

RAISE THE AGE: 6 MONTHS IN

FACT SHEET

Principles Motivating Raise the Age Legislation

- All youth should be treated in a developmentally and age appropriate manner regardless of crime charged.
- No youth should be housed in adult jails and prisons, where they are much more likely to be subject to violence and abuse.
- New York should continue to reduce the detention and placement of youth in juvenile facilities, and continue to invest in evidence-informed community-based services and alternatives to incarceration.
- Cases of low-risk youth should be diverted at arrest, and from courts, to reserve resources and limit interaction with the justice system.

Raise the Age Legislation Overview

- Governor Cuomo signed Raise the Age legislation into law on April 10, 2017, officially raising the age of criminal responsibility from 16 to 18 across New York State, and amending how the State treats its justice-involved youth.
- Implementation of the Raise the Age policies and procedures began on October 1, 2018 for 16-year-olds, and will phase in October 1, 2019 for 17-year-olds.
- The majority of cases are intended to be diverted from the adult criminal justice system, giving youth rehabilitative alternatives to criminal prosecution and imprisonment.

Call to Action – What You Can Do

1) [Ensure Raise the Age is Implemented Across New York State](#) to:

- Start as many cases of 16- and 17-year-olds in Family Court as possible.
- Ensure that when 16 and 17 year olds must be detained or otherwise incarcerated, they are held in juvenile facilities without adult corrections involvement or oversight.
- Limit the collateral consequences of court involvement by strengthening existing protections under the youthful offender law and creating a new “Young Adult Status” covering youth up to age 24.
- Increase support for prevention and diversion services that keep youth in their communities rather than incarceration.
- Demand State support for Close to Home.
- Raise the lower age of juvenile delinquency from age 7 to age 12.

Go to bit.ly/RTAtakeaction to sign on.

2) [Address the Needs of At-Risk Youth and Protect Them from Harm](#) to:

- Ensure that counties are reimbursed for ALL PINS (Persons in Need of Supervision) diversion services through the open-ended child welfare services funding stream
- Allow PINS youth to be placed in foster care when the Family Court determines it is necessary.

Go to bit.ly/PINSact to sign on.

Learn about WCA’s vision for broader youth justice at wca4kids.org/issues/raise-the-age

RAISE THE AGE LEGISLATION-MANDATED COURT PRACTICES AND LEGAL SYSTEM INTERACTIONS

Probation Department

Most of Westchester's youth are diverted out of the court system by the Probation Department *before* reaching Family Court or the newly created Youth Part of Criminal Court. Cases that are moved from the Youth Part of the Criminal Court to Family Court again come to Probation for attempts at diversion.

When cases go to Court:

Family Court

Presides over:

Misdemeanors

ALL Misdemeanors

Felonies

Non-Violent Felonies

If DA **DOES NOT FILE MOTION** within 30 days to retain case in Youth Part of Criminal Court, case automatically moves to Family Court

Violent Felonies

If case **DOES NOT** involve:

- 1) Significant physical Injury,
- 2) Display of a weapon, OR
- 3) Sex offenses

AND

DA **DOES NOT FILE MOTION** within 30 days to retain case in Youth Part of Criminal Court, showing extraordinary circumstances, then the case moves to Family Court

Youth Part of Criminal Court

Presides over:

Felonies

Non-Violent Felonies

If DA **DOES FILE MOTION** within 30 days to retain case in Youth Part of Criminal Court, showing extraordinary circumstances

Violent Felonies

If the case **DOES** involve:

- 1) Significant physical Injury,
- 2) Display of a weapon, OR
- 3) Sex offenses

Violent Felonies

If the case **DOES NOT** involve:

- 1) Significant physical Injury,
- 2) Display of a weapon, OR
- 3) Sex offenses

BUT

DA **DOES FILE MOTION** within 30 days to retain case in Youth Part of Criminal Court, showing extraordinary circumstances

****Violations**

Violations (such as Vehicular and Traffic Violations) continue to be heard in adult criminal/local courts, not the Youth Part of Criminal Court.

Learn about WCA's vision for broader youth justice at wca4kids.org/issues/raise-the-age