

THE PUNISHMENT IS TOO BIG FOR THE CRIME

PA CHILDREN AS YOUNG AS 10 YEARS OLD CAN BE ARRESTED...AND JAILED.

September 2025

Pennsylvania's outdated laws allow children as young as ten years old to be arrested, prosecuted in juvenile court, and even locked up. In 2024, nearly 1,900 delinquency charges involved children between the ages of 10 and 12; over half resulted in a finding of guilt and the consequences of a juvenile record.¹ Our laws are out of step with several other states and ignore prevailing research demonstrating the value of investments in programs that nurture healthy brain development for children who make mistakes.

Seven other states outlaw the prosecution of children under 13.

California,² Delaware,³ Massachusetts,⁴ New York,⁵ and Utah⁶ have a minimum age of 12, while Maryland⁷ and New Hampshire⁸ have a minimum age of 13 for prosecution.



Pennsylvania's current approach to charging and incarcerating young children harms children and makes our communities less safe. These children have unique needs and require support that advances healthy development. We can make communities across the Commonwealth safer by reforming the state's juvenile laws to prevent children under 13 from ever getting locked up, allowing them to benefit from restorative, competency-oriented programs.

THIS IS THE REAL LIFE IMPACT OF OUR CURRENT LAWS.

Michael and Jameson are young children who were in the child welfare system, and who broke the law. No alternatives were considered. Did their punishments fit their crimes?

When Jameson was 11 years old, he broke into his school and stole some school supplies. Police officers arrested him, he went to court, was pronounced guilty, and put on probation. A condition of his probation was wearing an ankle monitor. He was a fifth grader who wanted art supplies, and the court decided justice was best served with a juvenile record and restricting his movements 24/7 for six months.

Michael was only 10 when he recklessly lit some paper on fire and threw it in a nearby trashcan. At such a young age, he couldn't imagine that a simple act could have larger consequences but unfortunately the fire spread and burned down a neighbor's shed. No one was injured. Michael was arrested and the judge sent him to juvenile lock-up to await his court hearings simply because Michael's parents have intellectual disabilities and mental health challenges and couldn't be trusted to bring him back to court.

Children aged twelve and under represent **9%** of statewide delinquency charges.

Children aged twelve and under represent **6%** of those found to have committed a criminal offense.

The data is conclusive: children ages 10 to 13 are going through a period of significant brain development, making them prone to impulsive decision-making without the maturity to comprehend the gravity of their choices or the impact those choices have on others.^{9,10,11,12} ***Prosecuting children this young for these decisions does more harm than good, and incarcerating them actually increases the likelihood of repeat offenses.***

These young children represent a very small proportion of total youth crime reported and a minimal impact on public safety. They also don't fully understand the impact of their actions and would be better served through social services, including programs to help them heal from their own trauma, learn about the consequences of their actions, and make amends with the people they wronged. Time in detention and a delinquency record don't do that.

Pennsylvania must update its Juvenile Act to prohibit the arrest, charging, and incarceration of children under the age of 13 – a policy that both treats children like children and promotes public safety.

CALL TO ACTION



Join the Youth Safety Coalition as we work to raise the minimum age of juvenile court jurisdiction in Pennsylvania. Contact Stefanie Arbutina at stefaniea@childrenfirstpa.org for more information.

* Footnotes can be found at www.childrenfirstpa.org/endnotespunishmenttobig