

A Minimum Age for California's Juvenile Legal System: Lessons on Collaborative Research to Drive Legislative Change

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ABSTRACT

The Problem: Most US states lack a minimum age of juvenile legal jurisdiction, which leaves young children vulnerable to a harsh, punitive system that causes lifelong adverse health and social outcomes. However, partnership between academics, advocates, and policymakers can catalyze legislative change to set minimum ages.

Purpose of Article: We, an academic pediatrician and social worker, describe our stakeholder-policymaker-academic partnered research that led to the passage of California Senate Bill 439, which excludes children under age 12 from eligibility for juvenile legal prosecution. To stimulate future efforts, we also describe how the initial partnership led to a national coalition through which we are partnering with stakeholders across the US to influence minimum age laws nationwide.

Key Points: Stakeholder-policymaker-academic partners can contribute synergistically in the research-to-policy-making process.

Conclusion: Through a stakeholder-policymaker-academic partnership, we were able to influence the passage of a minimum age law for the juvenile legal system in California. Lessons learned in this collaboration can be applied by researchers across disciplines who wish to influence policy.

KEYWORDS: Policy, Youth justice, Collaborative research, Legislative advocacy, Juvenile legal system, Minimum age

INTRODUCTION

The Problem

Most US states lack a minimum age for juvenile legal jurisdiction, meaning that children of any young age can be prosecuted in juvenile court, which can harm children's health and well-being and compound intersectional health disparities experienced by marginalized and minoritized communities across the life course.¹⁻⁴ In 2018, 27,524—or 3.7% of all US juvenile court cases—involved children 11 years old or younger.⁵ Scholarship in developmental science, ethics, human rights, social work, public policy, and law all provide rationale for establishing a minimum age of prosecution.⁶ Although the United Nations Convention on the Rights of the Child recommends a minimum age of at least 14 years old, the United States is notable in its lack of a federal minimum age statute as well as its lack of or low minimum ages in most states.^{7,8} The policy response to young children who come to the attention of law enforcement can benefit from leveraging existing science and new policy research.⁶ Yet, until recently, few had examined the topic of best policy and practice responses for young children who come in conflict with law enforcement.⁶ Although this was a ripe topic for engaged scholarly policy research, it had been understudied, in part because traditional academic research is often slow and deemed as too out of touch to directly influence policy action.^{9,10} In this paper, we argue that collaborative partnerships between academics, advocates, and policymakers can catalyze legislative change around youth justice policy.

Purpose of Article

We, an academic pediatrician and an academic social worker with clinical and research expertise in youth justice, describe our stakeholder-policymaker-academic partnered research that led to the passage of California Senate Bill 439, which excludes children under age 12 from eligibility for juvenile court prosecution except for cases of homicide or rape. To stimulate future policy efforts that leverage similar partnerships, we also examine how the initial relationships led to a national advocacy coalition in which we continue to partner with stakeholders around the country to influence minimum age laws nationwide.

PARTNERSHIP PROCESS AND LESSONS

Stakeholder-Policymaker-Academic Partnership: Roles

Our initial policy scholarship to examine California's response to young children in conflict with the law centered on three key relationships: 1) Juvenile Justice Working Group, comprised of collaborating student and faculty from across the University of California system; 2) interaction with state legislators, and 3) legal advocacy non-profit organizations, namely the National Center for Youth Law and Children's Defense Fund - California. In the Juvenile Justice Working Group, as university faculty members, we engaged with graduate students to vision and conduct literature review on topics relevant to a potential minimum age for California. In interactions with state legislators, our role was to conduct and share research findings. The policymaker partners provided guidance on the research questions that needed to be asked, the timeline needed for findings and the dissemination approach to best reach lawmakers, and carried out the political process once the research indicated that a minimum age bill was recommended. The legal advocate non-profit organizations provided legal expertise that guided our entire process of

scholarship and engaged with community members and the state policymakers to translate our research findings. Table 1 delineates partner roles.

How Partnership Facilitated Advocacy to Pass California SB 439

In 2016, we participated in a roundtable brainstorming session of the Juvenile Justice Working Group at the University of California (UC) Criminal Justice and Health Consortium meeting, which was a meeting of invited faculty and students from across UC campuses to address the health implications of mass incarceration. The working group raised concern about young children's involvement in the juvenile legal system. Although many nations have minimum age statutes for juvenile legal prosecution, upon reviewing an online database maintained by a US criminal justice policy agency,⁶ the task force learned that the US does not have a minimum age and that California, like the majority of US states, did not have such a law. At that time, the lowest minimum age for juvenile legal jurisdiction in a US state was six years old and the highest was 10 years old.⁶ Thus, the group identified the topic of juvenile court lower age jurisdictional boundaries as a policy gap with potential broad appeal. The working group then developed a policy brief exploring the topic of minimum age laws.

Upon returning to our institutions, beginning in 2016 we became co-principal investigators of subsequent studies and partnerships examining a potential minimum age law (see Table 2 for timeline and description of partner roles). We met with state lawmakers who had a stated commitment to youth justice reform and they demonstrated interest in a potential minimum age bill. Former state Senator Holly Mitchell's (Democrat - District 30) legislative staff provided insight into priority knowledge gaps that guided the research and they became our main

policymaker partners. We also reached out to two non-profit legal advocacy organizations, the National Center for Youth Law (NCYL) and Children’s Defense Fund-California (CDF-CA). The legal advocates work closely with youth involved with the juvenile legal system and their families, along with networks of advocates, and served as stakeholder partners throughout the research process.¹⁰ The stakeholder partner agencies voiced strong support for further exploring the idea of a potential minimum age law and agreed that more information was needed. Two youth justice defense attorneys, one employed at NCYL and one employed at CDF-CA, then joined the co-principal investigators in forming a study team. The NCYL and CDF-CA representatives served as the stakeholder partners on the project. The stakeholder partners had experience with state legislative advocacy and their networks included community members with histories of juvenile legal system involvement and their families, and solicited input from their community base throughout.

Overview: Our stakeholder-policymaker-academic partnership led to the formulation and passage of California Senate Bill (SB) 439, which established a minimum age of 12 for California’s juvenile legal system. Table 2 describes partner roles and timeline for the partnered scholarship that contributed to the passage of California’s minimum age bill. Table 3 describes implications of the partnered research findings for the state policymaking process and elucidates how the partnered research process facilitated buy-in among all partners. We provide a brief narrative account of the process below.

Formulating Research Questions. The research was informed by stakeholder partner involvement throughout the process of the research, and policymaker guidance prior to study

inception and during dissemination.¹⁰ The policymaker partner identified areas of knowledge gaps that were addressed through a scientific research process. The principal investigators' clinical expertise as child health and social service providers and prior youth justice scholarship also informed the study process. The stakeholder partners grounded the work in the community, contributed legal expertise to the research, and led legislative advocacy efforts upon completion of the research. The research process was designed to harness and build on existing scientific evidence relevant to young children who come to the attention of law enforcement, and intended to gather information useful to California lawmakers. At study initiation, it was unclear whether the research would support a minimum age bill, but the study team and policymaker partner concurred that the topic of young children—defined as children under age 12—in the youth system warranted attention. At the time, policymakers and advocates rarely discussed the issue of minimum age boundaries, and similarly, peer-reviewed literature had sparsely addressed minimum age laws. In response, in late 2016, the academic partners developed an outline for a series of studies based on the knowledge gaps identified by the academic, stakeholder, and policymaker partners. The overarching research goal was to understand implications of a minimum age of juvenile legal jurisdiction in California, including scope of the issue, alternate pathways and supports for youth in conflict with the law, and unintended consequences of minimum age laws.

We submitted two small seed grant proposals, both awarded in 2016-2017, that funded research assistant time and honoraria for our stakeholder partners, NCYL and CDF-CA, for participating in carrying out the five study components described in Table 3. The inclusion of the stakeholders in the budget supported their ability to contribute to upcoming research activities. Once funded,

the expanded study team members included us as co-principal investigators, two stakeholder partner representatives from NCYL and CDF-CA, and three graduate student researchers. Study team members all participated together in weekly team meetings for one year (2016-2017). The main policymaker partner, Senator Mitchell's office, was involved during idea incubation and upon completion of study findings, but they did not collect, analyze, or interpret the data to maintain appropriate separation of the research from the political process. The partnered research plan, detailed in Table 3, included five components: 1) narrative literature review on young children in conflict with the law;⁶ 2) analysis of California Department of Justice statewide data;¹¹ 3) analysis of child incarceration using the Add Health longitudinal dataset;^{3,12} 4) California case study of laws and practices related to young children who come to the attention of law enforcement;¹¹ and 5) six state comparison of laws and practices related to young children who come to the attention of law enforcement.¹³ The bulk of the research activities occurred from 2016 to early 2017. Our university's institutional review board approved all study activities. Aligned with the five study components, we published five academic manuscripts^{3,6,11-13} and five associated concise policy briefs, which we, as academics, distributed to California legislators and the governor's office. The stakeholder partners shared the research products with lobbyists and advocacy networks, which included individuals with personal or family experiences of early involvement with the juvenile legal system.

California's Minimum Age Law. In 2017, state Senator Holly Mitchell introduced in the California legislature SB 439, which proposed to exclude children under age 12 from juvenile legal jurisdiction.¹⁴ The bill was later amended to include exceptions for homicide and rape, a political concession made to quell opposition from district attorney agencies. In 2018, Governor

Jerry Brown signed SB 439 into law and it went into effect in 2019. The stakeholder partners have provided technical assistance and served as “watchdogs” for monitoring SB 439 implementation in California. We are pursuing funding to formally evaluate SB 439 implementation in California, in partnership with stakeholder partners. At this point, evidence surrounding implementation is evolving.

Rise of a National Coalition: #Uncuffkids

In the months following SB 439’s passage, the research team received inquiries from advocates and researchers in five other states developing similar minimum age bill proposals. In September 2020, we hosted a national convening to bring together national experts on minimum age. The convening led to a new partnership with the National Juvenile Justice Network (NJJN). NJJN is a national network of youth justice advocates, of which our California stakeholder are members. NJJN then took on minimum age as a major policy platform. NJJN convenes monthly coalition meetings of state advocates, academics, and professional society representatives to provide updates and share strategies for advancing minimum age legislation. We continue to function as academic partners, doing new research, providing guidance on existing literature, and activating our child health professional society organizations. A recent analysis reports on the criminalization and overrepresentation of young Black children in the legal system.¹⁵ In 2021, we partnered with NJJN to create a toolkit about juvenile court minimum age on research to date and recommended policy, available on the NJJN website for advocates, lawmakers, researchers, service providers, and others.⁸ They took the lead on the toolkit and we served as content experts, providing input and reviewing prepared materials. Later in 2021, six major child health professional societies coordinated with NJJN to issue a joint statement calling for a minimum

age of at least 12, including American Academy of Pediatrics (AAP), American Academy of Child & Adolescent Psychiatry (AACAP), American Council for School Social Work (ACSSW), American Psychological Association (APA), Clinical Social Work Association (CSWA), National Association of Social Workers (NASW), and Society for Adolescent Health and Medicine (SAHM). Coalition members are also advocating for a US minimum age law of 12 for the federal criminal legal system, drafted in 2020 and under consideration in Congress (HR 2908).

Lessons Learned

Collaborative relationships allowed the study team to identify a problem that exacerbates inequities and a solution close to the community that had political buy-in,¹⁰ if indeed the research evidence supported a need for legislative action. When designing the study, informed by the policymaker partner, the study team considered the key elements needed to inform California’s response: review of extant literature, measurement of the scope of the issue, “how to” information, understanding of unintended consequences, and other supporting data to better understand implications—all key elements for policy-focused research. After completion of analyses, we focused on scientific dissemination, allowing the stakeholder and policymaker partners to lead the advocacy and legislative processes and making ourselves available when requested, such as for testifying on the scientific evidence at a legislative hearing. The tension between research translation and advocacy can strengthen efforts of child health scientists when roles are carefully delineated.¹⁰ The study team also disseminated study findings as they became available in a manner accessible to policymakers, such as through one-page briefs. The team compiled the briefs ahead of peer-reviewed articles, as information published in academic

journals generally takes longer to become available.⁹ Finally, the process can serve as encouragement to persist with partnered scientific activities. A small group of committed citizens united with a much larger group because of the persistence of the study team—which included stakeholder partners, as well as with the policymaker partner, and policy action resulted. The impact of the partnership was to grow the work far beyond what could have occurred operating on our own from our “ivory tower” desks at the university.^{16,17} #Uncuffkids, #Raisethefloor, #MinimumAge are now in the lexicon as we strive together for change on behalf of young children and families around the country.

Challenges

Some key challenges arose during the fast-paced partnership research that are important to identify as a learning tool.

- Time constraints: Although the research process moved quickly, the stakeholder partners faced competing demands on their schedules and thus their involvement in the study process had to make strategic use of their time.
- Distinguishing advocacy versus research activities: After the formal research was completed, the strong engagement from policymakers motivated the stakeholder partners to continue with the advocacy process. Throughout, we moved between translating scientific evidence with highest research standards. Under the guidance of the stakeholder partners, we sometimes stepped into advocacy roles; for example, in writing letters submitted as private citizens rather than as university affiliates because the positions in the letter did not represent the views of our university. Ultimately, we found that both research and advocacy were acceptable activities as the same findings can be framed

differently for different processes. To maximize credibility and minimize conflict of interest, we were mindful to distinguish in which instances we were functioning as researchers communicating scientific findings versus child advocates who were sharing personal opinions. The risk of not walking this line was inaction, a risk the authors deemed worth overcoming so that the research could have maximal impact in benefiting children.

Facilitators

Several facilitators enhanced the partnered research-to-policymaking process.

- Nimble funding mechanisms: The project moved on a fast timeline, in large part because the study was funded by two small, flexible seed grants of \$30,000 total that covered research assistant time; excellent stakeholder partners who connected to a powerful advocacy network; and strong policymaker engagement.
- Shared goals: All research team members had the common goal of developing evidence to improve the health and wellness of children impacted by the juvenile legal system. The stakeholder partners were crucial to the research process as they educated the authors about the legal concepts necessary for pursuing the study and led the legislative advocacy process.
- Strong buy-in among advocates and community members with lived experience of juvenile legal involvement: The stakeholder partner engagement also created a high level of buy-in and understanding about the issue among youth justice advocates, which, after research completion, enabled them to tap into a larger network of community organizers. The stakeholder partners closely engaged community members with histories of juvenile

legal system involvement as children, bringing their voice and perspective to the state capitol. Having youth and family representatives engaged in the advocacy process strengthened the impact of the research.

- Strong policymaker buy-in: The policymaker buy-in early on in the study process motivated the work. Because of the policymaker interest, the research team members all felt it was important to accurately determine if the evidence supported a minimum age bill for California.
- Climate of youth justice reform: Finally, the general climate of youth justice reform¹⁸ motivated the research and facilitated the subsequent advocacy process that achieved bipartisan support in the legislature.

CONCLUSION

Child health academicians can contribute to changing the systems and settings that influence children, such as young children involved in the juvenile legal system, an issue frequently overlooked. Lessons learned in our collaboration can be applied by researchers across disciplines who wish to influence policy. By partnering with policymakers and stakeholders connected to the community throughout the research process, academics can contribute research and participate in advocacy that reduces racial and economic disparities and improves health outcomes. Persistence, partnership, and good data are key. Invaluable ingredients for scientific and legislative success in academic-stakeholder-policymaker partnerships in state and national efforts include attentiveness to appropriate roles, communication, and shared ownership of ideas and goals.

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Table 1. Partner Roles and Communication

Partner Type	Partner Role	Partner Affiliation	Entity Name	Communication
Academic partner	Research > advocacy	University	UCLA	Weekly team research meetings with stakeholder partner; infrequent communication with policymaker partner as needed, mainly in beginning and end of research process
Stakeholder partner	Advocacy > research	Community-based organization	Children's Defense Fund-CA, National Center for Youth Law	Weekly team research meetings with academic partner; infrequent communication as needed with policymaker partner during active research phase, transitioned to frequent communication once bill introduced
Policymaker partner	Policymaking	State legislature	California state senator (Holly Mitchell) and legislative staff	As needed communication with stakeholder and academic partner, as above

Table 2. Partner Roles and Timeline for Developing California’s Juvenile Jurisdiction Minimum Age Law

	Academic	Stakeholder Partner	Policymaker	Lesson
Idea Generation (Nov 2016)	UC faculty at criminal justice and health meeting identified need to explore CA lower age jurisdiction law and procedure	---	---	Inter-disciplinary brainstorming among academics can be useful.
Assessing Importance of Idea (Nov-Dec 2016)	UCLA PIs (EB, LA) discussed idea of exploring potential minimum age law with partners	NCYL and CDF-CA voiced importance of the issue and offered to become involved. Their input was informed throughout by their community base.	Senator Holly Mitchell and others voiced importance of the topic and indicated potential political viability of the issue	Academics should step out of academia early and often in research process to assess real-world value of research questions.
Formulating Research Questions (Spring 2017)	UCLA PIs conducted initial literature scan and met with NCYL and CDF-CA to discuss	NCYL and CDF-CA provided input on research questions	Senator Mitchell’s team related to UCLA PIs the key information needed to guide the legislation (i.e., scope, alternate path)	Formulation of research question is a crucial partnership opportunity.
Acquiring Funding (Spring 2017)	UCLA PIs obtained two seed grants	NCYL and CDF-CA collaborated on the seed grant application led by academics	--	Funding process can help solidify academic-stakeholder partnership relationships.
Carrying Out Study Components 1-5 (2016-2017)	UCLA PIs led study phases 1-5, with frequent input and co-authorship from stakeholder partners (NCYL, CDF-CA).	NCYL and CDF-CA provided legal context expertise during weekly research meetings with UCLA team throughout research process.	Senator Mitchell’s team received policy briefs upon completion of each study component. After the first brief, her team advised academics how to format briefs for	Rigorous research is enhanced with academic-stakeholder partnerships. Policymaker input after study completion can inform dissemination.

			enhanced uptake by policymakers.	
Introduction and Passage of CA Minimum Age Bill (CA SB 439) (2017-2018)	UCLA team followed lead of NCYL and CDF-CA. UCLA team focused on completing research manuscript publication.	NCYL and CDF-CA co- led legislative advocacy process, calling upon state network of youth justice advocates and community activists.	Senator Mitchell led the political process in the legislature.	Academic-stakeholder- and policymaker partnerships can create a powerful legislative force. Each partner has a key role.
Implementation of CA Minimum Age Law (2019-present)	UCLA team seeks to evaluate implementation to inform CA’s response and to promote movement nationally.	NCYL and CDF-CA lead watchdog role in overseeing implementation.	Senator Mitchell’s leadership set a national trend that has led to new state minimum age laws and conversation about a federal minimum age law.	Stakeholder partnerships can support effective implementation of policy change.

*Abbreviations: CDF-CA= Children’s Defense Fund-California; CA SB 439= California Senate Bill 439; EB= Elizabeth Barnert, LA=Laura Abrams; NCYL= National Center of Youth Law; PI= principal investigator; UC= University of California; UC= University of California, Los Angeles

Table 3. Implications of Research Findings for the SB 439 Policymaking Process

Research Component and Findings	Dissemination	Implications for Policy
<p><i>Component 1: Literature Review on Young Children in Conflict with Law</i></p> <ul style="list-style-type: none"> • Purpose: Conceptual examination by academic partners examining a minimum age of juvenile court jurisdiction from an ethical, rights-based, and child development standpoint. • Conclusion: Based on the existing literature, establishing legal minimum age thresholds for juvenile court jurisdiction aligned with international human rights and legal and medical standards, thus warranting further exploration. 	<ul style="list-style-type: none"> -Policy brief -Academic article⁶ -Presented to academics -Presented to policymakers and stakeholders 	<ul style="list-style-type: none"> • Led to policymaker and stakeholder interest in partnering with academics to further explore treatment of young children in conflict with the law in California
<p><i>Component 2: Analysis of California Department of Justice Statewide Data</i></p> <ul style="list-style-type: none"> • Purpose: Measurement of issue scope by academic and stakeholder partners using California Department of Justice (DOJ) to quantify the number of young children with juvenile legal system involvement across the state. • Findings: 1) In 2015, 590 children under age 12 were prosecuted in California’s juvenile legal system. 2) The youngest child prosecuted in 2015 was a five-year-old African-American boy charged with curfew violation. 3) Most charges were for misdemeanor offenses and only 30 court petitions resulted in a child being taken into custody after trial. 4) Children under age 12 were rarely referred for extreme violence. For example, from 2010-2015, no petitions for homicide or rape were sustained by the court. 5) Young children from racial/ethnic minority groups and children from rural areas were even more over-represented in California’s juvenile legal system than the disparities present at older youth ages. • Conclusion: The issue of the prosecution and incarceration of young children in California was significant, but not too large in scope that it would overwhelm state and community systems to address it. 	<ul style="list-style-type: none"> -Policy brief -Academic article¹¹ -Alongside stakeholder partner, discussed findings with policymaker partner 	<ul style="list-style-type: none"> • Findings of scope of issue used by policymaker and other lawmakers during hearings and votes to debate proposed minimum age bill

<p><i>Component 3: Analysis of Child Incarceration Using Add Health Dataset</i></p> <ul style="list-style-type: none"> • Purpose: Analysis of the National Longitudinal Study of Adolescent to Adult Health dataset by academic partners to examine whether longitudinal patterns existed at the national level regarding young children with histories of incarceration. • Findings: 1) Individuals first incarcerated as young children were disproportionately male, Black or Hispanic, and from lower socio-economic strata, compared to individuals first incarcerated at older youth ages or never incarcerated. 2) Incarceration as young children predicted worse adult health outcomes, including worse general health and higher rates of functional limitations, depression, and suicidal thoughts, compared to first incarceration at older adolescent ages. • Conclusion: The trends of racial/ethnic disparities that the team documented in California existed nationally and that child incarceration was a marker for lifelong health risk 	<ul style="list-style-type: none"> -Academic articles^{3,12} -Discussed findings with stakeholder and policymaker partners 	<ul style="list-style-type: none"> • Findings referenced by stakeholder partners and other advocates working towards minimum age laws
<p><i>Component 4: California Case Study of Laws and Practices Related to Young Children Who Come to the Attention of Law Enforcement</i></p> <ul style="list-style-type: none"> • Purpose: In-depth legal analysis by academic and legal partners of statutes and case law relevant to young children who come to the attention of law enforcement, combined with interviews with youth justice stakeholders in focal counties. • Findings: 1) Legal protections related to <i>capacity</i> (i.e., the ability to knowingly commit a wrongful act, and <i>competency</i> (i.e., the ability to comprehend legal trial processes), were inconsistently applied, which led to unjust and unequal burden on young children involved in the juvenile legal system. 2) Interviewees voiced concern that establishing a minimum age law that was too low could be more harmful than helpful for children. • Conclusion: Implementation of existing legal protections in California was inconsistent and a 	<ul style="list-style-type: none"> -Policy brief -Academic article¹¹ -Alongside stakeholder partner, discussed findings with policymaker partner 	<ul style="list-style-type: none"> • Provided specific guidance on legal rationale for minimum age laws and age thresholds in California.

<p>minimum age law would address policy gaps and potentially remediate disparities based on race and geography.</p>		
<p><i>Component 5: Six State Comparison of Laws and Practices Related to Young Children Who Come to the Attention of Law Enforcement</i></p> <ul style="list-style-type: none"> • <u>Purpose</u>: Academics and stakeholder partners repeated the analyses of California by comparing the six largest U.S. states, including California, three of which had minimum age laws and three of which did not, in terms of their laws and practices regarding young children who come to the attention of law enforcement. Methods included legal review and informant interviews. • <u>Findings</u>: 1) Interviewees, all from large urban counties, viewed juvenile legal system involvement as developmentally inappropriate for young children, but were not as unified as to what “age” childhood ends and adolescence begins and at what age formal sanctions should be applied. 2) Interviewees identified need for legislative approaches to protect young children from harmful juvenile legal system involvement. 3) Interviewees recommended bolstering existing, alternative services to help children, such as through education, mental health, or child welfare systems, as well as through family and community supports and diversion programs • <u>Conclusion</u>: Variation across state laws existed. Prosecution of young children was developmentally inappropriate and alternate pathways should be bolstered. 	<p>-Academic article¹³ -Alongside stakeholder partner, discussed findings with policymaker partner</p>	<ul style="list-style-type: none"> • Provided guidance on legal rationale for minimum age laws and considerations for age thresholds in California.