

Juvenile court jurisdiction should extend to age 25

A RETIRED JUDGE'S PERSPECTIVE

By Leonard Edwards

Current California law permits youths who are under the supervision of the juvenile court to remain in their status as wards or dependent children up to age 21. This extension of jurisdiction is a result of AB 12 (authored by current state Sen. Jim Beall, D-San Jose), which went into effect in 2010. This legislation was authorized by the federal Fostering Connections Act of 2008, which provided financial incentives to states that chose to extend foster care.

The results of this legislation have been closely tracked by researchers contracted by the California Department of Social Services. The lead researcher has been professor Mark Courtney of the Chapin Hall School of Social Work at the University of Chicago. Courtney is acknowledged to be the national expert on the extension of jurisdiction to age 21. It was his research in several Midwestern states that led to the federal legislation.

It is well known that youths in the juvenile court system (both juvenile justice and dependency) do not do well when they age out of the system at age 18. Statistics demonstrate that these are some of the most at risk persons in our society. Most are not prepared to live independently, often having no family to return to. They are likely to be unemployed and homeless, to turn to criminal activity and to be incarcerated. For those who were in school, aging out often means they could not continue with their education.

The California experience with AB 12 has been closely examined by Courtney and his team of researchers. They have been following the youths who chose to remain under the jurisdiction of the juvenile court until 21. Their research is instructive and indicates that the supports offered by the juvenile court, the Probation Department, and the Department of Family and Children's Services are effective. However, they also indicate that a number of these youths are unprepared for life as an adult at 21. They need additional supports.

This discovery is no surprise. Many youths are not prepared for adulthood at 21. They may be in school, need help with their housing, and have no family support should they be on their own. The abrupt end of jurisdiction at 21 may lead to dropping out of school and some of the other outcomes described above when youths age out at 18. Moreover, we know that their brains are not fully developed at 21. Brain science tells us that our brains are not fully developed until age 25 or 26. This observation was

made by the United States Supreme Court in several landmark cases that ruled youths could not be given the death penalty or life in prison without the possibility of parole.

All of these considerations lead to the conclusion that for the few youths who are not ready to live on their own, they should remain under juvenile court jurisdiction beyond 21, even to age 25. Many of these will drop out of juvenile court jurisdiction in one or two years, but a very few will need support until 25.

This legislation will prevent many youths from entering a life of homelessness, crime, poverty and dysfunction. It is the correct intervention for our most at-risk youths.

Leonard Edwards is a retired Santa Clara County Superior Court judge.

Retired Judge Leonard Edwards, center, has a national reputation for his model juvenile justice programs.

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