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# State Ratings Report

*Remaining Resolute in a Solemn Time*

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HUMAN RIGHTS  
for KIDS



## Acknowledgments

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We also thank the advocates and policymakers who work alongside us – in a bipartisan fashion – to end human rights violations against children in the juvenile and criminal justice systems. We want to especially thank Richard Ross and his team at Juvenile In-Justice who provided the images profiled in this report. Thank you also to our 2024 Summer Law Clerks, Alex Bugg and Margaret Combs for their research contributions.

**Author's Note:** This report contains an analysis of state legislative actions through July 8, 2024. State legislatures in California, Massachusetts, Michigan, New Jersey, Ohio, and Pennsylvania remain in session at the time of the publishing of this report. Any action taken in those states which would cause a state to gain or lose credit will be reflected in the 2025 edition of the State Ratings Report.

This report is dedicated to the 32,000 people  
who were imprisoned as children and are  
still incarcerated today.<sup>1</sup>

You are not forgotten.

# Introduction

## Remaining Resolute in a Solemn Time



Despite the incredible progress of the last decade, the past year has been a sobering and solemn time for advocates and impacted people who work to improve the way children are treated in America’s criminal justice system. Several states passed harmful legislation that will lead to more children being tried as adults and additional exposure to human rights violations. Louisiana, for example, has once again cemented itself as a national outlier by repealing raise the age legislation in order to try all 17-year-old children as adults – even for low level offenses such as shoplifting, school fights, or drug possession. This is in direct violation of the U.N. Convention on the Rights of the Child, as well as the International Covenant on Civil and Political Rights. Beyond the basic human rights protections that HRFK measures, legislators have also worked to pass legislation that will be harmful to the successful treatment and rehabilitation of children in the juvenile justice system.

Policymakers in many states have chosen to repeal recent reforms before giving the new protections even a fleeting chance to produce their promised successes. Or, they simply ignored documented successes in favor of a return to misguided rhetoric reminiscent of the Super-Predator Era, in which children, especially children of color, were demonized and dehumanized. Even in states where regressive legislation was not ultimately successful, dangerous rhetoric often went unchallenged.

With these actions, policymakers have exacerbated already-existing human rights violations in the name of an alleged increase in “youth crime.” However, according to new research by the Center for State Government’s Justice Center, “overall youth arrests for violent offenses declined 54% from 2020 to 2022.”<sup>2</sup> Additionally, “youth arrests for aggravated assault, rape, and robbery remained near or at historical lows compared to almost any time in the last 25 years.”<sup>3</sup>

Even despite the data showing that the assumptions underlying these rollbacks are misguided at best, we know that responding to young people who commit crimes with harsher punishments does not lead to better outcomes for the child or the public.<sup>4</sup> That’s especially true given what we know about children who interact with the criminal justice system: by and large, they have experienced very high rates of childhood trauma.

In last year’s State Ratings Report, entitled “Addressing the Childhood Trauma to Prison Pipeline,” we noted that HRFK’s Stoneleigh Fellow, Sara Kruzan, was in the process of conducting outreach to women who had been incarcerated since childhood. The resulting data culminated in the release of a first-of-its-kind report earlier this year entitled “Unheard: The Epidemic of Severe Childhood Trauma of Girls Tried as Adults.” This groundbreaking report details findings of Adverse Childhood Experiences (ACEs) surveys completed by women who are still incarcerated for crimes they committed as children. Although not surprising, the results were heartbreaking. Of the women who completed the survey, the average ACE score was 7.7 out of 10, with 84% experiencing sexual abuse. Over 90% of the women had experienced at least 4 of 10 Adverse Childhood Experiences. To put this number into perspective, consider that among the general population, only 19% of people have experienced that level of childhood trauma.



*HRFK Policy Counsel Teresa Kominos, Rise for Youth Policy Director Monica Hutchinson, Virginia State Senator Mamie Locke, Rise for Youth Executive Director Valerie Slater, and Zoie J.*

While the prevalence of childhood trauma was more severe when we isolated the population of women incarcerated since childhood, we still see very high rates of trauma in the broader population of people who remain incarcerated for childhood offenses. In outreach to the population of people incarcerated for crimes they committed as children in Maryland, we found that 76% had experienced emotional abuse, 74% had experienced physical abuse, and nearly 40% had experienced sexual abuse. The average ACE score for this population in Maryland was over 6 out of 10. We found similar results in Louisiana, where 70% of youth experienced both physical and emotional abuse, and 36% experienced sexual abuse prior to their incarceration.



*HRFK CEO James Dold, Virginia State Delegate Vivian Watts, and HRFK Policy Counsel Teresa Kominos.*

Simply put, lawmakers who continue to violate the human rights of children in the criminal justice system are ignoring the ever-mounting evidence that children who are justice-involved are also survivors of tremendous childhood trauma. These children must be treated with compassion, not condemnation, where accountability for these youth is age-appropriate and trauma-informed.

With these research findings in mind, Human Rights for Kids has continued our legislative efforts in the states and at the federal level. This year, we saw success in the Commonwealth of Virginia with the passage of House Bill 268, which will require that judges take into consideration a child defendant's status as a victim of trafficking or abuse before allowing them to be transferred to adult court. This bill is the latest version of the Child Sex Crimes Victims Protection Act to be adopted in the states, following last year's success in California, Illinois, and Oklahoma. Also in Virginia, lawmakers strengthened protections to the state's existing custodial interrogation statute with the passage of House Bill 266. We are very grateful for the leadership of Delegate Vivian Watts in introducing these important bills and expertly shepherding them through the legislative process.

While we cannot ignore the difficulties in advancing the rights of children in state legislatures around the country, we also remain undeterred. Our work to educate policymakers on the trauma backgrounds of children who interact with the criminal justice system must and will continue. The responses of the courageous people who have agreed to share their stories with us renew and strengthen us in this work. We sincerely hope that when confronted with the facts about the trauma backgrounds of children who interact with the criminal justice system, lawmakers will not turn their backs, but instead confront these important issues with compassion and love.

With hope for the future,

Emily Virgin

Director of Advocacy & Government Relations, Human Rights for Kids

Someone to talk to

Didn't understand the process

Feeling unwanted

Lack of love

Being considered an adult despite maturity

Couldn't read

Asthma pump not provided

Abandonment

**We asked people who had been incarcerated since childhood what their biggest unaddressed need was when they interacted with the criminal justice system.**

**Here are some of their responses.**

Depression

Translator for Spanish

Everything

Stopping abuse at home

Someone to trust

Wanted to go home

Hearing voices

# A Human Rights Framework

The U.N. Convention on the Rights of the Child (CRC) and the International Covenant on Civil and Political Rights (ICCPR) require the following human rights protections for children who come into conflict with the law. These protections are the foundation for our State Ratings Report and underpin each of the categories upon which states are graded.

## CRC ARTICLE 37

- Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offenses committed by persons below eighteen years of age.
- Every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so and shall have the right to maintain contact with his or her family.
- Every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance.

## CRC ARTICLE 39

- States shall take measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts.

## CRC Article 40

- Every child having infringed the penal law shall have the right to be treated in a manner which *takes into account the child's age* and the desirability of *promoting the child's reintegration* and the child's assuming a constructive role in society.
- Every child accused of having infringed the penal law has at least the following guarantees: (1) Not to be *compelled* to give testimony or to *confess* guilt; and (2) To be informed promptly and directly of the charges against him or her, and, if appropriate, through his or her parents or legal guardians, and to have legal or other appropriate assistance in the preparation and presentation of his or her defense.
- States shall seek to promote the establishment of laws that establish a *minimum age* below which children shall be presumed not to have the capacity to infringe the penal law.

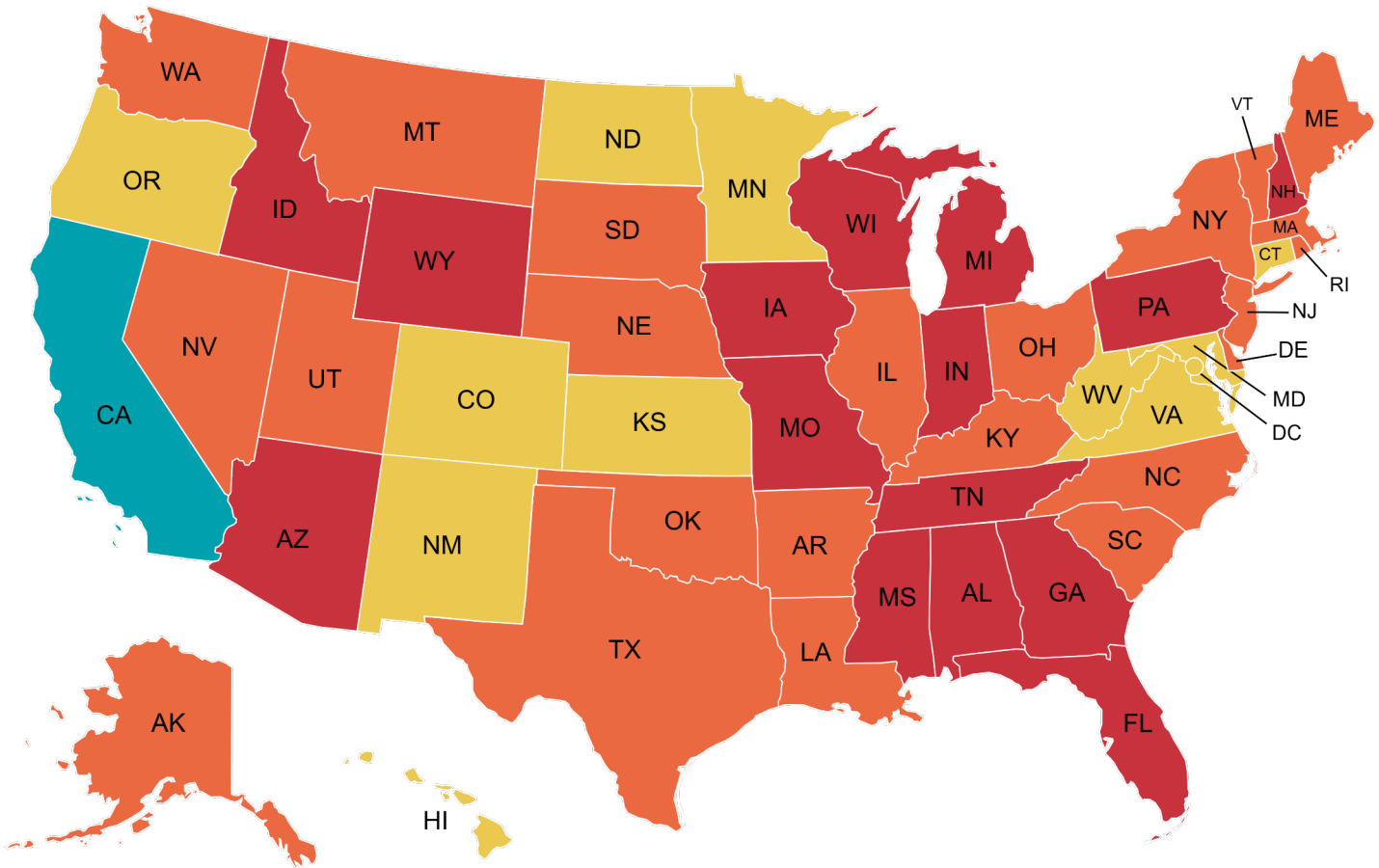
## ICCPR ARTICLE 10

- Accused juvenile persons shall be separated from adults and brought as speedily as possible for adjudication.
- Juvenile offenders shall be segregated from adults and be accorded treatment appropriate to their age and legal status.

## ICCPR ARTICLE 14

- In the case of juvenile persons, the procedure shall be such as will take account of their age and the desirability of promoting their rehabilitation.





**1 Tier One (10+ points)**

State has created an impressive legal framework to protect the human rights of children in its justice system and has taken its obligation to defend human rights seriously.

**12 Tier Two (7 - 9 points)**

State has passed several laws to protect the human rights of children in the justice system and should take additional steps to improve and implement its burgeoning legal framework.

**23 Tier Three (4 - 6 points)**

State has made minimal efforts to protect the human rights of children in the justice system and should take immediate action to improve and implement its laws.

**15 Tier Four (1 - 3 points)**

State has made little to no effort to protect the human rights of children in the justice system and is likely in violation of international human rights standards.

**Best Human Rights Protectors**

- California (9.5)
- Connecticut (8)
- Hawaii (7.5)
- Maryland (7.5)
- Minnesota (7.5)

**Worst Human Rights Offenders**

- Alabama (2)
- Georgia (2)
- Mississippi (2)
- Tennessee (2)
- Wyoming (2)

# Categories



## DUE PROCESS

States receive credit for this category if they have a statutory provision requiring children to consult with their parents or legal counsel before waiving their Miranda Rights or being subject to a custodial police interrogation. States will not receive credit if such protections are limited to children subject to delinquency proceedings. States may receive partial credit if they apply these protections to some children under a certain age (i.e. under 16), but not all children under 18.



## 10+ MINIMUM COURT AGE

States receive credit for this category if they statutorily prohibit *all* children less than 10 years of age from being adjudicated delinquent in the juvenile court system, regardless of the charged offense. Children this young who come into conflict with the law should be provided treatment and services in the child welfare system in compliance with human rights standards. No exceptions can be permitted to receive credit for this category.



## 17- MAXIMUM COURT AGE

States receive credit for this category if they statutorily permit children less than 18 years of age to be adjudicated in the juvenile justice system and have not excluded teenagers under the age of majority. No exceptions can be permitted to receive credit for this category.



## LIFE WITHOUT PAROLE

States receive credit for this category if they statutorily ban life without parole sentences from being imposed on all children under 18 years of age. No exceptions can be permitted to receive credit for this category. States that permit judges to review and modify a child's sentence, including life without parole, after a term of years will receive full credit for this category.



## ADULT COURTS

(A) States receive credit under this subsection if they statutorily prohibit the transfer of children under 14 years of age into the adult criminal justice system. No exceptions can be permitted to receive credit for this subsection, which includes exclusions based on the type of crime committed. For example, if a child under 14 may be transferred to the adult system on a charge of homicide, the state does not receive credit for this category.

(B) States receive credit under this subsection if they require a mandatory child status hearing in all cases involving children less than 18 years of age before allowing transfer to adult criminal court. In this hearing, a judge must have the discretion to consider a child's status and determine whether a child's case should proceed in juvenile or adult court. States that allow children to be subject to direct file in adult court or statutorily exclude certain children from the jurisdiction of the juvenile court, may receive full credit only if they require an immediate child status or reverse waiver hearing in adult criminal court. No exceptions can be permitted to receive credit for this subsection.

States may receive partial credit for this category if they meet the requirements of either subsections (A) or (B).



## MANDATORY MINIMUM SENTENCES

States receive credit for this category if judges, masters, magistrates, or others with sentencing authority are authorized to depart from *all* mandatory minimum sentences when sentencing children in adult criminal court. States will only be awarded credit if they allow discretion at the time that a sentence is being imposed and not if they "theoretically" allow a judge to later suspend the sentence. Nor will states receive credit for allowing greater judicial discretion under 'youthful offender' laws. States may receive partial credit if they authorize sentencing authorities to depart, up to a certain percentage, from any mandatory minimum sentence for any offense in adult criminal court.



## FELONY-MURDER RULE

States receive credit for this category if they statutorily eliminate the application of the felony murder rule to children less than 18 years of age. In cases where a child does not kill or intend to kill another person during the commission of a felony, they should receive a sentence based on their overall culpability, which takes into account the child's trauma history and potential for rehabilitation. States will receive credit for this category if they do not have the felony murder rule, have banned the felony murder rule for children, or have created an affirmative defense for persons who do not kill or intend to kill during the commission of the felony. States may receive partial credit if they place strict limits on the applicability of the affirmative defense or allow children who did not kill or intend to kill to still be prosecuted pursuant to the rule under other circumstances.



## INCARCERATION

States receive credit for this category if they statutorily prohibit the housing of children under 18 years of age in adult correctional facilities, including local jails and state prisons. A child who has committed serious crimes or who may be subject to prosecution in the adult criminal justice system must continue to be housed in juvenile correctional facilities until they reach 18 years of age.



## SOLITARY CONFINEMENT

States receive credit for this category if they statutorily prohibit the use of solitary confinement or administrative segregation on children for punitive and safety-related reasons. States are allowed to have individual confinement for children as a "cooling off" period, but such removal should be used only in extreme cases, and only for as long as reasonably necessary for the child to be reintegrated with the rest of the children in the facility. States may receive partial credit for this category if they ban the use of solitary/room confinement, isolation, or administrative segregation for children in juvenile detention facilities. However, in order to receive full credit, states must have protections in place for kids in both juvenile and adult correctional facilities.



## POST-RELEASE SUPERVISION

States receive credit for this category if they statutorily authorize formerly incarcerated children serving lengthy terms of post-release supervision to be discharged from supervision at the discretion of the paroling authority or judge. States will receive credit if they have statutory provisions that apply to all formerly incarcerated individuals, including children. States may receive partial credit if they allow most formerly incarcerated children to be eligible for early discharge from supervision.



## RELEASE SAFETY VALVE

States receive credit for this category if they allow either the parole board or judges to review all sentences previously imposed on child offenders after no more than 30 calendar years (end de facto life without parole). States may receive partial credit for this category if they have statutes permitting sentencing review for nearly all offenses committed by children. However, to receive full credit states must allow children serving multiple sentences of any duration and for any offenses to be eligible for review.



## VOTING RIGHTS

States that have eliminated voting rights for persons convicted of serious offenses will receive credit for this category if they statutorily require or permit the restoration of voting rights for formerly incarcerated children who have been released from prison. States will not receive credit if they require Gubernatorial action before voting rights can be restored. If a state allows for the reinstatement of voting rights upon completion of the person's sentence, which includes parole or supervision, the state must allow formerly incarcerated children to seek discharge from parole or supervision at a reasonable point after they have been released in order to receive credit for this category. A state may receive partial credit if the vast majority of formerly incarcerated children can have their voting rights restored without executive action. However, a state will not receive any credit if it permanently disenfranchises formerly incarcerated children convicted of certain offenses.

# State Ratings Chart

- Due Process
- Mandatory Minimum Sentences
- Solitary Confinement
- Minimum Court Age
- Felony-Murder Rule
- Incarceration
- Maximum Court Age
- Life Without Parole
- Post-Release Supervision
- Adult Courts
- Release Safety Valve
- Voting Rights

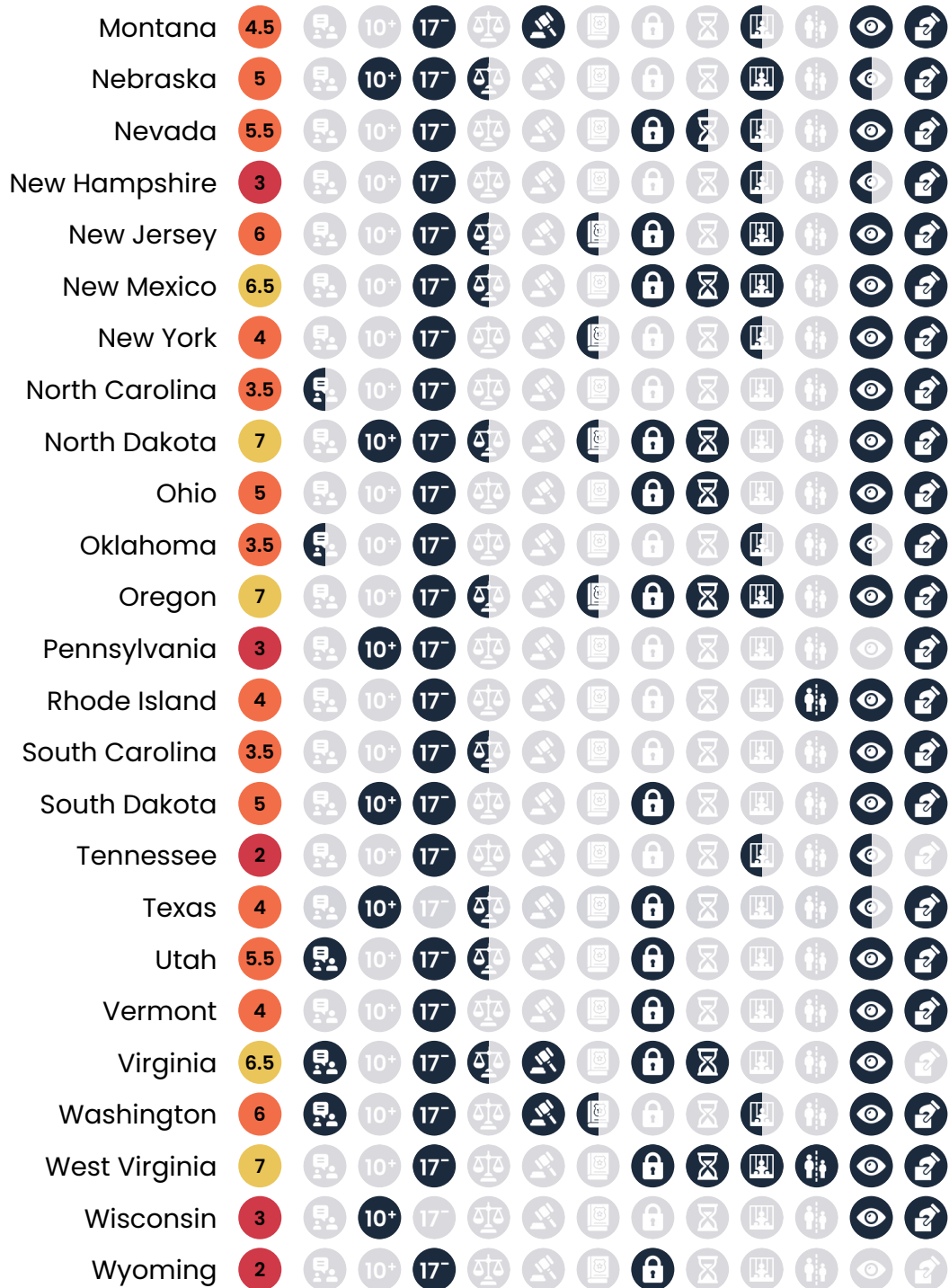
State	Score	Due Process	Minimum Court Age	Maximum Court Age	Adult Courts	Mandatory Minimum Sentences	Felony-Murder Rule	Life Without Parole	Release Safety Valve	Solitary Confinement	Incarceration	Post-Release Supervision	Voting Rights
Alabama	2	No Credit	No Credit	Full Credit	No Credit	Partial Credit	No Credit	No Credit	No Credit	Partial Credit	Partial Credit	No Credit	No Credit
Alaska	4	No Credit	No Credit	Full Credit	Full Credit	No Credit	No Credit	Full Credit	No Credit	No Credit	Partial Credit	No Credit	No Credit
Arizona	2.5	No Credit	No Credit	Full Credit	Full Credit	Partial Credit	No Credit	No Credit	No Credit	No Credit	Partial Credit	No Credit	No Credit
Arkansas	6	No Credit	No Credit	Full Credit	Full Credit	Partial Credit	No Credit	Full Credit	No Credit	No Credit	Partial Credit	No Credit	No Credit
California	9.5	No Credit	No Credit	Full Credit	Full Credit	No Credit	No Credit	Full Credit	No Credit	No Credit	Full Credit	No Credit	No Credit
Colorado	6.5	No Credit	No Credit	Full Credit	Full Credit	Partial Credit	No Credit	Full Credit	No Credit	No Credit	Partial Credit	No Credit	No Credit
Connecticut	8	No Credit	No Credit	Full Credit	Full Credit	Partial Credit	No Credit	Full Credit	No Credit	No Credit	Partial Credit	No Credit	No Credit
Delaware	3.5	No Credit	No Credit	Full Credit	Full Credit	Partial Credit	No Credit	Full Credit	No Credit	No Credit	Partial Credit	No Credit	No Credit
District of Columbia	7	No Credit	No Credit	Full Credit	Full Credit	Partial Credit	No Credit	Full Credit	No Credit	No Credit	Partial Credit	No Credit	No Credit
Florida	3	No Credit	No Credit	Full Credit	Full Credit	Partial Credit	No Credit	Full Credit	No Credit	No Credit	Partial Credit	No Credit	No Credit
Georgia	2	No Credit	No Credit	Full Credit	Full Credit	Partial Credit	No Credit	Full Credit	No Credit	No Credit	Partial Credit	No Credit	No Credit
Hawaii	7.5	No Credit	No Credit	Full Credit	Full Credit	Partial Credit	No Credit	Full Credit	No Credit	No Credit	Partial Credit	No Credit	No Credit
Idaho	3	No Credit	No Credit	Full Credit	Full Credit	Partial Credit	No Credit	Full Credit	No Credit	No Credit	Partial Credit	No Credit	No Credit
Illinois	5.5	No Credit	No Credit	Full Credit	Full Credit	Partial Credit	No Credit	Full Credit	No Credit	No Credit	Partial Credit	No Credit	No Credit
Indiana	3	No Credit	No Credit	Full Credit	Full Credit	Partial Credit	No Credit	Full Credit	No Credit	No Credit	Partial Credit	No Credit	No Credit
Iowa	2.5	No Credit	No Credit	Full Credit	Full Credit	Partial Credit	No Credit	Full Credit	No Credit	No Credit	Partial Credit	No Credit	No Credit
Kansas	6.5	No Credit	No Credit	Full Credit	Full Credit	Partial Credit	No Credit	Full Credit	No Credit	No Credit	Partial Credit	No Credit	No Credit
Kentucky	3.5	No Credit	No Credit	Full Credit	Full Credit	Partial Credit	No Credit	Full Credit	No Credit	No Credit	Partial Credit	No Credit	No Credit
Louisiana	3.5	No Credit	No Credit	Full Credit	Full Credit	Partial Credit	No Credit	Full Credit	No Credit	No Credit	Partial Credit	No Credit	No Credit
Maine	4	No Credit	No Credit	Full Credit	Full Credit	Partial Credit	No Credit	Full Credit	No Credit	No Credit	Partial Credit	No Credit	No Credit
Maryland	7.5	No Credit	No Credit	Full Credit	Full Credit	Partial Credit	No Credit	Full Credit	No Credit	No Credit	Partial Credit	No Credit	No Credit
Massachusetts	6	No Credit	No Credit	Full Credit	Full Credit	Partial Credit	No Credit	Full Credit	No Credit	No Credit	Partial Credit	No Credit	No Credit
Michigan	3	No Credit	No Credit	Full Credit	Full Credit	Partial Credit	No Credit	Full Credit	No Credit	No Credit	Partial Credit	No Credit	No Credit
Minnesota	7.5	No Credit	No Credit	Full Credit	Full Credit	Partial Credit	No Credit	Full Credit	No Credit	No Credit	Partial Credit	No Credit	No Credit
Mississippi	2	No Credit	No Credit	Full Credit	Full Credit	Partial Credit	No Credit	Full Credit	No Credit	No Credit	Partial Credit	No Credit	No Credit
Missouri	3	No Credit	No Credit	Full Credit	Full Credit	Partial Credit	No Credit	Full Credit	No Credit	No Credit	Partial Credit	No Credit	No Credit

## Total Score

- Tier 1 (10+ points)
- Tier 2 (7-9 points)
- Tier 3 (4-6 points)
- Tier 4 (1-3 points)

## Credit

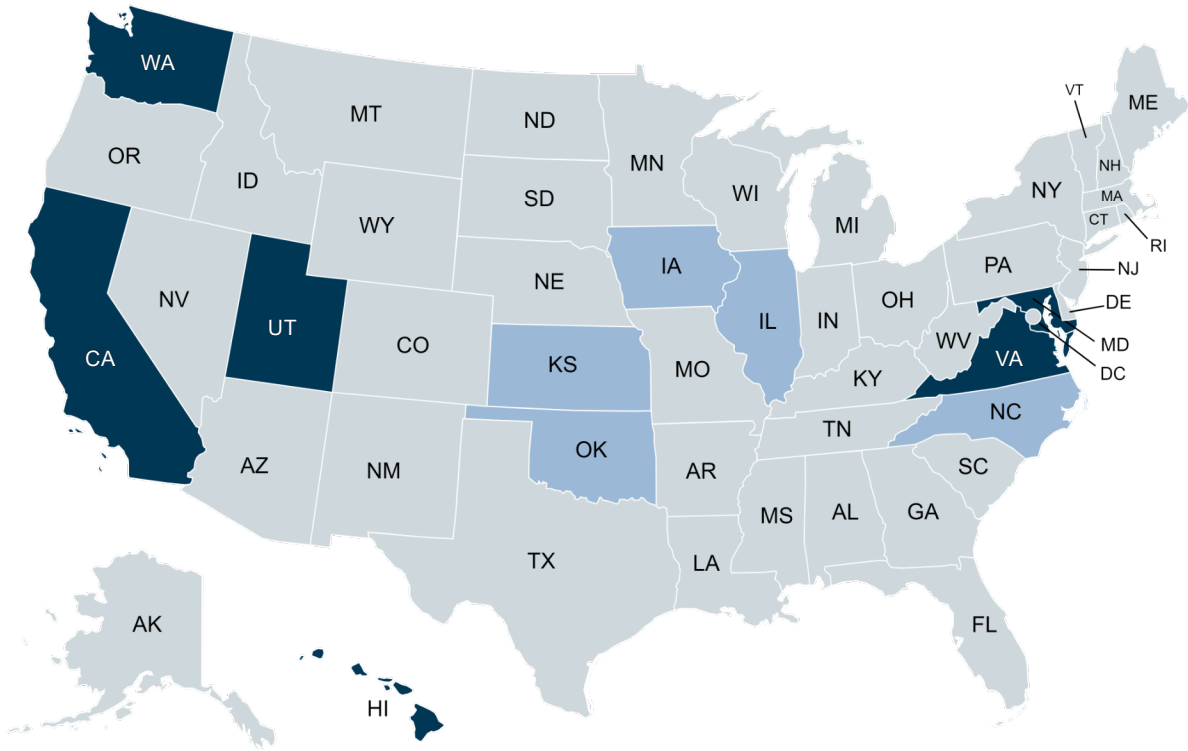
- Full Credit
- ◐ Partial Credit
- No Credit





# Due Process

● Full Credit   ● Partial Credit   ● No Credit



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## Due Process Protections at Point of Entry for Kids

Protecting the due process rights of children during custodial interrogations has been the strongest trend in the states that we have tracked since the inception of this report. While only 3 states received credit for this category in the first edition of our report, that number doubled by the next report's publication in 2022, and in 2023, another state joined the list. While no states passed legislation to garner additional credit in this year's report, at least 15 states considered legislation to strengthen the rights of children when they are questioned by law enforcement. States without protections should look to Maryland as a model for how best to protect children at the point of entry into the justice system.

# File Legislation To Fix This

## *Consultation with Legal Counsel for Children Under 18*

(a) Prior to a custodial interrogation, and before the waiver of any Miranda rights, a child under 18 years of age shall:

- (1) consult with legal counsel in person, by telephone, or by video conference; and
- (2) have contact with a parent or legal guardian in person, by telephone, or by video conference.

(b) After the consultation with legal counsel and contact with a parent or legal guardian, the child may waive his or her rights and be subject to a custodial interrogation.

(c) The court shall treat, except as allowed under subsection (d), any statements of a child 17 years of age or younger made during or after a custodial interrogation that does not comply with subsection (a) as inadmissible.

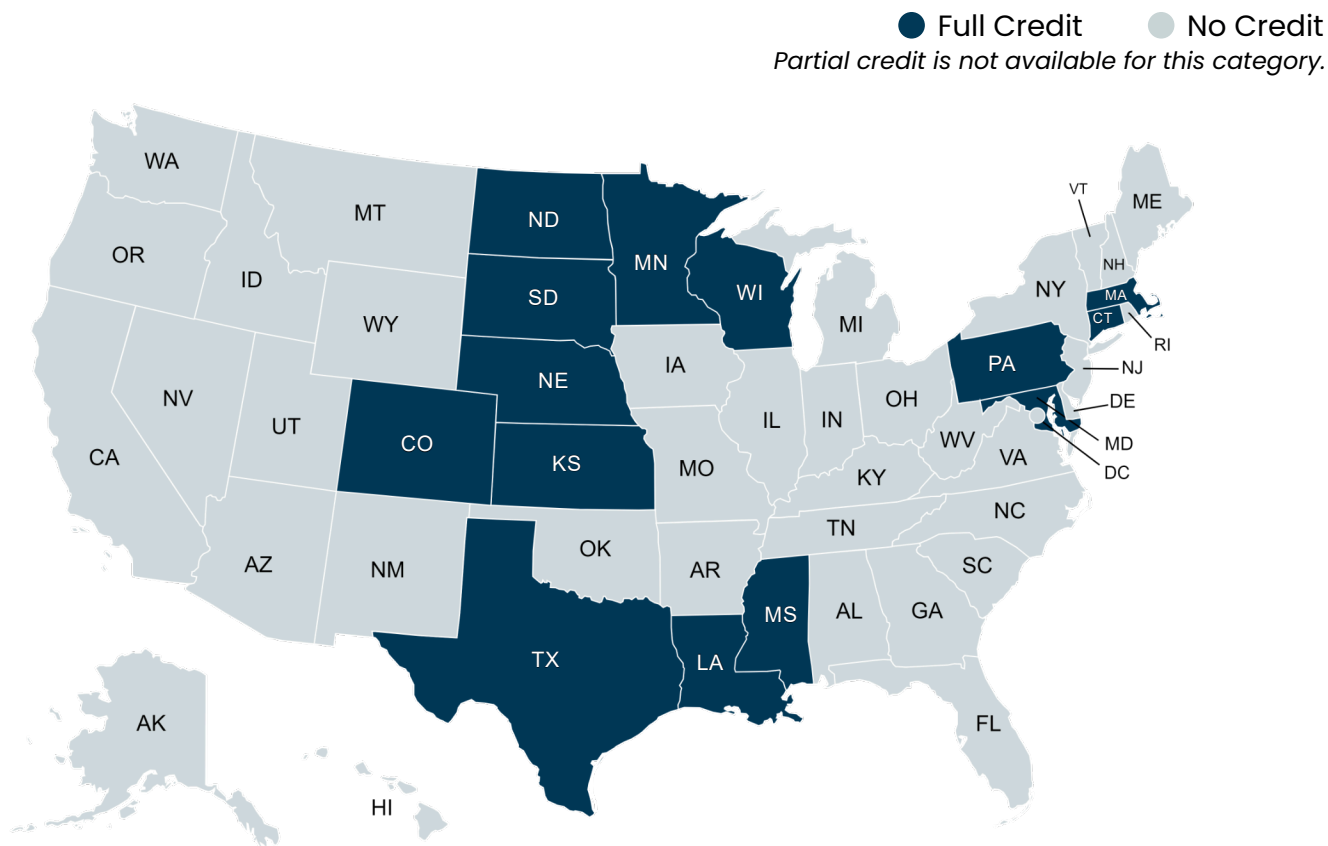
(d) This section does not apply to the admissibility of statements of a child 17 years of age or younger if both of the following criteria are met:

- (1) The officer who questioned the youth reasonably believed the information he or she sought was necessary to protect life or property from an imminent threat; and
- (2) The officer's questions were limited to those questions that were reasonably necessary to obtain that information.



10+

# Minimum Court Age



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## Set a Minimum Age of at Least 10 for Juvenile Court

One of the central pillars of human rights for children in the justice system is the establishment of a minimum age of criminal culpability in juvenile court. While international human rights standards encourage states to set the age at 14, our continued review of state laws found that only a minority of states set a minimum age of at least 10, with Massachusetts being the only state to set a minimum age of 12 with no exceptions. This category has seen progress, however, with several new states gaining credit since our initial report. In 2024, minimum age legislation was introduced in at least 6 states, including Idaho and Oklahoma, but no new states receive credit for this category. The Virginia General Assembly passed legislation in 2024 to set a minimum age of 11, but unfortunately, that important protection was vetoed by the Governor.

While states are encouraged to follow the example of Massachusetts in this category, they can also look to policies adopted in Louisiana and Texas which set the minimum age of responsibility at 10 without exceptions. Maryland also offers a workable alternative with a minimum age set between 10 and 13 depending on the offense. Minimum age laws are a basic human rights protection and are essential to ending the school to prison pipeline. Unfortunately, 36 states and the District of Columbia fail to meet this standard.



# File Legislation To Fix This

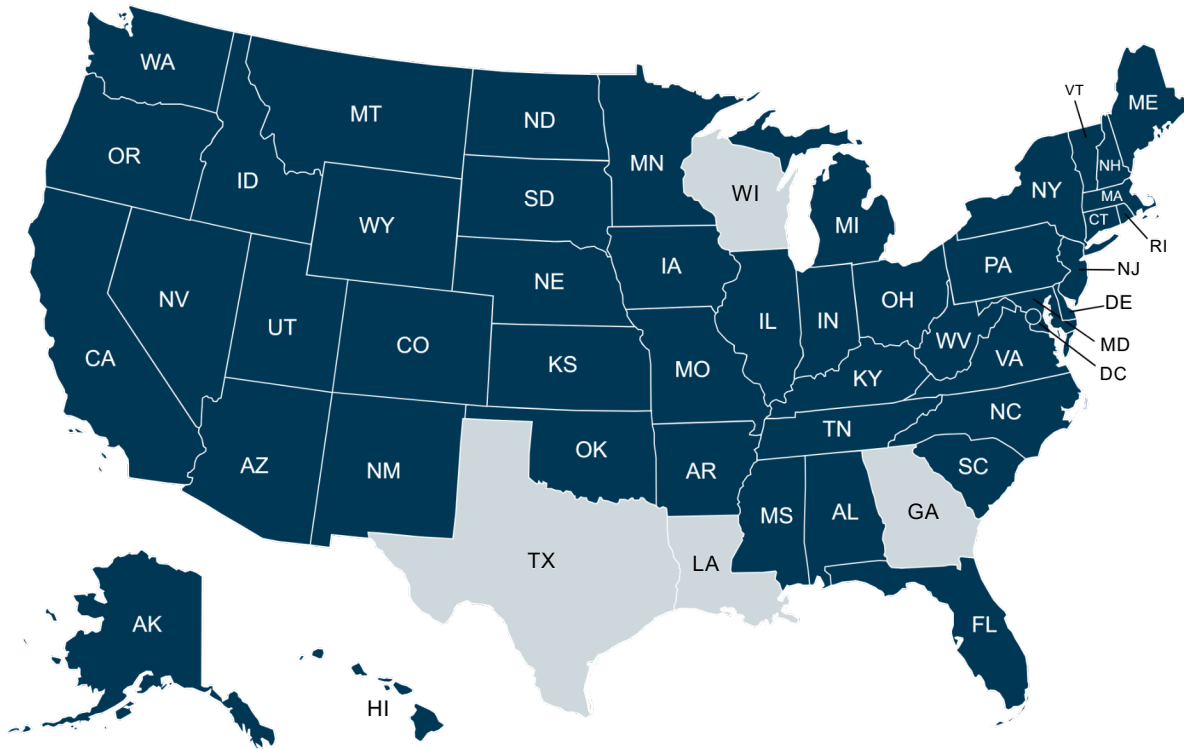
## *Juvenile Court Jurisdiction; Minimum Age*

The juvenile court shall have jurisdiction of any child who has committed an act which would constitute a misdemeanor or felony offense or other violation of law in this state and who was at least [twelve] years of age or older at the time the act was committed. All cases involving children less than [twelve] years of age shall be referred to family court or the proper child welfare agency for treatment and services in accordance with [cite state's child in need of supervision statute].



# Maximum Court Age

● Full Credit   ● Partial Credit   ● No Credit



Created with mapcarta.com

## Set a Maximum Age of at Least 17 for Juvenile Court

International human rights standards call for “every person under the age of 18 years at the time of the alleged commission of an offense” to be “treated in accordance with the rules of juvenile justice, in a specific and specialized system, different from the criminal one applicable to adults.” This category is best viewed as the second pillar of human rights protections for children, complementing the second category which requires the establishment of a minimum age of criminal culpability.

Since our last report, the State of Louisiana, in a disappointing turn, chose to reverse course and exclude 17-year-olds from juvenile court jurisdiction, causing them to lose credit in this category. Only three other states, Georgia, Wisconsin, and Texas, exclude 17-year-olds, making these four states extreme outliers in this basic protection for children.

# File Legislation To Fix This

## *Juvenile Court Jurisdiction; Maximum Age*

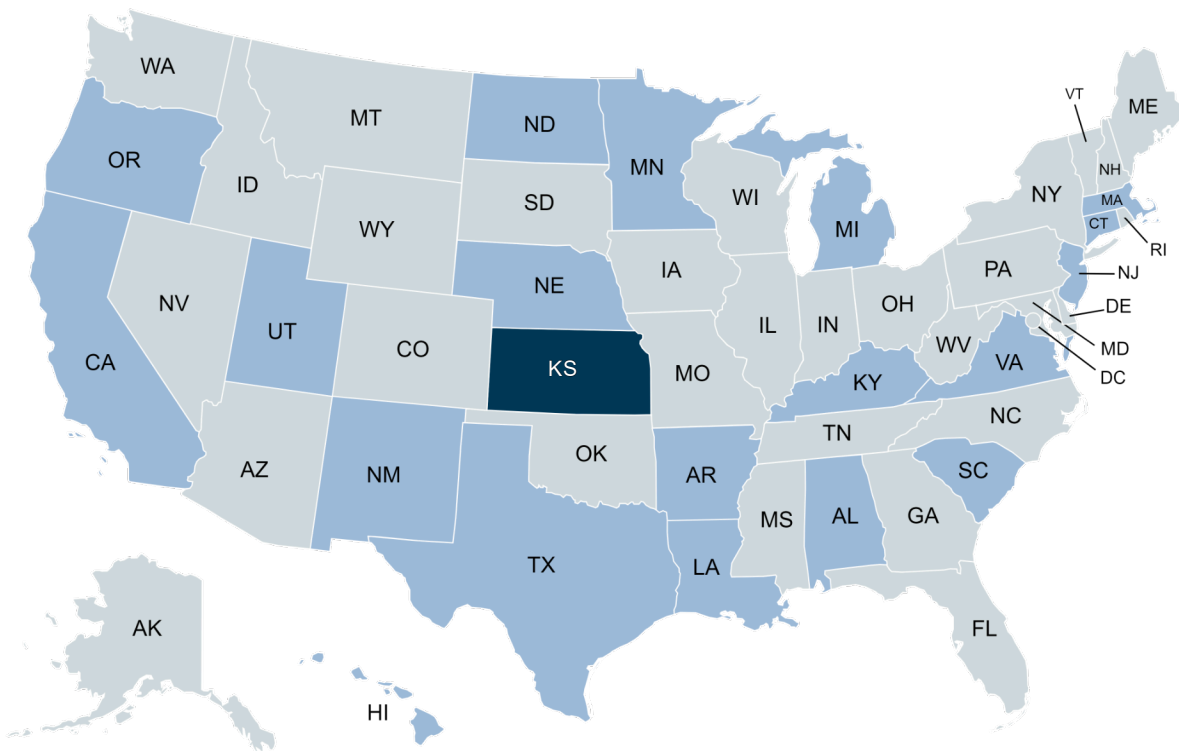
(a) The juvenile court shall have jurisdiction of any child who has committed an act which would constitute a misdemeanor or felony offense or other violation of law in this state until he or she reaches [eighteen or twenty-one] years of age.





# Adult Courts

● Full Credit   ● Partial Credit   ● No Credit



## Ban Prosecuting Kids Under 14 as Adults AND Require a Child Status Hearings for All Kids 14+ Before Proceedings in Adult Court

In a clear violation of the Convention on the Rights of the Child and the United States’ treaty obligations under the ICCPR, every state and the District of Columbia permit children to be prosecuted in the adult criminal justice system under certain circumstances. This violation is the primary reason for why over 32,000 people are currently incarcerated in U.S. prisons for crimes they committed as children. To begin to respond to this human rights crisis, it is critical for the U.S. to establish a minimum age below which children cannot be prosecuted as if they were adults.

To accomplish this aim and to be as consistent with human rights norms as possible, we ask that states ban the prosecuting of children under 14 in the adult criminal justice system. To earn full credit, states must also require a child status hearing for all children before proceeding in adult court. Unfortunately, in our review of legislation in 2024, we found the most regression in this category, with several states choosing to expand the list of crimes for which young children can be treated as if they were adults.

Kansas continues to be the only state to receive full credit for this category. Nineteen other states receive partial credit for prohibiting children under 14 from being prosecuted as adults.

# File Legislation To Fix This

## *Prohibition on Adult Transfer for Children Under Fourteen; Required Transfer Hearing*

(a) The state shall not file a motion in juvenile court to transfer a case to adult criminal court or file charges in adult criminal court where the case involves a child who was less than [fourteen] years of age at the time of the offense. The juvenile court shall have exclusive jurisdiction over cases involving children less than [fourteen] years of age.

(b) Before a juvenile court waives jurisdiction of a child or an adult criminal court permits adult criminal proceedings of a child who was [fourteen] years of age or older at the time of the offense, the court shall hold a full investigation and child status hearing where the court finds that:

- (1) There is no evidence the child is committable to an institution for individuals with intellectual disabilities or the mentally ill;
- (2) The child is not treatable in any available institution or facility within the State designed for the care and treatment of children; or
- (3) The safety of the community requires that the child be subject to state custody for a period extending beyond the child's eighteenth birthday.

(c) The court may waive jurisdiction or permit proceedings in adult criminal court involving a child described in subsection (b) to move forward if, after a full investigation and hearing, the court finds that:

- (1) The child is alleged to have committed an act that would constitute a felony if committed by an adult and either:
  - (A) The act resulted in serious bodily injury or death to a victim; or
  - (B) The act would constitute a [class A felony] if committed by an adult; and
- (2) The child cannot be successfully treated and rehabilitated before his or her eighteenth birthday and the safety of the community requires proceedings to continue against the child in adult criminal court.



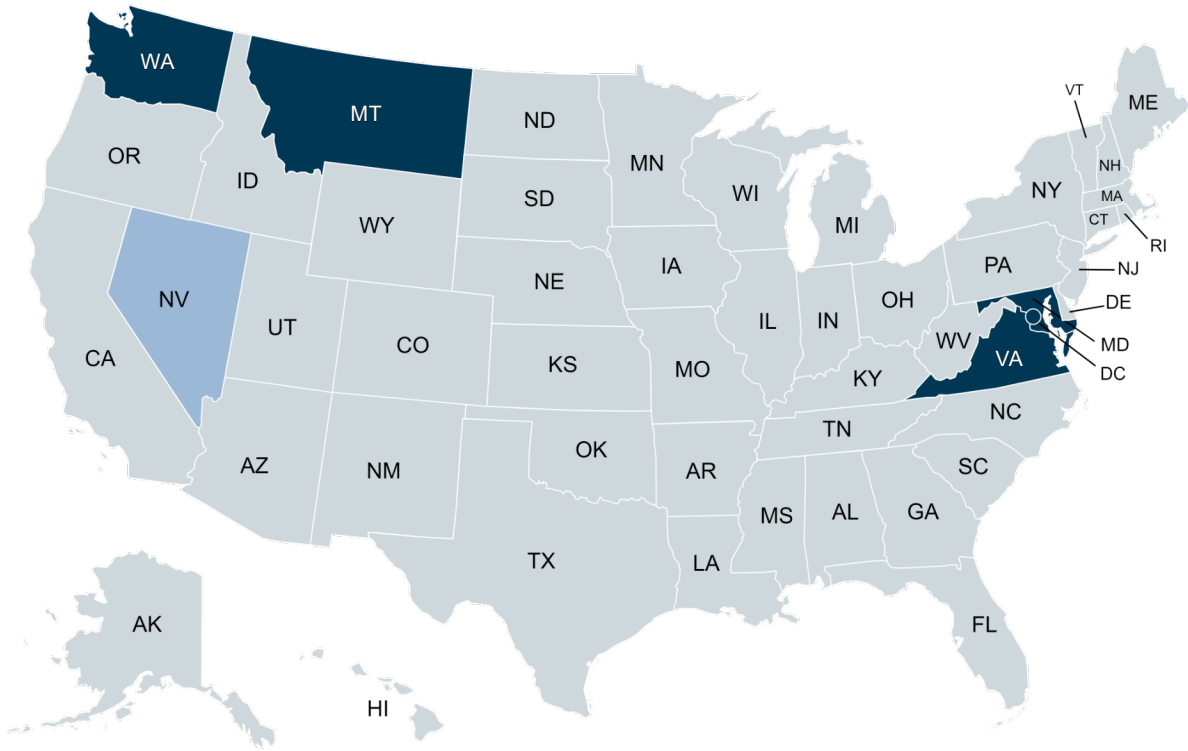
(d) The factors to be considered in deciding whether criminal proceedings against a child should proceed under subsection (b) or (c) include:

- (1) The seriousness of the alleged offense;
- (2) Whether and to what extent an adult was involved in the offense;
- (3) The age and maturity of the child as determined by consideration of the child's home, environmental situation, history of trauma and adverse childhood experiences, emotional attitude, and pattern of living;
- (4) The record and previous history of the minor, including previous contacts with the family court, law enforcement agencies, courts in other jurisdictions, or prior commitments to juvenile institutions;
- (5) The prospects for adequate protection of the public and the likelihood of reasonable rehabilitation of the minor (if the minor is found to have committed the alleged offense) by the use of procedures, services, and facilities in the juvenile court system;
- (6) Whether the best interests of the child are better served in the juvenile court system relative to the adult system; and
- (7) All other relevant factors.



# Mandatory Minimum Sentences

● Full Credit   ● Partial Credit   ● No Credit



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## Ban Mandatory Minimum Sentences for Kids

Because every state allows children to be prosecuted as if they were adults, it is vital for judges or juries to be given the power to sentence children differently than they would adult offenders. Considering children’s diminished culpability relative to adults and increased prospects for treatment and rehabilitation, states must allow sentencers to depart from any otherwise applicable mandatory minimum sentence after a child has been convicted in adult court.

This category has seen promising progress since our initial report, with several states gaining new credit in 2022. Unfortunately, no new states have received new credit since that time, and we only tracked one state, New York, that introduced legislation on this topic in 2024. The case remains that most of the country has not enacted such policies, even though mandatory minimum sentences for children violate human rights standards. States should continue to look to the Commonwealth of Virginia for model provisions on how children should be sentenced if they are convicted in adult court.

# File Legislation To Fix This

## *Sentencing Children Convicted in Adult Criminal Court*

(a) If a child is convicted as an adult for an offense that the child committed when he or she was less than 18 years of age, in addition to any other factors that the court is required to consider before imposing a sentence, the court shall consider:

- (1) the child's exposure to adverse childhood experiences, early childhood trauma, and involvement in the child welfare system; and
- (2) the differences between child and adult offenders, including, without limitation, the diminished culpability of children as compared to that of adults and the typical characteristics of youth.

(b) Notwithstanding any other provision of law, after considering the factors set forth in subsection (a), the court may, in its discretion, reduce any mandatory minimum or maximum period of incarceration, or both, that the child is required to serve if the court determines that such a reduction is warranted given the child's age, mitigating circumstances, and the child's prospects for rehabilitation.

(c) Prior to the imposition of any sentence on a child who was less than 18 years of age at the time of the offense, the court may, after consideration of the factors in subsection (a), depart from any mandatory sentencing enhancement that the court would otherwise be required to impose.

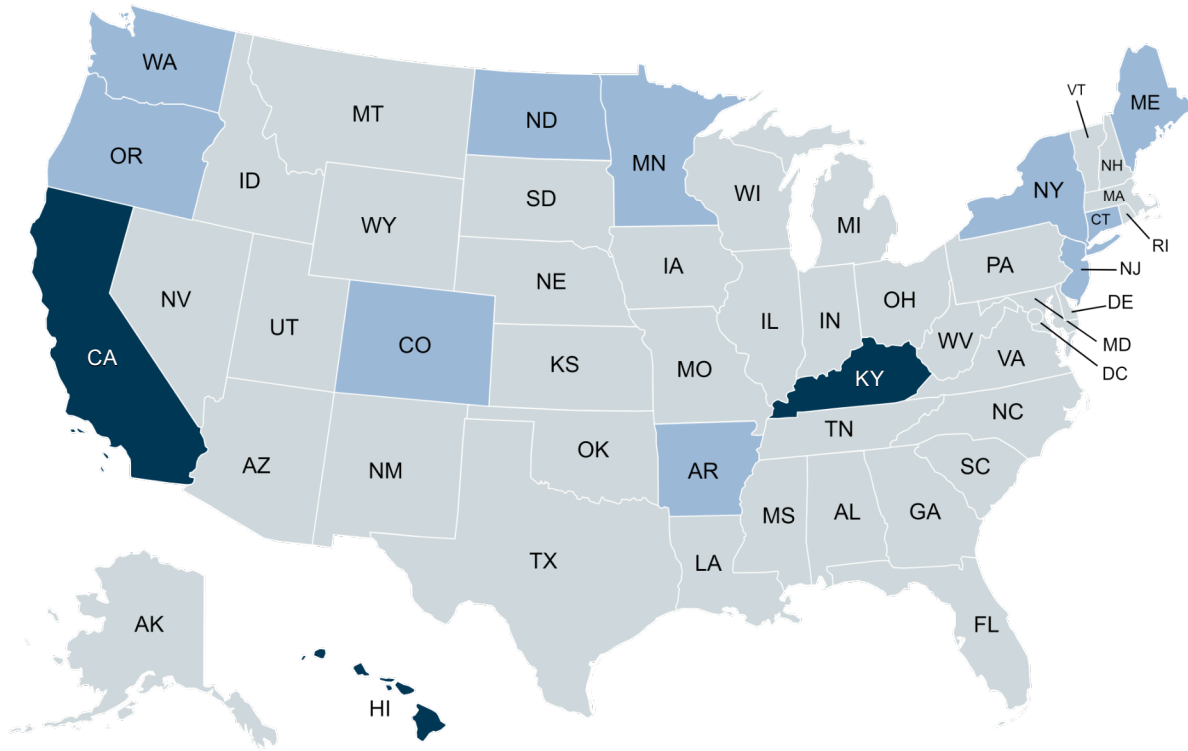
(d) This section shall be construed as prioritizing the successful treatment, rehabilitation, and eventual reintegration of children who commit serious offenses and are prosecuted in the adult criminal justice system over incapacitation or retribution.





# Felony-Murder Rule

● Full Credit   ● Partial Credit   ● No Credit



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## Ban Felony-Murder Rule for Kids

The brain science tells us that often times, children fail to appreciate the unintended consequences of their actions. Nowhere is this more apparent than in felony murder cases where children can be criminally convicted of murder even though they did not kill or intend to kill anyone during the commission of a felony offense. To be consistent with human rights standards in treating children differently than adults and promoting their rehabilitation, states must ban the application of the felony murder doctrine to children who do not have the actual intent to kill another person.

California, Hawaii, and Kentucky are the only states that received full credit for banning the application of the felony murder doctrine to children. While some states receive partial credit for creating an affirmative defense to felony murder, they do not receive full credit because their statutes had exceptions that could still lead to criminal liability for a child who did not kill or intend to kill during the course of a felony offense.



# File Legislation To Fix This

## *Eliminating the Felony-Murder Rule for Children*

(a) A participant who was under the age of 18 at the time of the perpetration or attempted perpetration of a crime listed in [cite state felony murder statute] in which a death occurs is liable for murder only if one of the following is proven:

- (1) The minor child was the actual killer; or
- (2) The minor child was not the actual killer, but, with the intent to kill, aided, abetted, counseled, commanded, induced, solicited, requested, or assisted the actual killer in the commission of the unlawful killing of another human being.

(b) A minor who is not liable for murder under subsection (a) shall be sentenced in accordance with the crime he or she committed or attempted to commit.

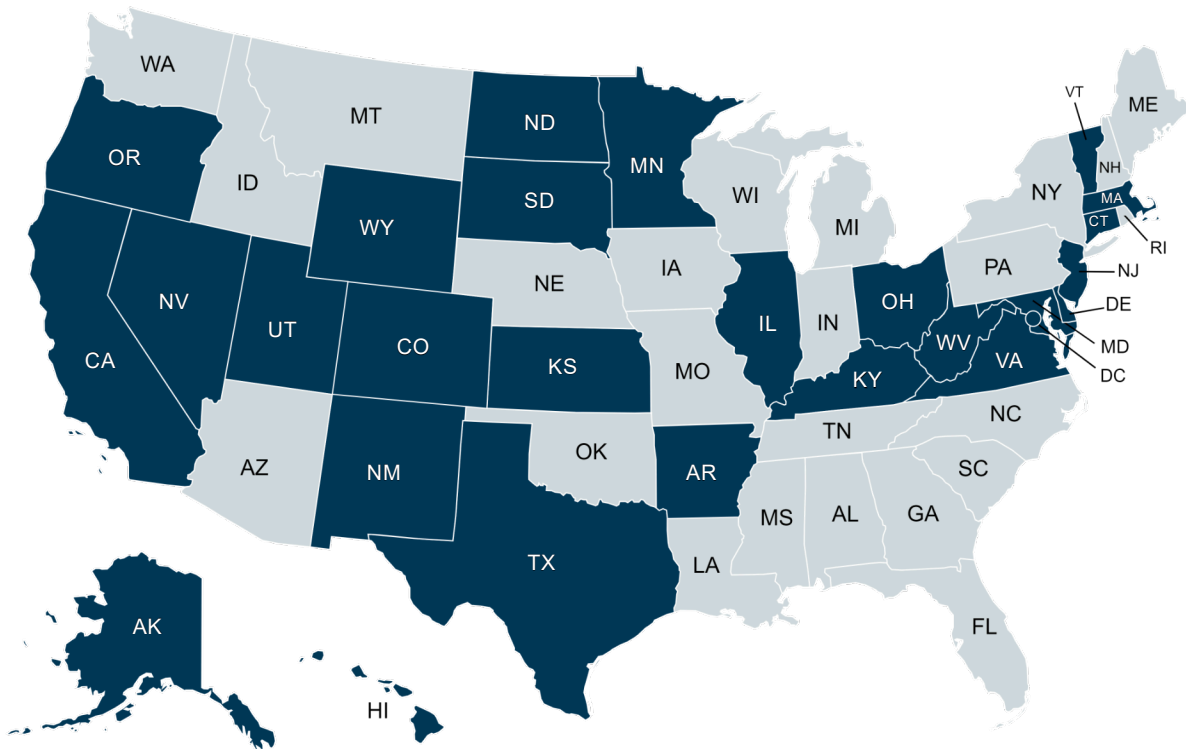




# Life Without Parole

● Full Credit    ● No Credit

*Partial credit is not available for this category.*



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## Ban Life Without Parole Sentences for Kids

The use of life without parole sentences on children has been deemed cruel, degrading, and inhumane punishment by international human rights standards. Inflicting such a sentence on a child casts them as irredeemable and unworthy of ever living in free society again. What we know, however, is that children have a unique ability to grow and change due to their underdeveloped brains, and that science must be reflected in our state laws by outlawing the use of life without parole sentences on children.

States must ban life without parole altogether – with no exceptions – in order to receive full credit. Today, 26 states and the District of Columbia have enacted statutes banning the practice of sentencing children to die in prison. States that have active parole systems should look to Utah or Nevada for model language on banning juvenile life without parole. States without parole systems can look to North Dakota or the District of Columbia for model language. In 2024, no new states enacted bans on life without parole sentences for children, but at least 3 states considered such legislation.



## **File Legislation To Fix This**

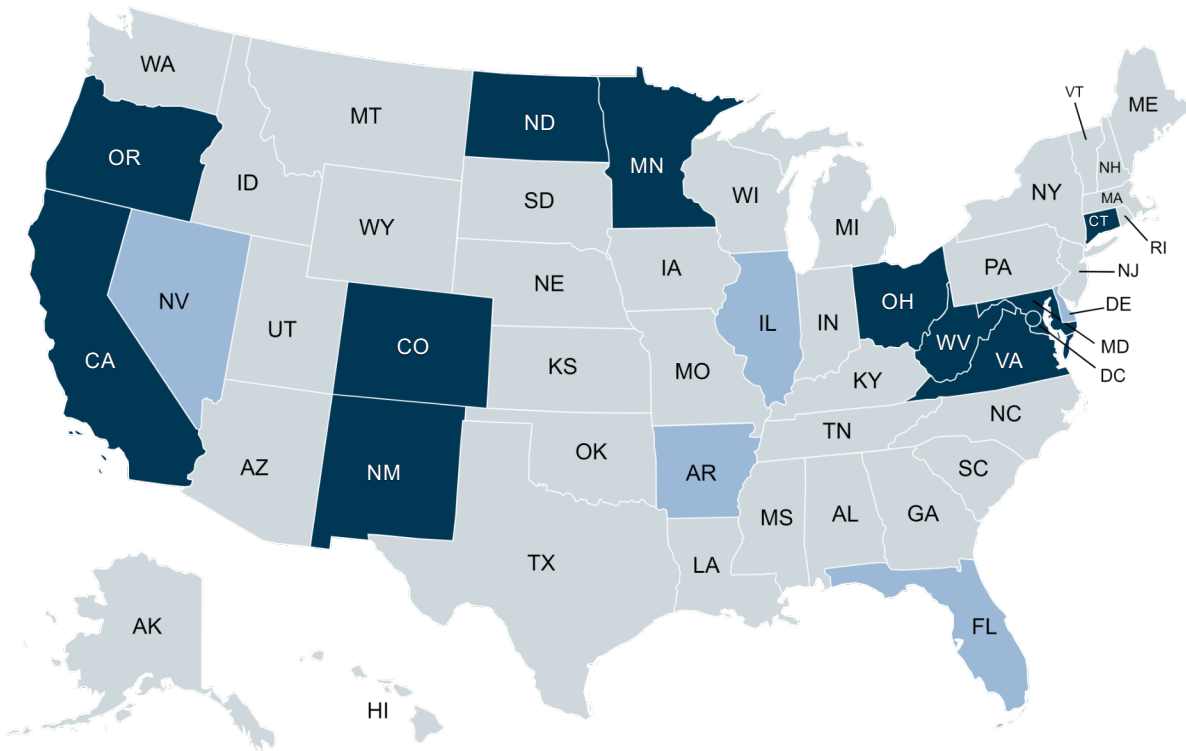
*Prohibit Death and Life Without the Possibility of Parole for Child Offenders*

A sentence of death or life imprisonment without the possibility of release or parole shall not be imposed on any person who at the time of the commission of the crime was less than 18 years of age. As to such a person, the maximum punishment that may be imposed is life imprisonment with the possibility of release or parole.



# Release Safety Valve

● Full Credit   ● Partial Credit   ● No Credit



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## Release Safety Valve for Kids Serving Lengthy Prison Sentences

To ensure that the banning of life without parole sentences on children is not an empty promise, states must also ensure that children cannot receive “de facto” life without parole sentences through the use of stacked or consecutive sentences and/or sentencing enhancements. To come into full compliance with Articles 25 and 37 of the Convention on the Rights of the Child, therefore, states must enact policies that require periodic sentencing review for all child offenders given lengthy prison sentences. Referred to as a “release safety valve,” 15 states and the District of Columbia receive full or partial credit for this category. At least 5 states considered legislation on this topic in 2024, but none of those bills were enacted. West Virginia and the District of Columbia continue to have what we consider to be “model” laws utilizing parole and judicial review, respectively, which other states should look to when considering reforms under this category.

# File Legislation To Fix This

## *Child Sentencing Review*

(a) Unless subject to earlier parole eligibility, a prisoner who was a child at the time of the offense or multiple offenses and was tried and sentenced as an adult, is eligible for parole no later than his or her [fifteenth year] of incarceration. The Parole Board shall ensure that the hearing to consider parole under this subsection provides a meaningful opportunity to obtain release based on demonstrated maturity and rehabilitation.

(b) During a parole hearing involving a prisoner who was convicted and sentenced as a child, the Parole Board shall take into consideration the diminished culpability of children as compared to that of adults, the hallmark features of youth, and any subsequent growth and increased maturity of the prisoner during incarceration. The board shall also consider the following:

- (1) A review of educational and court documents;
- (2) Participation in available rehabilitative and educational programs while in prison;
- (3) Age at the time of the offense;
- (4) Immaturity at the time of the offense;
- (5) Home and community environment at the time of the offense;
- (6) Efforts made toward rehabilitation;
- (7) Evidence of remorse; and
- (8) Any other factors or circumstances the board considers relevant.



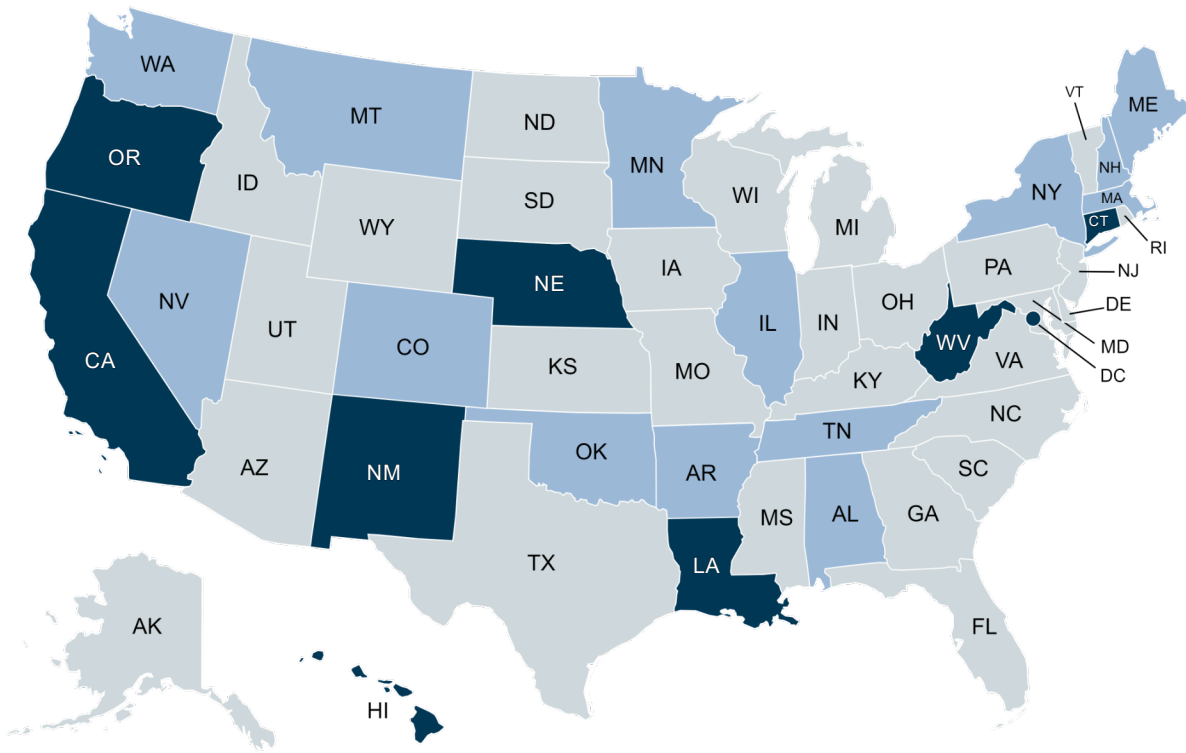
“Reforming the juvenile sentencing process is overdue in the U.S. For too long, we’ve thrown young people into the justice system with an inadequate understanding of why crimes occur and what can be done to appropriately address them.”

- Congressman Bruce Westerman (R-AR)



# Solitary Confinement

● Full Credit ● Partial Credit ● No Credit



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## Ban Solitary Confinement for Kids

Placing children in solitary confinement of any kind is strictly prohibited as a form of cruel and inhumane treatment under international human rights standards. Sadly, only 8 states and the District of Columbia received full credit for banning solitary confinement for children. While some states receive partial credit for their statutes protecting children in the juvenile facilities, children in adult prisons remain vulnerable to this human rights abuse. Protecting children in adult facilities is a crucial part of this protection, as children held in adult prisons are often at greater risk for being subject to solitary confinement. States that only received partial credit should enact legislation expanding such protections to children held in adult prisons, or, better yet, ban children from being incarcerated in adult prisons altogether.

California and West Virginia have the best laws in the country as they ban solitary confinement for children in juvenile facilities and prohibit kids from being incarcerated in adult prisons. In last year’s report, three states received new partial credit. In 2024, at least two states, Maryland and Pennsylvania, considered new laws to protect children from this harmful practice.

# **File Legislation To Fix This**

## *Prohibition on Solitary Confinement for Children*

(a) The use of solitary or room confinement on children for discipline, punishment, retaliation, or any reason other than as a temporary response to a child's behavior that poses a serious and immediate risk of physical harm to any individual, including the child, is prohibited.

(b) Before a staff member of a facility places a child in solitary or room confinement, the staff member shall attempt to use less restrictive techniques, including:

- (1) talking with the child in an attempt to de-escalate the situation; and
- (2) permitting a qualified mental health professional to talk to the child.

(c) If, after attempting to use less restrictive techniques as required under subsection (b), a staff member of a facility decides to place a child in temporary room confinement, the staff member shall:

- (1) explain to the child the reasons for the room confinement; and
- (2) inform the child that release from room confinement will occur immediately when the child regains self-control or not later than after the expiration of the time period described in subsection (d).

(d) If a child is placed in temporary room confinement because the child poses a serious and immediate risk of physical harm to himself or herself, or to others, the child shall be released:

- (1) immediately when the child has sufficiently gained control so as to no longer engage in behavior that threatens serious and immediate risk of physical harm to himself or herself, or to others; or
- (2) if a child does not sufficiently gain control as described in subsection (d) (1), not later than 3 hours after being placed in room confinement, in the case of a child who poses a serious and immediate risk of physical harm to others; or 30 minutes after being placed in room confinement, in the case of a child who poses a serious and immediate risk of physical harm only to himself or herself.

(e) If, after the applicable maximum period of confinement has expired, a child continues to pose a serious and immediate risk of physical harm the child shall be transferred to another juvenile facility or internal location where services can be provided to the child without relying on room confinement.

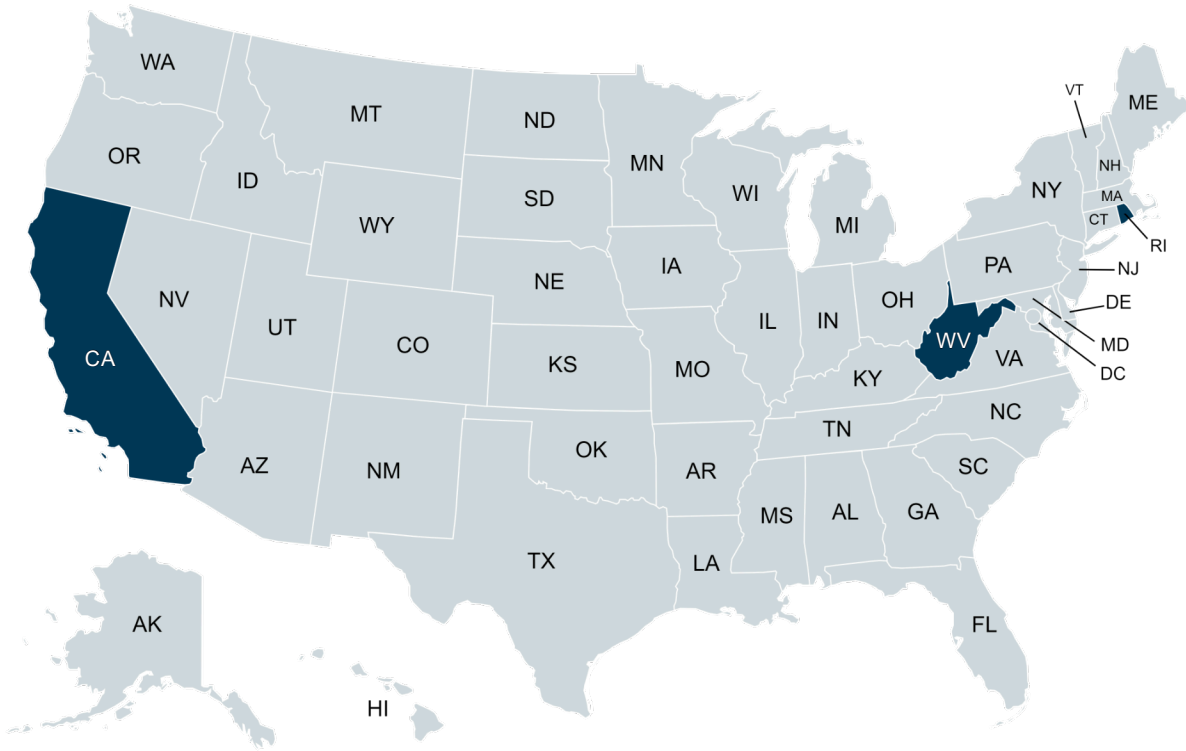
(f) During a period of room confinement staff shall periodically check on the child at least once every 15 minutes.





# Incarceration

● Full Credit    ● No Credit  
*Partial credit is not available for this category.*



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## Ban Incarcerating Kids with Adults

Detaining or incarcerating children in adult jails, lock-ups, or prisons is a very clear violation of human rights standards under both the Convention on the Rights of the Child and the International Covenant on Civil and Political Rights. Such treatment of children increases their risk of physical and sexual violence and limits the education and rehabilitative programming that would otherwise be available to them. Additionally, children held in adult facilities are often subject to conditions of solitary confinement or room seclusion which is also a violation of human rights standards. This category is the greatest human rights failure of any we track. While many states strictly regulate sight and sound restrictions between children and adults in detention facilities, only 3 states prohibit detaining or incarcerating children under any circumstances in adult facilities. California, Rhode Island, and West Virginia remain the only states in compliance with this category, as no new states receive credit for this category in 2024.



# **File Legislation To Fix This**

## *Prohibition on Children Being Incarcerated in Adult Correctional Facilities*

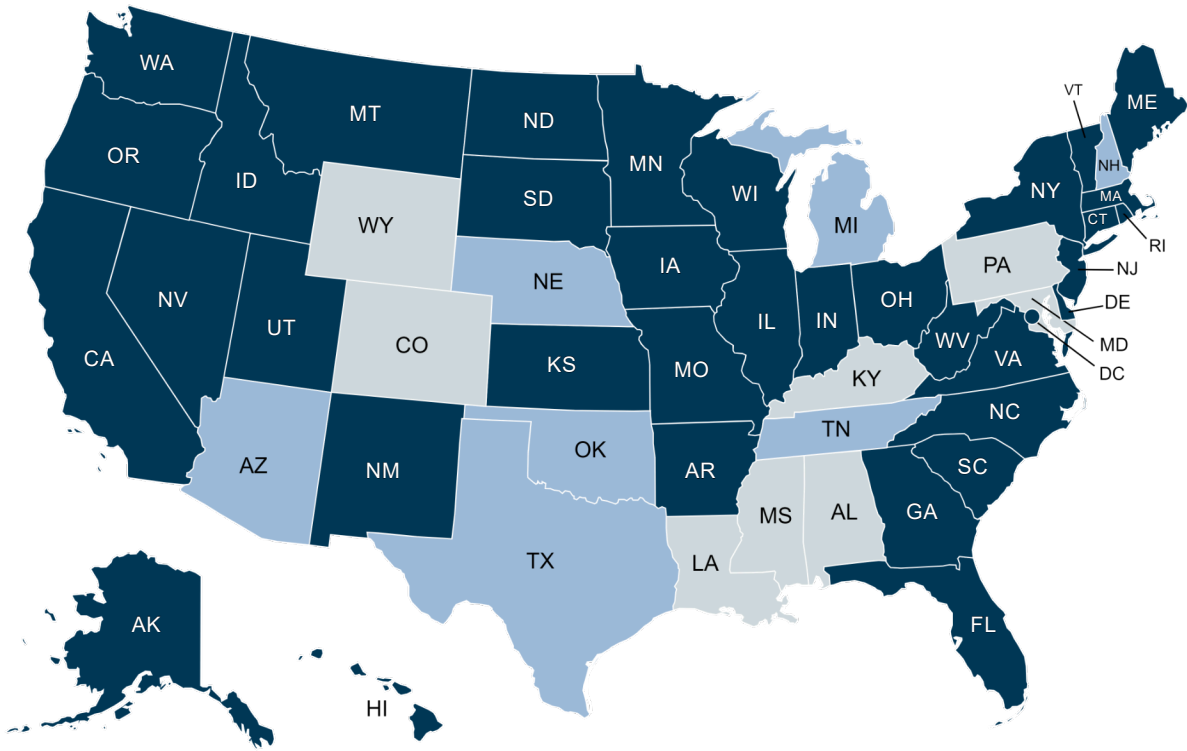
No child under eighteen (18) years of age shall be detained, placed, or incarcerated in any jail, prison, or other place of detention where adults are detained, placed, or incarcerated. This section applies to all children in the custody of the Department of Corrections, including children who are subject to the jurisdiction of adult criminal court.





# Post-Release Supervision

● Full Credit   ● Partial Credit   ● No Credit



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## Ban Mandatory Post-Release Lifetime Supervision

Promoting reintegration and the assumption of a constructive role in society for formerly incarcerated children means they must have the ability to discharge their full sentence, including any period of post-release supervision. In General Comment 24, the CRC stated that promoting reintegration requires a child in conflict with the law to be “protected from actions or attitudes that hamper the child’s full participation in his/her community, such as stigmatization, social isolation, or negative publicity.”

In many states, post-release supervision is considered a part of an offender’s sentence. For formerly incarcerated children serving lengthy prison sentences this could mean lifetime supervision that hinders his or her ability to move on with their life, exercise their full rights of citizenship, or assume a constructive role in society. Therefore, states should enact laws that allow the supervising authority to discharge a formerly incarcerated youth from supervision at a reasonable point after release. All but 9 states received full or partial credit for this category, with Alaska having one of the best laws in the nation. No new states received credit for this category in 2024.

# File Legislation To Fix This

## *Discharge from Parole or State Supervision*

The Parole Board may discharge a person from parole if the person:

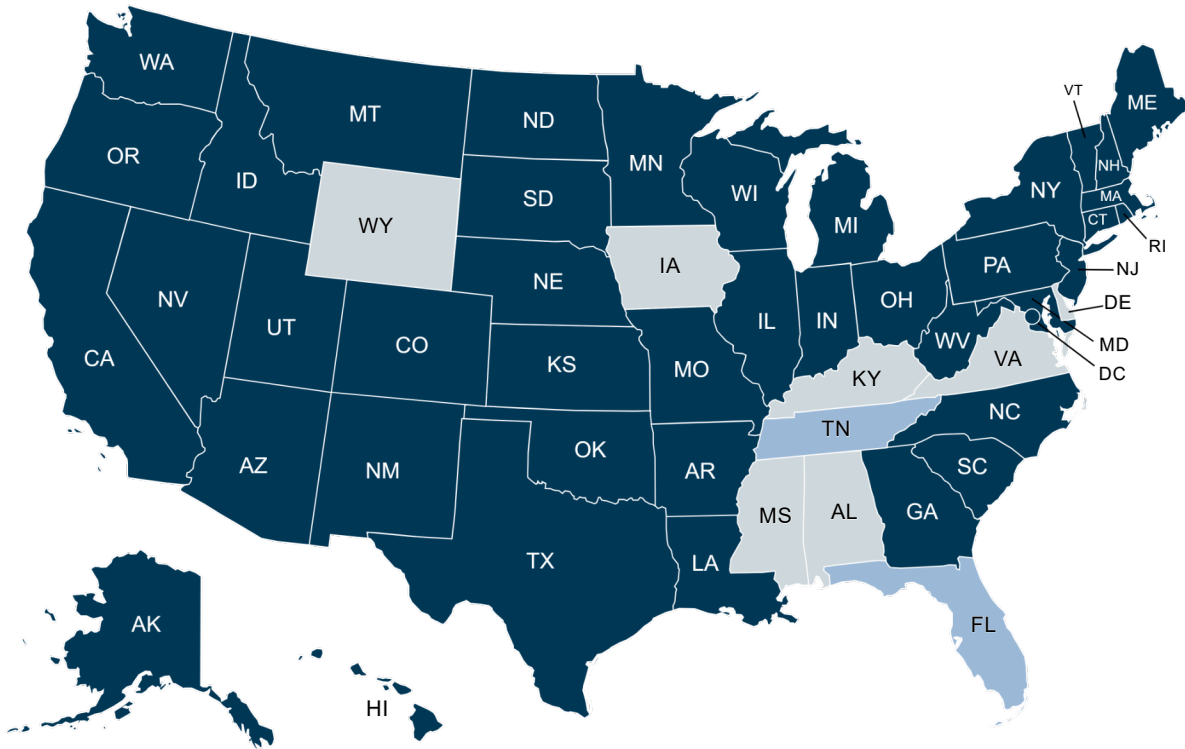
- (1) Was released on parole for having committed an offense as a minor; and
- (2) Has served five (5) years on parole without a violation.





# Voting Rights

● Full Credit   ● Partial Credit   ● No Credit



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## Restore Voting Rights

The full social reintegration of formerly incarcerated children is the chief human rights principle behind many of the protections found in the Convention on the Rights of the Child. However, a person cannot achieve full social reintegration if they are denied the rights and privileges afforded to their fellow citizens. No right is more important to active citizenship than the right of suffrage. Therefore, states must create a pathway for formerly incarcerated children to have their voting rights restored upon release. Many states require the completion of the entire sentence, including post-release supervision, before one's voting rights can be restored. States with such requirements must also create a mechanism that allows formerly incarcerated children to be discharged from state supervision in order to earn credit for this category.

The overwhelming majority of states – 41 and the District of Columbia – have statutes in place creating a pathway for all formerly incarcerated children to register to vote. While Tennessee and Florida received partial credit, Virginia, Kentucky, Delaware, Iowa, Wyoming, Mississippi, and Alabama continue to receive no credit. These states can look to Vermont where voting rights are never taken away or Nevada where formerly incarcerated youth are permitted to vote once they've been released from prison, for model language to receive credit for this category. In 2024, at least 7 states considered legislation to restore or expand the voting rights of people who have been incarcerated.

# File Legislation To Fix This

## *Restoration of Voting Rights*

A person who was a child at the time of the commission of an offense shall have his or her constitutional right to vote and other rights to civic participation restored after he or she has been released from prison.



*Advocates meet with Congressman Bruce Westerman in his office on Capitol Hill.*



*Longtime HRFK partner Laura Nicks, who was incarcerated and given a life without parole sentence as a child, registers to vote for the first time in Arkansas after the passage of voting rights restoration legislation.*

# Endnotes

<sup>1</sup> Human Rights for Kids. (2023). “Crimes Against Humanity: The Mass Incarceration of Children in the United States.” <https://humanrightsforkids.org/publication/crimes-against-humanity-the-mass-incarceration-of-children-in-the-united-states>.

<sup>2</sup> Center for State Governments. (2024). “Navigating Concerns on Youth Crime, Violence, and Behavioral Health: What Policymakers and System Leaders Should Know.” <https://projects.csgjusticecenter.org/jj-50-state/what-policymakers-and-system-leaders-should-know/>

<sup>3</sup> Id.

<sup>4</sup> Richard Mendel, The Sentencing Project. (2023). “Why Youth Incarceration Fails: An Updated Review of the Evidence.” <https://www.sentencingproject.org/reports/why-youth-incarceration-fails-an-updated-review-of-the-evidence/>

<sup>5</sup> Human Rights for Kids. (2024). “Unheard: The Epidemic of Severe Childhood Trauma Among Girls Tried as Adults.” <https://humanrightsforkids.org/publication/unheard-the-epidemic-of-severe-childhood-trauma-among-girls-tried-as-adults>.



*One of the most egregious human rights violations in the world today is the victimization and exploitation of children. Far too often, abused and neglected children...go unnoticed in their communities, but the trauma of their experiences nevertheless continue to metastasize over time. Because many of these children are not identified, they are never given the opportunity to heal from the pain and trauma they've experienced. This leads to negative life outcomes as these children age, including their involvement in the criminal justice system, which was not built to effectively treat or care for youth with severe childhood trauma. Instead of caring for these child victims, we subject them to harsh punishment, continued victimization, and compounded trauma.*

Unheard: The Epidemic of Severe  
Childhood Trauma Among  
Girls Tried As Adults,  
Human Rights for Kids, 2024<sup>5</sup>







If we care about **vulnerable children**  
who have been **victims of abuse and neglect**,  
we have to care about and change the way we treat  
**children in our criminal justice system.**  
**They are the same children.**

**Human Rights for Kids**

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