



Office of Juvenile Justice
and Delinquency Prevention
Working for Youth Justice and Safety

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Age Boundaries of the Juvenile Justice System

Literature Review: A product of the Model Programs Guide

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The juvenile justice system has evolved through four periods since the juvenile courts' creation more than a century ago: the Progressive Era (1899–1960s), the Due-Process Era (1960s and 1970s), the Get-Tough-on-Crime Era (1980s and 1990s), and the contemporary reaffirmation of the Kids-Are-Different Era (2005 to the present) [Luna, 2017; National Research Council, 2013]. The juvenile justice system evolved to hold youths who offend accountable for their actions with the goal of rehabilitating them rather than punishing them with sanctions in the adult criminal justice system (Abrams et al., 2020; National Research Council, 2013). The juvenile court was a result of reform efforts in the late 1800s, after the Society for the Reformation of Juvenile Delinquents reported that adult prisons were not capable of properly addressing the needs of young people (Dempsey, 2021). The first juvenile court was established in Chicago, IL, in 1899 as a means to rehabilitate youths younger than age 16 who were “neglected, dependent, and delinquent” (Dempsey, 2021). Before that time, youths who committed offenses and who were older than age 7 were processed and incarcerated in the same system as adults. The juvenile court system was based on the legal principle of *parens patriae* or “state as parent” (Robinson and Kurlychek, 2019:37) and was intended to provide positive social development to youths who may not be receiving such support in their homes or communities.

As the juvenile justice system has continually changed over time, so too have the age boundaries of the juvenile system. Although all states have defined maximum ages (usually 16 or 17) for delinquency or status offenses prosecuted under the jurisdiction of the juvenile

justice system, most states do not have a minimum age for prosecution SBB, 2021a; SBB, 2021b). The age parameters of the juvenile justice system continue to be modified as legislators are informed by emerging research on adolescent development, which shows that the developmental process continues through young adulthood. Several states have increased their maximum ages to better serve those who offend at a young age and to not require that they face the adult justice system (SBB, 2021c).

This literature review discusses the age boundaries of the juvenile justice system. The review provides definitions of juveniles, delinquency, status offenses, and other related terms; gives a summary of the lower and upper age limits in the United States; describes common exceptions based on mitigating circumstances or transfer laws; and presents a national perspective on data trends with respect to age in the juvenile justice system. The review also summarizes research related to adolescent developmental science and highlights how that research has affected raise-the-age legislation and recent Supreme Court decisions regarding protections for youths under age 18. Additionally, the review examines [outcome evidence](#) on the impact of changing the age boundaries for jurisdiction of juveniles who offend, including attempts at diverting them from the adult court and transfer laws between the juvenile court and adult court systems.

Definitions

Overview of Age Boundaries

Research on Adolescent Development

Outcome Evidence

This section provides an overview of research examining the impact of changing the age boundaries for the jurisdiction of the juvenile justice system for youths charged with delinquency offenses, including attempts at diverting juveniles from the adult court, and transfer laws for juveniles between the juvenile court and adult court systems.

There is a small amount of research on the effects of the minimum-age limits for juvenile court processing and the consequences of contact with the justice system. One

study by Malvaso and colleagues (2023) examined youths who come into contact with the juvenile justice system and found that early contact with the juvenile justice system (age 13 and younger) was more harmful than later contact (14 and older) with the system. Specifically, youths who were involved with the juvenile justice system before turning 14 had a higher percentage of in-custody placements and out-of-home care, compared with those who had later contact with the juvenile justice system. Regardless of the early-versus-later timing of juvenile justice system contact, the study found that youths in contact with the justice system experienced social and economic disadvantages, contact with child protective services, and mental health challenges.

Empirical research from states that have raised the age of majority have overall found no impact on juvenile recidivism rates (Loeffler and Grunwald, 2015; Loeffler and Chalfin, 2017). For example, Loeffler and Chalfin (2017) examined Raise-the-Age legislation in Connecticut (discussed under [Impact of Adolescent Development Research on Raise-the-Age Legislation](#)), when the state changed the age of majority from 16 to 17 years old in 2010 and from 17 to 18 years old in 2012 for all but serious offenses. The results showed no statistically significant effect of raising the age on measures of crime and juvenile delinquency. Circo and Scranton (2020) also examined the effect of Connecticut's legislation, specifically looking at the impact on motor vehicle thefts (a crime predominately committed by youth). Their analysis also found no statistically significant effect on rates of motor vehicle theft after the age of jurisdiction was changed. Further, Loeffler and Grunwald (2015) examined the impact on juvenile recidivism after Illinois raised the criminal age of majority in 2010 from 17 to 18 for misdemeanor offenses. Before 2010, 17-year-olds were prosecuted for misdemeanors in the adult system. But ever since the change in policy, they have been processed in the juvenile court. The study by Loeffler and Grunwald (2015) showed the change in the age of majority had no statistically significant effect on juvenile recidivism when youths were processed by the juvenile courts. Overall, the findings from these studies suggest that, although changing the age of majority does not reduce youths' risk of recidivism, it also does not increase their risk of recidivism or risk to public safety.

Some evaluations have been conducted on states' efforts to divert older youth from the adult system using methods besides legislation to change the age of majority. For example, the [Adolescent Diversion Program in New York State](#) (also discussed under [Impact of Adolescent Development Research on Raise-the-Age Legislation](#)) sought to divert eligible 16- and 17-year-olds from formal prosecution in the adult

criminal court to services aiming to provide a rehabilitative, developmentally appropriate response for the behaviors of older adolescents in the juvenile court system. Services could include individual counseling, family mediation, substance use or mental health treatment, educational or vocational programming, or community service. An evaluation of the program by Rempel and colleagues (2013) found similar rates of recidivism for youths who were diverted through the Adolescent Diversion Program and comparison-group youths (who were not diverted), which suggests that diverting older adolescents from the adult system does not increase the risk of recidivism (although the risk of recidivism was not reduced, either).

Similar research has examined the impact of transferring youths to adult court jurisdiction. Overall, the results of most of these studies have shown little to no deterrent effect. For example, Steiner and Wright (2006) investigated the effects of direct-file transfer laws for youths who commit serious and violent offenses on the arrest rates for such youths across 14 states. The study found that, after implementing the law, nine states saw no statistically significant effects on the arrest rates of these youths. Two other studies, by Myers (2003) and Jordan (2012) looked at the impact of transferring youths charged with serious and violent offenses to adult courts in the state of Pennsylvania. The two separate evaluations of the transfer policy found conflicting results. Myers (2003) found that juveniles transferred to adult courts were more likely to be rearrested postdisposition, compared with juveniles retained in juvenile courts—a statistically significant finding. Alternatively, Jordan (2012) found that juveniles returned to juvenile court (that is, decertified juveniles) were more likely than juveniles transferred to adult court (i.e., nondecertified juveniles) to recidivate, which was also statistically significant. These results indicate that more research is needed to determine whether transferring youth to adult court can make negative impacts on measures of juvenile recidivism.

Similarly, Zane, Welsh, and Mears (2016) conducted a meta-analysis that aggregated the results from nine studies examining the specific deterrence of [juvenile transfer to adult courts](#). The review included studies from Florida, New Jersey, New York, and Pennsylvania and compared transferred juveniles (juveniles prosecuted in adult court) with juveniles who were adjudicated in juvenile court. Although the researchers could not find a statistically significant effect on recidivism, they did find a small nonsignificant effect of an increased odds ratio for recidivism of transferred juveniles, suggesting (as did the 2003 study by Myers) that transfers of juveniles to adult court may cause harm.

Five of the nine studies included in the meta-analysis reported an increase in recidivism for juveniles transferred to adult court, compared with juveniles who were not.

Other research supports these findings regarding the impact of juvenile transfer to adult court. An OJJDP [Juvenile Justice Bulletin](#) reviewed studies examining the deterrent effects of juvenile transfer laws on measures of delinquency. This report concluded that transfer laws for juveniles to adult court are not a deterrent to delinquency and could potentially increase the likelihood of future offending (Redding, 2010).

Conclusion

References

About this Literature Review

Suggested Reference: Development Services Group, Inc. 2024. Age boundaries of the juvenile justice system. *Model Programs Guide*. Literature review. Washington, DC: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention. <https://ojjdp.ojp.gov/model-programs-guide/literature-reviews/age-boundaries-of-the-juvenile-justice-system>

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