



**NYSAC**  
— NEW YORK STATE —  
ASSOCIATION OF COUNTIES

New York State Association of Counties  
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## **Memorandum in Support**

### **S.4051 (Bailey)/A.4982 (Hevesi)**

*AN ACT to amend the family court act, the social services law and the executive law, in relation to raising the lower age of juvenile delinquency jurisdiction from age seven to age twelve and to establish differential response programs for children under the age of twelve*

The New York State Association of Counties (NYSAC) has reviewed the above referenced legislation and strongly supports the enactment of this bill into law.

This legislation would raise the minimum age for juvenile delinquency from seven to twelve years old and create differential response programs for children under the age of twelve to prevent future interactions with the juvenile justice and child welfare systems.

Under current New York State law, children as young as seven-years-old can be handcuffed, tried for delinquency, and incarcerated with teenagers twice their age. “Raising the floor” for arrest and detention will ensure that no child under the age of 12 can be arrested for delinquency offenses and no child under the age of 13 can be placed in higher-security detention facilities.

This reform is long overdue and will allow tax dollars to be better spent on programs that are developmentally appropriate for young children. If enacted, local social services districts would be required to establish differential response programs and submit them to the Office of Children and Family Services (OCBS) for approval. The legislation would also expand training programs for police officers whose main responsibilities are juveniles to include training on how to address children under twelve years of age whose behavior, but for their age, would bring them within the jurisdiction of the family court.

Keeping very young children out of the criminal justice system is the right thing to do and will help to address racial disparities in the justice system, as children of color comprise the majority of those arrested between ages seven and eleven in many parts of the state. According to the MacArthur Foundation, youth of color constitute approximately one-third of the adolescent population in the United States but two-thirds of incarcerated youth.

By enacting this legislation, New York State will join California and Massachusetts as the states with the highest floor for delinquency charges involving crimes committed by minors.

It is for the abovementioned reasons that NYSAC supports the enactment of this legislation.

*The New York State Association of Counties is a bipartisan municipal association serving all the counties of New York. Organized in 1925, NYSAC's mission is to represent, educate, advocate for and serve our member counties and the elected and appointed county officials who serve the public. For more information, visit [www.nysac.org](http://www.nysac.org).*

TO: Senator Sponsor; Assembly Sponsor; Senate and Assembly Standing Committees on Children and Families;

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