WHEREAS, 27 states have no minimum age of juvenile adjudication; and

WHEREAS, Without a minimal age law, children of any age can be arrested; and

WHEREAS, Without minimal age law, children of any age can be charged with a juvenile violation; and

WHEREAS, Without minimal age law, children of any age can be potentially incarcerated; and

WHEREAS, Without minimal age law, racial injustice and health inequalities take place; and

WHEREAS, Without minimal age law, families and individuals suffer economic burden, social disgrace and stigmatization impacting future life and employment; and

WHEREAS, Evidence supports decriminalizing young children – providing them with appropriate support and avoiding handcuffs and cages – as a humane and productive approach with positive mental and physical health outcomes for the very young of society; and

WHEREAS, The United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules) Rules do not set a minimum age, however, they set forth the considerations when setting a minimum age, such as the emotional, mental and intellectual maturity of the child; and

WHEREAS, Research by the National Governors Association identifies 15 states that have set the minimum age at 10 years old for juvenile adjudication; therefore be it

RESOLVED, That our American Medical Association create a policy to establish minimal age of 10 years for juvenile justice jurisdiction in the United States (New HOD Policy); and be it further

RESOLVED, That our AMA introduce legislation to establish minimal age of 10 for juvenile justice jurisdiction in the United States. (Directive to Take Action)

Fiscal Note: Not yet determined

Received: 09/27/22
REFERENCES:
https://www.nga.org/center/publications/age-boundaries-in-juvenile-justice-systems/
https://www.ohchr.org/sites/default/files/Documents/ProfessionalInterest/beijingrules.pdf

RELEVANT AMA POLICY

Juvenile Justice System Reform H-60.919
Our AMA:
1. Supports school discipline policies that permit reasonable discretion and consideration of mitigating circumstances when determining punishments rather than “zero tolerance” policies that mandate out-of-school suspension, expulsion, or the referral of students to the juvenile or criminal justice system.
2. Encourages continued research to identify programs and policies that are effective in reducing disproportionate minority contact across all decision points within the juvenile justice system.
3. Encourages states to increase the upper age of original juvenile court jurisdiction to at least 17 years of age.
4. Supports reforming laws and policies to reduce the number of youth transferred to adult criminal court.
5. Supports the re-authorization of federal programs for juvenile justice and delinquency prevention, which should include incentives for: (a) community-based alternatives for youth who pose little risk to public safety, (b) reentry and aftercare services to prevent recidivism, (c) policies that promote fairness to reduce disparities, and (d) the development and implementation of gender-responsive, trauma-informed programs and policies across juvenile justice systems.
6. Encourages juvenile justice facilities to adopt and implement policies to prohibit discrimination against youth on the basis of their sexual orientation, gender identity, or gender expression in order to advance the safety and well-being of youth and ensure equal access to treatment and services.
7. Encourages states to suspend rather than terminate Medicaid coverage following arrest and detention in order to facilitate faster reactivation and ensure continuity of health care services upon their return to the community.
8. Encourages Congress to enact legislation prohibiting evictions from public housing based solely on an individual's relationship to a wrongdoer, and encourages the Department of Housing and Urban Development and local public housing agencies to implement policies that support the use of discretion in making housing decisions, including consideration of the juvenile's rehabilitation efforts.

Citation: CSAPH Rep. 08, A-16; Reaffirmed: Res. 917, I-16

Youth Incarceration in Adult Facilities H-60.916
1. Our AMA supports, with respect to juveniles (under 18 years of age) detained or incarcerated in any criminal justice facility: (a) early intervention and rehabilitation services, (b) appropriate guidelines for parole, and (c) fairness in the expungement and sealing of records.
2. Our AMA opposes the detention and incarceration of juveniles (under 18 years of age) in adult criminal justice facilities.

Citation: Alt. Res. 917, I-16