What the JJDPA Means for Lawyers Representing Juvenile Status Offenders

Use the federal law requirements to protect your client's rights.

- If your status offender client has not been accused of violating a valid court order (VCO), federal regulations, under the Juvenile Justice and Delinquency Prevention Act (JJDPA), prohibit detention beyond a limited time period before and after an initial court appearance.
- If your status offender client has been accused of violating a VCO, determine whether the court followed the JJDPA's due process requirements when issuing the order. For example, did the court:
  - give the youth adequate and fair warning of the consequences of violating the order?
  - provide the warning in writing to the youth and the youth's attorney and/or legal guardian?
  - include this warning in the court's record?
- If your status offender client has been detained, was he afforded post-detention safeguards under the Act?
  - Was he interviewed within the first 24 hours of being detained by someone who is not a part of the court or law enforcement agency?
  - Did the interviewer submit a report to the court that included an assessment of whether less-restrictive settings had been exhausted or were clearly inappropriate?
  - Did the court release the youth from detention pending the violation hearing, unless it was shown that continued detention was necessary for protective purposes, or to assure the youth's future court appearance?

Advocate for alternatives to detention.

- Cite JJDPA's purpose of limiting the detention of juveniles to support your arguments against detention.
- Argue for services or a treatment plan that will better serve your client's needs as an alternative to detention. Use JJDPA's underlying treatment and delinquency prevention purposes to support your argument.