluding mere arrests or dismissed matters;
- educational history and service needs;
- family and community supports;
- specific juvenile programs, placement capacity, and time available for treatment;
- the likely conditions and consequences of adult prosecution and confinement;
- victim safety needs and views, obtained without requiring participation; and
- the racially or otherwise disparate impact of transfer practices, without using group identity against the child.

§ 4-107. Written Decision and Appeal

- (a) The court shall issue a separate written order addressing each required element and factor and identifying the evidence relied upon.
- (b) A transfer order is immediately appealable. Filing a timely appeal automatically stays adult-court proceedings and adult placement.
- (c) Pending final review, the child remains under juvenile standards and shall not be housed with adult detainees.

§ 4-108. Reverse Waiver

- (a) After transfer and before final adult sentencing, the child may move for return to juvenile court based on newly available evidence, changed circumstances, program availability, developmental or clinical information, or legal error.
- (b) Reverse waiver shall be granted unless the prosecution proves by clear and convincing evidence that the findings required by § 4-105 remain satisfied.
- (c) The adult court shall hold a hearing within thirty days, and the child shall receive the same rights, expert access, and written findings required for the original transfer hearing.

§ 4-109. Sentencing Safeguards After Transfer

- (a) A person transferred for conduct committed as a child shall receive an individualized sentencing hearing that gives substantial weight to youth, maturity, trauma, disability, family environment, role in the offense, and capacity for change.
- (b) A sentence shall provide a meaningful and periodic opportunity for release based on demonstrated maturity and rehabilitation.
- (c) Nothing in this section authorizes a sentence prohibited by the United States Constitution or more protective state law.

Section 5. Restorative Justice and Family Group Conferences (Module 5)

§ 5-101. Availability and Purpose

Restorative justice processes shall be available at diversion, pre-adjudication, disposition, probation, and reentry stages when participation is safe, informed, and voluntary. Their purposes are to acknowledge harm, address needs, develop accountability, and support reintegration.

§ 5-102. Voluntary and Informed Participation

- (a) Participation by the child and victim is voluntary and may be withdrawn at any time before a final agreement.
- (b) A child shall consult with counsel before agreeing to a process that requires acknowledgment of responsibility.
- (c) A refusal to participate, withdrawal, or failure to reach agreement shall not be used as evidence of guilt, lack of remorse, or aggravation.
- (d) A victim may participate directly, through a representative, in writing, remotely, or not at all.

§ 5-103. Facilitator Qualifications and Safety

A facilitator shall be trained in youth development, trauma, disability access, cultural responsiveness, power imbalances, domestic and sexual violence screening, confidentiality, and victim safety. The facilitator shall suspend or terminate a process that is coercive or unsafe.

§ 5-104. Confidentiality and Use of Statements

Statements made in a restorative process are confidential and inadmissible in delinquency, criminal, civil, school-disciplinary, or immigration proceedings, except with the informed written consent of the speaker or to prevent an imminent threat of death or serious bodily injury.

§ 5-105. Agreement and Review

- (a) An agreement shall be written in clear language, proportionate, achievable, time-limited, and free of financial obligations beyond ability to pay.
- (b) Counsel shall review an agreement before court approval.
- (c) Substantial completion shall satisfy the agreement. A minor or nonwillful failure shall lead to revision, not punishment.
- (d) Successful completion shall result in dismissal or closure without adjudication when the process was used as diversion.

Section 6. Procedural Safeguards, Competency, and Adjudication (Module 6)

§ 6-101. Right to Counsel

- (a) A child has the right to qualified counsel from the earliest of custodial questioning, filing of a petition, first appearance, detention, or consideration of diversion requiring an admission.
- (b) Counsel is mandatory and nonwaivable in detention, transfer, competency, plea or admission, adjudication, disposition involving possible removal from home, probation-revocation, and appeal proceedings.
- (c) Caseloads, compensation, training, expert resources, and independence of juvenile defense providers shall be sufficient for effective representation.

§ 6-102. Notice and Comprehension

A child and counsel shall receive timely written notice of allegations, possible consequences, rights, and hearing dates in language the child can understand. Interpretation, translation, communication assistance, and disability accommodations shall be provided at no cost.

§ 6-103. Custodial Interrogation

- (a) Before custodial interrogation, a child shall have a private consultation with counsel. A parent or supportive adult may also be present when the child and counsel agree and no conflict exists.
- (b) Any waiver of silence or counsel must be knowing, intelligent, voluntary, and recorded. The prosecution bears the burden of proof by clear and convincing evidence.
- (c) Custodial interrogation shall be electronically recorded in its entirety, including warnings, breaks, and all persons present.
- (d) Deception about evidence, promises of leniency not authorized by law, threats against family, and interrogation techniques likely to exploit developmental or cognitive vulnerability are prohibited.
- (e) An unrecorded statement or a statement obtained in violation of this section is inadmissible, except a narrowly tailored statement necessary to locate a person facing an immediate threat of death or serious bodily injury. The emergency exception does not make later investigative questioning admissible.

§ 6-104. Competency

- (a) A child shall not be adjudicated, enter an admission, waive a material right, or be transferred while incompetent.
- (b) Competency may be impaired by developmental immaturity, intellectual or developmental disability, mental illness, trauma, language barriers, or a combination of factors.
- (c) The court shall order an evaluation when there is a good-faith basis to question competency. Evaluators shall be trained in child and adolescent development.
- (d) Restoration services shall be developmentally appropriate, time-limited, and provided in the least restrictive setting. A child shall not be confined solely for competency restoration unless the state proves by clear and convincing evidence that no community alternative can address an immediate safety risk.
- (e) If competency cannot be attained within a reasonable period, the delinquency petition shall be dismissed without prejudice to appropriate noncriminal services.

§ 6-105. Discovery and Access to Experts

- (a) The prosecution shall disclose police reports, recordings, witness statements, expert materials, exculpatory and impeachment evidence, school referral documentation, and information relevant to disposition sufficiently before hearing for effective use.
- (b) Protective orders shall be narrowly tailored and shall not prevent counsel from discussing evidence with the child as needed for representation.
- (c) An indigent child is entitled to publicly funded investigative and expert assistance reasonably necessary for defense, competency, transfer, disposition, or post-disposition review.

§ 6-106. Admissions and Pleas

- (a) Before accepting an admission, the court shall address the child directly using developmentally understandable language and determine that the admission is voluntary, supported by a factual basis, and made with effective assistance of counsel.
- (b) The court shall explain direct and reasonably foreseeable collateral consequences, including immigration, education, housing, licensing, public benefits, military service, and record disclosure, to the extent applicable.

(c) A child shall not be required to waive appellate, post-conviction, records, or ineffective-assistance claims as a standard plea condition.

§ 6-107. Adjudication and Proof

- (a) The prosecution shall prove every element beyond a reasonable doubt.
- (b) The rules of evidence apply, except where a state adopts a more protective rule.
- (c) A child has the rights to confront witnesses, compulsory process, silence, presence, interpretation, and a public or closed proceeding as provided by law and the child's privacy interests.

§ 6-108. Timely Proceedings

A detained child is entitled to priority scheduling. Continuances shall be granted only for good cause stated on the record and shall not prolong detention when release conditions can address the asserted need.

§ 6-109. Appeal and Post-Disposition Review

A child has the right to counsel on direct appeal and in proceedings challenging confinement, revocation, transfer, or an unlawful disposition. A waiver of appeal must be knowing, voluntary, and made after consultation with counsel.

Section 7. Disposition, Probation, and Reentry (Module 7)

§ 7-101. Individualized Disposition

- (a) The court shall impose the least restrictive disposition reasonably capable of addressing accountability, treatment, education, victim safety, and public safety.
- (b) The court shall consider a written social history, educational and disability needs, strengths, family circumstances, placement alternatives, and the child's expressed goals.
- (c) No disposition may be increased because a child lacks housing, family resources, insurance, transportation, or access to services.

§ 7-102. Proportionality and Maximum Terms

- (a) A juvenile disposition shall not exceed the maximum adult penalty for the same conduct and ordinarily shall be substantially shorter in recognition of developmental differences and rehabilitative purpose.
- (b) Mandatory minimum confinement terms do not apply in juvenile court.
- (c) Restitution shall reflect actual loss, the child's ability to pay, and available nonfinancial forms of repair. Nonpayment due to inability shall not extend jurisdiction or cause confinement.

§ 7-103. Use of Risk and Needs Instruments

- (a) A validated instrument may inform but shall not determine detention, transfer, or disposition.
- (b) The court shall receive information about validation population, error rates, limitations, and disparate impacts.
- (c) Race, ethnicity, poverty, family structure, neighborhood, school discipline, immigration status, and disability shall not be used as aggravating proxies for risk.

§ 7-104. Probation Conditions

- (a) Conditions shall be individualized, understandable, related to the adjudicated conduct or identified needs, and no broader than necessary.
- (b) Standardized boilerplate conditions are disfavored.

- (c) Probation shall assist with education, treatment, transportation, identification documents, housing, employment, and family support.
- (d) Fees are prohibited unless the court finds present ability to pay without hardship.

§ 7-105. Technical Violations

- (a) A noncriminal violation shall not result in secure detention or removal from home unless the court finds by clear and convincing evidence that the violation was willful, created an immediate and substantial safety risk, and cannot be addressed by a less restrictive response.
- (b) The court shall first consider modification, service support, transportation, reminders, schedule changes, and reduction of conditions.

§ 7-106. Periodic Review and Early Termination

- (a) A disposition involving placement shall be reviewed at least every ninety days; community probation shall be reviewed at least every six months.
- (b) The court shall terminate supervision when its purposes have been substantially achieved or when continued supervision provides no material benefit.
- (c) The child, counsel, parent, probation agency, or placement may seek modification at any time based on changed circumstances.

§ 7-107. Reentry Planning

- (a) Reentry planning begins at placement and shall address family connection, housing, education reenrollment and credit transfer, health insurance, medication, identification, transportation, employment, records, and community services.
- (b) A written plan shall be provided to the child and counsel no later than thirty days before release, except for shorter placements, when planning shall occur as soon as practicable.
- (c) The releasing agency shall provide a supply of necessary medication, scheduled follow-up care, school records, and identification documents.

Section 8. Detention and Conditions of Custody (Module 8)

§ 8-101. Presumption of Release

- (a) A child shall be released pending adjudication unless the state proves by clear and convincing evidence that detention is necessary to address a specific and imminent risk of serious harm or willful flight and that no less restrictive condition is adequate.
- (b) Detention shall not be ordered because of poverty, lack of transportation, homelessness, family conflict, disability, school absence, status offense, or inability to access services.
- (c) A detention hearing shall occur promptly and no later than twenty-four hours after custody, excluding only periods when the court is lawfully unavailable. Counsel is mandatory.

§ 8-102. Detention Review

The court shall review detention at least every seven days for the first month and every fourteen days thereafter. The state retains the burden, and the court shall make written findings addressing alternatives and delay attributable to the prosecution.

§ 8-103. Separation From Adults

A child shall not be housed, transported, or placed in sight or sound contact with adult criminal detainees, except for momentary and incidental contact that is directly supervised and necessary for court movement or emergency safety.

§ 8-104. Education, Health, and Disability Services

A facility shall provide:

- education aligned with state standards and prompt transfer of credits;
- special education, language access, and disability accommodations;
- timely physical, dental, reproductive, and behavioral health care;
- uninterrupted prescribed medication, subject to clinical review;
- trauma-informed suicide prevention and crisis response; and
- discharge planning and continuity of care.

Clinical decisions shall be made by licensed professionals and shall not be used as punishment.

§ 8-105. Room Confinement and Isolation

- (a) Punitive solitary confinement is prohibited.
- (b) Temporary room confinement may be used only to prevent an immediate and substantial risk of physical harm, for the shortest time necessary, with continuous observation and clinical review.
- (c) Room confinement shall not exceed four cumulative hours in any twenty-four-hour period, except when a licensed clinician orders medical isolation for a communicable condition or a documented emergency continues despite active de-escalation. Any extension requires approval by the facility administrator and clinician, written findings, notice to counsel, and judicial review within twenty-four hours.
- (d) Room confinement shall never be used for disability-related behavior, staff convenience, refusal of programming, verbal disrespect, self-harm risk without clinical care, or protection from other residents.

§ 8-106. Force, Restraints, and Searches

- (a) Force may be used only when objectively necessary and proportionate to prevent imminent physical harm, escape from a secure facility, or serious property destruction creating a safety risk.
- (b) Chemical agents, prone restraint, chokeholds, and force used as punishment are prohibited.
- (c) Mechanical restraints shall be removed at the earliest safe opportunity. Routine shackling in court is prohibited absent individualized findings.
- (d) Strip searches and body-cavity searches require individualized reasonable suspicion, privacy safeguards, and documentation; body-cavity searches may be performed only by qualified medical personnel under lawful authority.

§ 8-107. Family Contact, Counsel, and Religion

A facility shall provide confidential and timely access to counsel; regular in-person, remote, and telephone contact with family and supportive persons; reasonable religious exercise; correspondence; and accommodations for distance, disability, and language.

§ 8-108. Grievances, Reporting, and Independent Inspection

- (a) Each child shall have confidential access to a grievance process without retaliation.
- (b) Serious injury, suicide attempt, sexual abuse allegation, use of force causing injury, and room confinement exceeding two hours shall be reported promptly to the independent oversight office established by § 10-104.

(c) The oversight office shall have unannounced access to facilities, children, staff, records, and video, subject to privacy protections.

Section 9. Records, Confidentiality, and Collateral Consequences (Module 9)

§ 9-101. Confidentiality

(a) Juvenile records are confidential and shall not be publicly accessible unless a court, after notice and hearing, makes narrowly tailored findings of compelling public interest that outweigh rehabilitation and privacy.

(b) Access is limited to the child, counsel, the court, agencies directly administering the case, and other persons specifically authorized by statute or court order.

(c) Schools shall receive only information necessary to provide safety or educational services and shall not place law-enforcement records in a permanent educational file unless required by federal law.

§ 9-102. Automatic Sealing

(a) Records of declined referrals, diversion, dismissal, acquittal, and conduct occurring below the minimum age shall be sealed automatically within thirty days.

(b) Adjudication records shall be sealed automatically upon the earliest of termination of jurisdiction, successful completion of disposition, or the person's eighteenth birthday, unless the court makes specific written findings that temporary continued access is necessary to address an identified serious safety risk.

(c) A temporary exception shall be reviewed at least every six months and expires no later than age twenty-one.

§ 9-103. Automatic Expungement

(a) Sealed records shall be expunged no later than two years after termination of jurisdiction, without petition, fee, or hearing.

(b) The court may order earlier expungement when justice and rehabilitation support it.

(c) **[Narrow optional exception.]** A state may delay destruction of a record of intentional homicide until age twenty-five, but the record remains sealed and unavailable for public or routine background-check use.

§ 9-104. Effect of Sealing and Expungement

(a) A person may lawfully state that no juvenile record exists, except when applying for a position for which a federal statute expressly requires disclosure.

(b) A sealed or expunged record shall not disqualify a person from education, housing, employment, licensing, public benefits, jury service, or military service under state law.

(c) Consumer reporting agencies and background-check providers shall remove the record upon notice and maintain procedures to prevent redisclosure.

§ 9-105. Notice and Data Retention

(a) The court shall notify law enforcement, prosecution, probation, detention, schools, repositories, and known commercial recipients of a sealing or expungement order.

(b) Deidentified aggregate data may be retained for research and oversight when reidentification is prohibited and security safeguards are documented.

§ 9-106. Remedy for Unlawful Disclosure

A person affected by knowing or reckless unlawful disclosure may obtain correction, deletion, injunctive relief, reasonable attorney fees, and other relief authorized by state law. Good-faith recipients who promptly comply with notice may be protected from damages.

Section 10. Data, Evaluation, and Independent Oversight (Module 10)

§ 10-101. Uniform Data Standards

The designated state authority shall adopt a public data dictionary and collect, at minimum, case events, diversion decisions, detention, transfer, adjudication, disposition, probation violations, placement, use of force, room confinement, education continuity, reentry, sealing, expungement, and outcomes.

§ 10-102. Disaggregation and Privacy

(a) Data shall be disaggregated by age, race, ethnicity, sex, gender where voluntarily provided, disability, county, offense category, referral source, school status, and disposition, while suppressing small cells that create reidentification risk.

(b) Public reporting shall distinguish allegations from adjudications and shall not label a person as having reoffended based solely on arrest.

§ 10-103. Baseline-Driven Performance Framework

(a) During the first twelve months, the state shall establish verified baselines, data quality, and service capacity before adopting numeric performance targets.

(b) Targets shall be set through a transparent process and may include diversion uptake, petition rates, detention use, transfer, time to counsel, educational continuity, program completion, victim satisfaction where voluntarily reported, recurrence of system contact, disparities, and successful sealing or expungement.

(c) A target is not evidence of causation. Evaluations shall disclose comparison methods, missing data, implementation differences, and unintended consequences.

§ 10-104. Independent Juvenile Justice Oversight Office

(a) An independent office is established outside agencies responsible for prosecution, detention, probation, or placement.

(b) The office may receive confidential complaints, inspect facilities without notice, access records, interview children privately, publish findings, recommend corrective action, and refer apparent violations to an appropriate authority.

(c) The office shall include expertise in juvenile defense, child development, disability, education, behavioral health, victim services, data analysis, and lived experience.

§ 10-105. Annual Public Report

The state shall publish an annual report containing trends, disparities, implementation status, program capacity, expenditures, complaints, critical incidents, corrective actions, and recommendations. The report shall separate verified outcomes from projections and shall identify data limitations.

§ 10-106. Research Access and Ethics

Researchers may receive deidentified data under written agreements protecting confidentiality, data security, publication independence, and prohibition of reidentification. Research involving identifiable children requires lawful authority and appropriate ethics review.

Section 11. Implementation, Financing, and Rulemaking (Module 11)

§ 11-101. State Implementation Plan

Within six months after enactment, the governor or designated authority shall submit a public implementation plan identifying responsible agencies, milestones, service gaps, workforce needs, technology changes, training, stakeholder participation, and measurable deliverables.

§ 11-102. Fiscal and Capacity Analysis

- (a) Before each module's effective date, the state shall estimate fiscal effects on courts, defense, prosecution, schools, behavioral health, child welfare, probation, detention, data systems, and community providers.
- (b) Savings from reduced detention or adult prosecution should, to the extent permitted by state law, be reinvested in counsel, diversion, community services, education, treatment, victim services, and reentry.
- (c) Lack of services shall not justify a more restrictive disposition when the state has not made reasonable implementation efforts.

§ 11-103. Training

Judges, counsel, prosecutors, law enforcement, school personnel, probation, facility staff, evaluators, and facilitators shall receive role-specific training in youth development, constitutional rights, disability, trauma, racial and ethnic disparities, language access, de-escalation, victim safety, evidence interpretation, and the requirements of this Act.

§ 11-104. Rulemaking

Rules shall be adopted through a public process that includes notice, written comments, youth and family participation, victim-service input, disability access, and a response explaining major decisions. Rules shall not reduce statutory protections.

§ 11-105. Conforming Amendments

- (a) Enacting legislation shall list each state-code section repealed, amended, or superseded. A general statement that inconsistent laws are repealed is insufficient by itself.
- (b) The state shall review criminal procedure, education, records, child welfare, behavioral health, detention, probation, licensing, and background-check laws for conformity.

§ 11-106. Phased Effective Dates

- (a) Counsel, interrogation recording, prohibition of direct file, status-offense protections, and separation from adults take effect no later than six months after enactment.
- (b) Diversion, school-referral limits, competency procedures, detention review, and records provisions take effect no later than twelve months after enactment.
- (c) Data systems, independent oversight, expanded community programs, and full reporting take effect no later than twenty-four months after enactment.
- (d) A delayed module requires public findings, a corrective timeline, and quarterly progress reports; delay shall not exceed twelve additional months.

§ 11-107. Appropriations and Grants

The legislature shall appropriate funds sufficient for defense, experts, diversion, restorative programs, education, treatment, data, oversight, and reentry. Grants shall use transparent criteria and shall not condition funding on arrest, petition, detention, or placement volume.

Section 12. Construction, Remedies, and Periodic Review (Module 12)

§ 12-101. More Protective Law

This Act establishes minimum protections. A constitution, statute, rule, or local policy providing greater protection controls.

§ 12-102. Suppression, Dismissal, and Other Remedies

(a) Evidence obtained in material violation of §§ 6-101 through 6-104 is inadmissible to the extent required to protect the right violated and deter recurrence.

(b) A court may dismiss, reduce, release, modify conditions, order services, seal records, or grant other appropriate relief for violations affecting jurisdiction, fairness, liberty, or the ability to defend.

(c) Nothing in this section limits a remedy available under federal law, the state constitution, or another state statute.

§ 12-103. No Private Financial Liability for Children

A child or family shall not be charged for appointed counsel, detention, probation supervision, mandated treatment, electronic monitoring, interpretation, competency evaluation, or required programming. Restitution is governed by § 7-102.

§ 12-104. Ameliorative Retroactivity

A provision that reduces punishment, narrows transfer, expands sealing or expungement, limits detention, or otherwise mitigates consequences applies to pending cases and uncompleted dispositions unless retroactive application would violate a constitutional prohibition.

§ 12-105. Severability

If a provision or application is held invalid, the remaining provisions and applications remain effective unless the invalid provision is indispensable to the statutory scheme.

§ 12-106. Periodic Legislative Review

At least once every four years, the legislature shall review implementation, outcomes, disparities, fiscal effects, federal compliance, and recommendations from the independent oversight office. The review shall include public hearings and participation by youth, families, victims, practitioners, and community providers.

§ 12-107. Effective Date

Except as phased under § 11-106, this Act takes effect on [date].

Appendix A. Jurisdictional Research and Application Checklist

For a state-specific study, law-clinic project, comparative analysis, or reform proposal, researchers and practitioners should:

- map every definition to existing criminal and juvenile codes;
- select the preferred or transitional minimum-age option;
- identify the juvenile court and adult court with jurisdiction;
- enumerate transfer-eligible offenses rather than relying on broad labels;
- identify counsel appointment and expert-funding mechanisms;
- specify the agencies responsible for diversion, competency, data, oversight, and records notices;

- draft explicit conforming amendments and repealers;
- conduct fiscal and workforce analyses;
- verify compliance with federal funding conditions and state constitutional rules;
- examine perspectives and operational knowledge from youth, families, victims, defenders, prosecutors, judges, schools, disability advocates, behavioral-health providers, detention professionals, and community organizations;
- document sources, assumptions, jurisdiction-specific choices, and departures from the model text; and
- preserve prior versions and a dated revision log.

Selected Legal Authorities, Research Sources, and Official Reference Materials

The following legal authorities and research sources informed the architecture of this Research Edition. U.S. legal authorities are presented in a Bluebook-oriented form, while official research materials identify the responsible author or institution, publication date, and NCJ number where available. Their inclusion does not imply that every protection in the Model Act is constitutionally required; several provisions intentionally propose protections above the constitutional floor.

Judicial Decisions

- *Kent v. United States*, 383 U.S. 541 (1966) (requiring procedural regularity in juvenile waiver proceedings, including access to counsel and a statement of reasons).
- *In re Gault*, 387 U.S. 1 (1967) (recognizing notice, counsel, confrontation, and the privilege against self-incrimination in juvenile delinquency proceedings).
- *In re Winship*, 397 U.S. 358 (1970) (requiring proof beyond a reasonable doubt for delinquency adjudications based on criminal conduct).
- *Fare v. Michael C.*, 442 U.S. 707 (1979) (applying a totality-of-the-circumstances test to a juvenile waiver of Miranda rights).
- *Roper v. Simmons*, 543 U.S. 551 (2005) (holding the death penalty unconstitutional for offenses committed by persons under eighteen).
- *Graham v. Florida*, 560 U.S. 48 (2010) (prohibiting life without parole for juvenile nonhomicide offenses).
- *J.D.B. v. North Carolina*, 564 U.S. 261 (2011) (holding that a child's age is relevant to the Miranda custody analysis when known or objectively apparent).
- *Miller v. Alabama*, 567 U.S. 460 (2012) (prohibiting mandatory life-without-parole sentences for juveniles).
- *Montgomery v. Louisiana*, 577 U.S. 190 (2016) (holding Miller retroactive and emphasizing youth's diminished culpability and capacity for change).

Federal Statutory Authority

- 34 U.S.C. § 11133 (state-plan requirements under the Juvenile Justice and Delinquency Prevention Act).

Research and Official Reference Materials

- Development Services Group, Inc., *Age Boundaries of the Juvenile Justice System*, Model Programs Guide Literature Review (Office of Juvenile Justice and Delinquency Prevention, updated Mar. 2024), <https://ojjdp.ojp.gov/model-programs-guide/literature-reviews/age-boundaries-of-the-juvenile-justice-system> (last visited Aug. 2, 2026).
- Office of Juvenile Justice and Delinquency Prevention, *Juvenile Justice System Structure & Process*, Statistical Briefing Book (June 1, 2023), https://ojjdp.ojp.gov/statistical-briefing-book/structure_process (last visited Aug. 2, 2026).
- Development Services Group, Inc., *Diversion from Formal Juvenile Court Processing*, OJJDP Model Programs Guide Literature Review, NCJ No. 249701 (Feb. 2017), https://ojjdp.ojp.gov/sites/ojjdp/files/media/document/diversion_programs.pdf.
- Development Services Group, Inc., *Restorative Justice*, OJJDP Model Programs Guide Literature Review, NCJ No. 249722 (Nov. 2010), https://ojjdp.ojp.gov/sites/ojjdp/files/media/document/restorative_justice.pdf.
- Charles Puzzanchera, Sarah Hockenberry & Melissa Sickmund, *Youth and the Juvenile Justice System: 2022 National Report*, NCJ No. 305721 (National Center for Juvenile Justice, Dec. 2022), <https://ojjdp.ojp.gov/publications/2022-national-report.pdf>.