

BROKEN PROMISES: FUTURES DENIED

Broken Bridges - Second Edition



**Advocates
Transforming
Youth Systems**

**Juvenile
Law Center**



**Advocates for
Youth Justice**

BROKEN PROMISES: FUTURES DENIED

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A publication of Advocates for Youth Justice, Advocates Transforming Youth Systems and Juvenile Law Center. Juvenile Law Center's Youth Advocacy Program updated this publication during the 2023-2024 Youth Advocacy Program year, in collaboration with Juvenile Law Center staff.

Youth Advocacy Program Class of 2023-2024 Contributing Members: Alex, Amara, Anahi, Ange, Bre S., Bree, Gabriel, Keema, Niya, Shy, Tay, Qilah, Zah

Juvenile Law Center fights for rights, dignity, equity, and opportunity for youth. We work to reduce the harm of the child welfare and justice systems, limit their reach, and ultimately abolish them so all young people can thrive.

Founded in 1975, Juvenile Law Center is the first non-profit, public interest law firm for children in the country. We fight for youth through litigation, appellate advocacy and submission of *amicus* (friend-of-the-court) briefs, policy reform, public education, training, consulting, and strategic communications. Widely published and internationally recognized as leaders in the field, Juvenile Law Center has substantially shaped the development of law and policy on behalf of youth. We strive to ensure that laws, policies, and practices affecting youth advance racial and economic equity and are rooted in research, consistent with children's unique developmental characteristics, and reflective of international human rights values. For more information about Juvenile Law Center's work, visit www.JLC.org.

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Photo by Nicolas Ladino Silva on Unsplash.

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We would like to offer thanks to the Defender Association of Philadelphia and the Philadelphia City Council, with a special shout out to Philadelphia Councilmember Helen Gym for hearing our stories and believing that they matter.

We also thank the Philadelphia Department of Human Services (DHS) and Mural Arts Philadelphia, with special thanks to artist and advocate Mark Strandquist for working with us and helping us create the photo art included in this book, which mirrors who we are and what we've experienced.

Thanks to Juvenile Law Center staff for constantly working alongside us to uplift our stories and create projects to help better the system for ALL youth. We hope you all enjoy this book.

PREFACE

Cathy Moffa, MSS, MLSP
Youth Advocacy Program Manger

Marcía Hopkins, MSW
Former Youth Advocacy Program Director

At Juvenile Law Center, we believe in the power of youth voice. We believe that individuals most affected by institutions can make effective change when they have a seat at the table to offer solutions.

The members of Advocates for Youth Justice and Advocates Transforming Youth Systems (formerly known as Juveniles for Justice and Youth Fostering Change) who are featured in this book have exhibited immense vulnerability by sharing their experiences and offering solutions for a better system to facilitate growth and end harmful practices.

Their stories do not represent the experiences of all youth in facilities or all formerly incarcerated people. This book is just a glimpse into what happens to incarcerated youth.

The goal of this book is to give youth space to share their truths and highlight youth-developed recommendations for a better, more supportive system. As you read these stories, we hope you see the youth as they are: children with dreams, hopes, and aspirations.

They are so much more than their involvement in the juvenile legal system and have so much more to offer the world. We hope you are all inspired by their stories, their work, and their vision!

Our Hopes for Our Readers

- **For youth who have faced similar experiences**, we hope this empowers you to share your truth. There are people out there who want to help you.
- **For lawyers, social workers, advocates, and activists**, you do wonderful work. We hope you continue the fight, even when it gets tough, and do not falter when youth struggle to share their truths with you.
- **For agency stakeholders, facility staff, and policymakers**, we hope you hear these stories and understand that our system is harming youth instead of protecting and rehabilitating them. We want to work together as a community to ensure this doesn't continue and to find more alternatives to support youth and keep them from ever entering the prison system.

A mistake is a season. It comes and goes.

– Nigee

WHAT'S IN THIS BOOK?

This report shines a light on the harsh, harmful practices Juvenile Law Center youth advocates have experienced in placement facilities in Pennsylvania as well as their recommendations for change.

The first edition of this publication, *Broken Bridges: How Juvenile Placements Cut Off Youth from Communities and Successful Futures*, issued in 2018, highlighted their experiences with separation from family, strip searches, physical restraints, physical abuse, solitary confinement, and education deprivation. **We reprint it as the first section here** because of the power of youth stories, the persistence of the challenges we face, and the value of their recommendations.

The second section, *Broken Promises: Futures Denied* provides a 2024 update, reflecting again on challenges with education and physical abuse, and adding new insights on racial discrimination, LGBTQIA+ bias, gender bias, disability justice, and mental health. For the young people who participated in both projects, their bios and photos also shine a light on their growth and evolution as leaders.

Visit our website to learn more about youth advocates' projects and policy advocacy work on this important issue: www.jlc.org/youth-advocacy.

WHO ARE WE?

Juvenile Law Center's Youth Advocacy Program is comprised of youth and young adults with lived experience in the child welfare and juvenile legal systems. Today, these experiences help to inform their advocacy efforts and policy positions.

We are sharing our stories with the hope that people listen and understand that being in placement hurt us and the things we experienced will forever affect us. We hope that by sharing our stories, we not only uplift our experiences but also advocate for other youth experiencing what we faced.

Thank you for listening.

EXECUTIVE SUMMARY

In 2008, Juvenile Law Center launched two youth advocacy programs (Advocates Transforming Youth Systems and Advocates for Youth Justice) for young people with experience in the child welfare or justice system to lead advocacy efforts in their communities. Young people in the Youth Advocacy Program learn and engage in policy advocacy, media outreach, and public education. Youth build leadership and storytelling skills, gain political knowledge, and create a community with their peers. They speak to the public and policy makers, write op eds, appear in the media to elevate their work, and inform Juvenile Law Center's strategies and approaches. The juvenile legal system and child welfare system disproportionately impact Latine, Indigenous and LGBTQIA+ young people and their families, and impact Black families at the highest rate. Youth with child welfare or juvenile legal system involvement are largely excluded from reform work; their insights are crucial to creating informed and effective policies.

In 2018, members of the Youth Advocacy Program developed the publication *Broken Bridges*, reprinted as the first section here. We talked about our harsh experiences inside of placement facilities and came up with recommendations that we hoped could help stop others from experiencing what we went through. It is intimidating for youth to share stories of trauma and harm; being able to speak our truth as a group in this publication helped us to make an impact locally and nationally while supporting each other. *Broken Bridges* has made waves and ignited change since its release in 2018. Here's some of what that has looked like

- Philadelphia City Council allocated money to create the first ever Office of the Youth Ombudsperson in Philadelphia to serve as an avenue for youth to lodge reports of abuse and mistreatment.
- The report was downloaded over 2,000 times from our website by reporters and policy makers across the nation. Additionally, we distributed 1,000 print copies. Journalists cited *Broken Bridges* in outlets nationally and locally to educate the public about experiences young people have in placements.

- Following the publication of the report as well as multiple scandals involving abuse at facilities in the state, a bi-partisan group of legislators, community leaders, juvenile court judges, and other juvenile legal stakeholders formed a task force to review and assess the problems affecting Pennsylvania’s juvenile legal system. They released a report in 2021 containing 35 recommendations for reform.¹ Some of these recommendations have been included in pending legislation.
- *Broken Bridges* helped to advance legislation at the state level for an Office of the Child Advocate to ensure children across the Commonwealth have equal access to redress when they are harmed in placement.
- *Broken Bridges* helped to inform the creation of *Screaming into the Void*, a publication written by a Juvenile Law Center Fellow on grievance procedures with recommendations for improvements.²

Despite years of advocacy, stories of harm in these facilities continue, and stakeholders continue to build new facilities and allocate more money to support congregate care for children. During this time, multiple facilities have been found to be unsafe for children and shut down, but some then reopen under different ownership and contracts. It’s a mockery to youth when these placement facilities reopen after all the harm they’ve done. Facilities expose youth to harm they wouldn’t experience in their communities. They don’t take youth mental health seriously. Youth experience the trauma of being separated from their families to live in congregate care facilities and then experience more harm once in placement. Youth face mistreatment for their skin color, sexuality, religion, and disabilities while in settings that our government agencies deemed safe and fit. These facilities are doing more harm than good.

1. PA. JUV. JUST. TASK FORCE, REPORT & RECOMMENDATIONS (2021), https://www.pacourts.us/Storage/media/pdfs/20210622/152647-pajuvenilejusticetaskforcereportandrecommendations_final.pdf.

2. CHRISTINA K. SORENSON, JUV. L. CTR., SCREAMING INTO THE VOID: YOUTH VOICE IN INSTITUTIONAL PLACEMENTS (2023), <https://jlc.org/sites/default/files/attachments/2023-02/Screaming%20Into%20the%20Void%20Full%20Report.pdf>.

Youth advocates from Juvenile Law Center's Youth Advocacy Program wrote *Broken Promises: Futures Denied*, included as the second section here, to show the public and policy makers that youth still experience many of the same things we experienced in juvenile placements. We also want to inform people that these problems occur in other congregate care settings like group homes in the dependency system. We share how we were separated from home and forced to be away from friends and family on our birthdays.

We faced abuse from other youth in facilities and from staff. We feared sleeping because we might be harmed in our own beds. The anxiety and trauma led to deep depression and caused us to lash out. We left institutionalized care with mental health issues we didn't have before we entered.

We also decided to include more and different experiences from the original *Broken Bridges* to show the many issues that are not being spoken about. Placements do not respect children's religious beliefs. They discriminate against LGBTQIA+ youth just for their identity. They treat children differently based on gender. They don't appropriately respond to disability and mental health issues.

Abuses in facilities are almost always hidden from public view; youth must have their voices heard and their concerns taken seriously. Policy makers and the public simply need to look at the history and research to know that children should not be removed from their communities and placed in institutions.³

3. Patrick McCarthy, Vincent Schiraldi & Miriam Shark, *The Future of Youth Justice: A Community-Based Alternative to the Youth Prison Model*, 2 NEW THINKING IN CMTY CORRS. BULL. 1 (2016), https://www.hks.harvard.edu/sites/default/files/centers/wiener/programs/pcj/files/ntcc_the_future_of_youth_justice.pdf.

BROKEN BRIDGES

**How Juvenile Placements Cut Off Youth from
Communities and Successful Futures**



**Juveniles
for Justice**
a project of Juvenile Law Center

**Juvenile
Law Center**

Youth Voice

Youth expertise is essential to creating informed and effective policies. Juvenile Law Center Staff, including the Youth Advocacy Program Members themselves, believe youth with experience in the juvenile legal and foster care systems should be at the decision-making table when policies and legislation impact their lives and their communities. Youth-driven programming that incorporates youth experience and expertise in systemic reform at the local, state, and national levels results in targeted policies that effectively respond to the needs of youth.

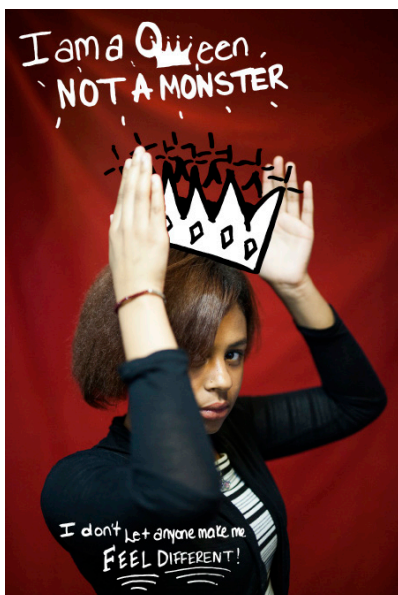
The following stories have all been written by program members of Juvenile Law Center's Youth Advocacy Program with the support of program staff. To gain knowledge from current youth advocates and alumni consultants about their experiences in group care settings, staff and the program fellow held focus groups and writing circles using open-ended questions about the categories to bring forward authentic experiences in this publication.

Staff reminded all program members that they can share what they are comfortable sharing about their experience. They could express their expertise however they wanted to— whether as a detailed story, reflection, or even an art piece like a poem. Talking about past harms can be triggering to youth; we should all be mindful of their vulnerability and the importance of letting them control what they share and how they share it. Additionally, be kind to yourself as you read this publication. The material can be heavy and triggering for anyone.

Juveniles for Justice

CLASS OF 2017-2018

LILLY I am a sophomore in high school. I love to shop, dance, be with my family and have fun.



I have many plans for the future, including attending college for criminal justice, joining the S.W.A.T. team, and becoming a lawyer and an advocate for foster youth.

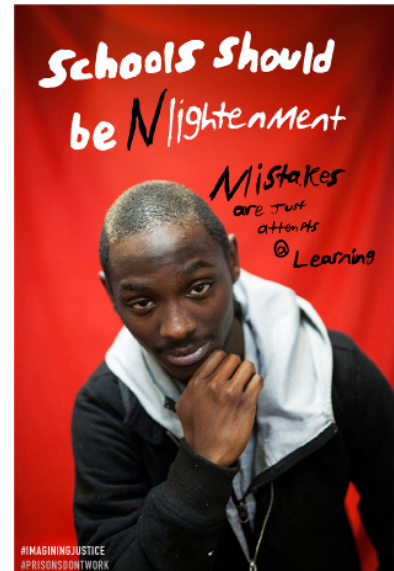
Before going to placement, I used to play basketball, but when I came home I wasn't allowed to go back to my old school and had to do school online. This meant I couldn't do activities anymore. When I was on probation, I couldn't hang out with my friends or go shopping at the mall.

This year I started working as a Youth Advocate at Juvenile Law Center. I am also part of the DHS Achieving Independence Center, and I am getting support from my case manager and parents to stay active and seek out new hobbies.



ANAHI I have been involved in Juveniles for Justice for three years. I enjoy reading books about different people's cases and writing poetry. I enjoy quality time with my family and going to different places together, like amusement parks. Currently, I intern at Mighty Writers. I just graduated high school, and I plan to attend college and eventually become a politician. I am interested in continuing youth advocacy work and getting support from my mentors and my foster parent.

NIGEE This is my third year in Juveniles for Justice. I have a lot of talents: I sing, do poetry, and run track. I am looking forward to going to college and having a career helping children and adults who are experiencing life difficulties. My family and friends help me realize these goals. When I was sent to an adult prison, I picked up new hobbies like spiritual readings. When I came home, I wanted to join the track team; however they said I was too late to join. Luckily, I didn't have to stop going to the programs I was in before prison.



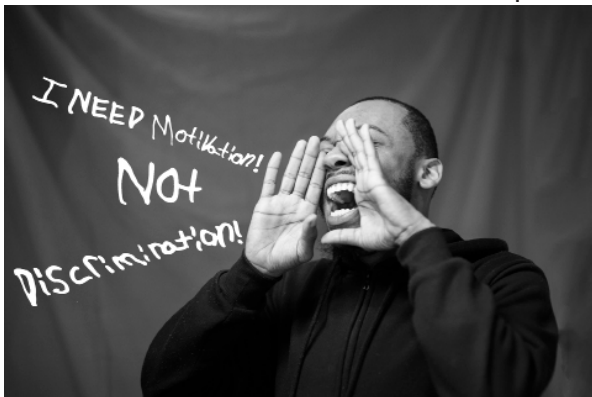
ANGE I have been involved in Juveniles for Justice for two years. I enjoy cooking and am hoping to become a chef and have my own house and car in the future. I also like to spend time with my family. I was involved in track and field before placement, however I don't do them anymore. I would like to get more involved in kickboxing.

HID I am an artist, athlete, and father. I love playing sports and video games. Currently, I am involved in the Evening Reporting Center, and this is my first year as a Youth Advocate. I am interested in cyber security and the military. I really enjoy playing basketball.

Before placement, I was playing basketball and football, but when I got out, I couldn't go back to my old school and couldn't play. It was kind of nice that while in placement I got to play basketball on the court, but there wasn't a team.



JAHEEM This is my second year in Juveniles for Justice. I wanted to be part of the program to improve how kids



are treated in this system. I hope that in five years, I have a job as an EMT and have my own house and car. I like to cook, spend time with my family and my daughter, and go shopping with my friends. When I came home from placement, I found a community football team and joined it to keep myself busy. With the support of my brother, I signed up for Job

Corps and am excited to be starting on the path toward my career.

QILAH I am so excited to have been part of Juveniles for Justice for the first time this year. I have gotten to learn about advocacy and what I can do to help. I would really like to use my DHS experiences to become a youth mentor/counselor and mentor other youth who may be



going down the same path I was. Currently, I work at PowerCorps PHL.

Before I was in placement, I used to enjoy cheerleading and doing makeup, but I could not continue when I was sent to placement. While in placement, I started playing cards—speed, spades, and black jack. I would play staff and other youth for snacks and

other things. Now that I'm home, I want to be more involved in civic engagement with other youth in the child welfare and/or the juvenile justice systems. To achieve my goals, I am getting a lot of support from my case worker and the Achieving Independence Center.

BREE I have been involved with Juveniles for Justice for two years. I like to write poems, dance, crochet, and play spades. I am an artist, and my art has been featured in several Juveniles for Justice projects. I am currently in school for cosmetology. I would also like to take up forensic science because I am interested in how crime scenes are solved.



ALEX I am a second-year Youth Advocate. I am also an actor and have directed a student-created play about being a teenager in Philadelphia.

I have a daughter named Adrianna, whom I love to spend time with and make laugh. I have a goal of getting my own apartment and a job to provide for my family.

Before placement, I played volleyball. I learned how to crochet in placement and still do it. I also enjoy acting and am currently working on a play.

DON I am a first-year Youth Advocate and have enjoyed having an opportunity to make a change. I play basketball and draw very well. I also like video games, pizza, Sprite, and know how to do a back flip. I like spending time with my family, watching movies. I was playing basketball before I went to placement. When I came home I couldn't continue to play basketball for my school. I couldn't pick up new hobbies because I was so busy with probation, house arrest, and restricted service. I am playing baseball for my school now. In the future, I see myself owning a business, and my goal is to go back to school to get a master's degree.



HOW JUVENILE PLACEMENTS SEPARATE YOUTH FROM COMMUNITIES AND SUCCESSFUL FUTURES

The United States incarcerates youth at more than double the rate of any other country in the world. On any given day, almost 50,000 young people are locked up in juvenile facilities across the country.

Although overall juvenile incarceration rates have been falling, Black youth are still over five times more likely than their white peers to be detained or committed to an institution.

We know these institutions—many of which are over 100 years old—are part of a punitive corrections-oriented approach that does not work for youth.

Research shows that institutional settings harm young people developmentally, psychologically, and—far too often—physically. Yet our country continues to rely on this outdated model as the backbone of its juvenile justice system.

We must commit to fixing this broken system and ensure that all young people have a chance for a bright future.

SEPARATION FROM FAMILY

A sense of “connectedness”—to family, community, peers, and supportive adults—is essential for adolescents and young adults. This is a time when youth are naturally developing relationships and forming their own identity. Strong relationships and community connections help keep young people engaged, supported, and on track. Incarceration disrupts these connections to family, peers, and community—isolating youth in harsh environments, hindering their natural growth, and leaving young people without a support network when they return to their community.

Our Experiences



BREE When I was placed in the facility, I was told that I could not get a home pass because I was only going to be there for a month. I was upset and hurt, both mentally and emotionally. Being in a facility is a lot. A month is a long time to go without seeing my parents, siblings, and family members.



NIGEE I wasn't aware that I would be going to prison and was being tried in the adult court. I found out the same day of my first court hearing and was in an adult prison for three months. I also found out that you do not receive home passes when you're sent to adult court, so my family could only visit me once in a while. It made me angry that I couldn't see them more often. Thankfully, my case was sent back to juvenile court, and I was happy to go home.

“A month is a long time to go without seeing my parents, siblings, and family members.”



ANAHI When I was first going to placement, I didn't actually know when I was being placed. I did not know where or how long I would be there, either. I was not allowed home passes when I was there for about three months. I lost contact with my adoptive parents while I was in placement and couldn't return home with them. I also stopped talking to my friends and other people in my life because I couldn't keep in touch when I was there.



JAHEEM Getting support from my family helped me move forward after being in placement. I was on house arrest, so I couldn't hang out with my friends anymore. Being on house arrest meant I had a lot of things to attend, like having to meet with my advocate. When I came home, having to go to my child advocate helped me get out of the house and stay out of trouble.



ALEX On my way to court, right before I got there, my worker told me I was not going home. They did not tell me how long I was staying. I was 14; I didn't know anything. I was happy, but sad at the same time. At the facility, I got day passes, and the facility staff dropped me off and picked me up to go back home. I cried a lot because I missed my brothers and sister and their kids. I only had three friends, and I still talked to them. They knew everything that was going on. After this experience, I don't trust people. I'm quick to fight over anything, and I'm very impatient.



HID The judge let me know that I would be in placement for several months. I did not believe the length of time I was given was reasonable because I did not participate in the activity I was being sent to placement for. My family came to visit while I was in placement, and it made me feel bad that they had to visit me in there. After coming home, I am glad that my relationship continues to get stronger with my family and some of my friends. I needed that.

“I was glad that my relationship continues to get stronger with my family and some of my friends. I needed that.”

LILLY They told me that for my first placement I would be staying for a month. In my second placement, they never told me how long I was staying. After they diagnosed me with depression, I was put on a medication dosage that was too high for me. I then had breathing problems and



panic attacks. I ran away from Child First because I missed my parents and family. I didn't get home passes because I ran away and was on lock down for 30 days. I didn't see my parents at all, and it made me feel alone. I felt like I didn't have anybody that loved me around. Not feeling that love and being away from home is the worst feeling—I can't describe it.

This experience changed me. I was quiet and didn't want to be around anybody else. I was too scared to open up and talk. I didn't think anyone would believe me, and I didn't think anything would be done if I did speak up. I have trust issues with adults now. One positive thing I was glad about when I came home was that I was getting all the love that I was missing from my family for all those months I was away.

QILAH Part of my experiences going in and out of the juvenile justice and child welfare systems were related to truancy and for violating my probation by being late to school. What should have happened in my story is that someone should have asked me why I was always late to school or why I felt I had to violate my probation. Instead, no one asked me, and I was sent away.



When I was being taken to a placement facility I didn't even get a chance to say goodbye to my family—not my little brother or sister. I had to leave my school. Then, when I first arrived, I could not see my family or receive any home passes until after 30 days, when the judge approved them. I missed my family and my younger siblings a lot.

After coming home from placement, my family still sometimes treats me as if I did something wrong and like I'm different—like I'm a criminal. Going away impacted my life so much: my family, not being able to finish school on time, no longer having the same friends, and now being in both systems.

“I lost contact with my adoptive parents while I was in placement and couldn't return home with them.”

STRIP SEARCHES

Although definitions vary, the term “strip search” generally refers to a search that requires a person to remove clothing to permit visual inspection of the person’s breasts, buttocks, or genitalia.

Highly invasive for anyone, strip searches are particularly traumatic for adolescents and young adults, who tend to be more self-conscious about their bodies and may even experience the search as a form of sexual abuse. This risk is heightened for youth in the juvenile justice system, the majority of whom have histories of exposure to traumatic events.

Yet youth in juvenile facilities are routinely strip searched, often in situations where no one has reason to believe they are hiding anything. For instance, youth may be strip searched upon admission, after visits with family or their attorneys, when placed in solitary, or when transported to or from the facility. As the stories below show, these searches are dehumanizing, degrading, and humiliating—they can cause real, lasting damage to youth the system is supposed to help.

Our Experiences



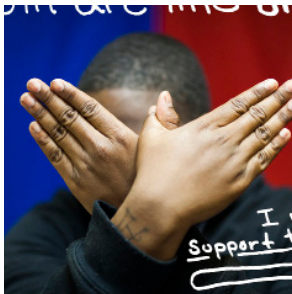
BREE When I was processed through admissions at the detention center, the staff had to take off my clothes and started patting me down, touching me, and making me feel uncomfortable. I felt violated, like I wasn’t even a



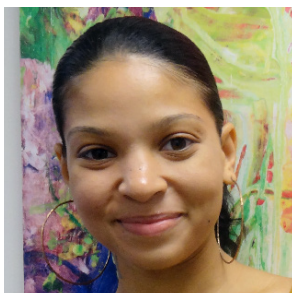
DON I was stripped searched in the placement facility. It felt weird being stripped in front of another man; it also felt a little strange. I don’t think



JAHEEM I got strip searched when I first got locked up, and then again every time I had visits. After I had a visit with my family, I was strip searched.



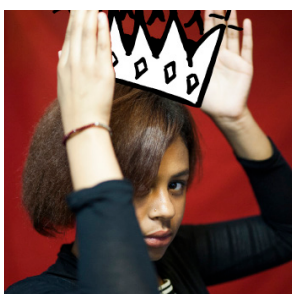
HID When I first entered the placement facility, I refused to be strip searched, and they called a code. They pulled me into another room with five or six guards, and a few of them held me while one guard forcibly searched me. This happened more than once because I refused every time. There were also pat downs after visitation.



ANGE Strip searches happened when I first entered and when I came back from a home pass. I wasn't with other youth when I got strip searched, just staff, but I still I felt a little uncomfortable because I didn't know them like that.



NIGEE After visitation, all the youth would be strip searched at the same time, and it was very uncomfortable.



LILLY I didn't like being strip searched at all. I didn't want anyone to see me naked, and it was very uncomfortable.



ANAHI When I first came to the detention center, I was strip searched. They made us do squats in front of a female guard. We were taken in the back, away from everyone else. The guard didn't touch me when I squatted, but they would make us squat with our pants off, and it kind of make me feel uncomfortable. Then, when I was sent to a placement facility, they did a strip search after every visit with my family, and they would pat us down every time we would go off grounds and come back. They would shake out our bras and touch around our waist and make us take our shoes off. For higher security places, they don't need to do this when there is already heightened supervision of the youth.

“They pulled me into another room with five or six guards, and a few of them held me while one guard forcibly searched me.”

PHYSICAL RESTRAINTS

The act of being physically restrained is an extremely common experience for youth in juvenile facilities. Restraints take many different forms, including mechanical restraints – such as handcuffs and shackles – and manual restraints where staff physically restrict a youth’s movement, sometimes for long periods of time.

Almost by definition, restraints are physically harmful to youth, and they can easily escalate to dangerous or abusive situations. Current standards in the field of juvenile corrections recommend significant limits on using restraints because of the risk of harm to youth and staff, calling instead for developmentally appropriate de-escalation techniques.

Yet as the stories below show, youth continue to routinely experience harsh and sometimes violent uses of physical restraints, often in response to incidents that reflect typical adolescent behavior and could have been de-escalated in other ways.

Our Experiences

LILLY If I acted out, the staff at the placement facility put my hands behind my back and threw me on the floor. A staff burned my skin with a flat iron so badly, my judge moved me to another floor. When she burned me, I yelled at her because it hurt so bad, and I was placed in a small room by myself for yelling.



Another time, I had gotten body slammed for yelling at a staff person and was put into a room for about a day but because I had refused to go into the room, they didn’t let me eat. I had eaten breakfast before 9:00 am, and I wasn’t given any food until after 3:30 pm. I also felt that even if the staff didn’t like you, they could do what they wanted. Staff fought girls, and male staff restrained female youth, which didn’t feel right to me.

“For higher security places, they don’t need to do this when there is already heightened supervision of the youth.”



DON In placement, I witnessed youth getting physically restrained if staff believed they looked like they were about to fight another youth. It also happened sometimes when youth talked back to the staff.

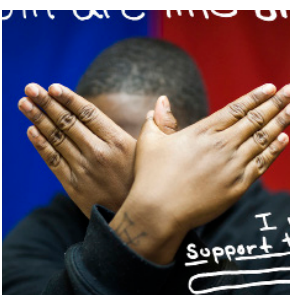


ANGE In placement, youth can get restrained for getting into trouble—like when people fought, both would get restrained. One girl got arrested for fighting staff. They argued first, and then the girl got restrained. The staff person also tried to hit the girl back. For fighting, everyone had to stand in the middle of an empty room and do an apology and analyze what we did wrong. If you moved while talking, you would get restrained. I've seen people get restrained the whole time at the juvenile placement facility I was in, one person a day would be restrained. I've also seen youth



ANAHI I saw some people get restrained for fighting, and if the child would keep moving, the staff would slam them on the wall or floor. Usually, staff would hold people back for fighting, but sometimes the staff would also get physical with the youth if they weren't cooperating.

HID I was in one placement facility for two to three months. I witnessed youth being restrained even for talking back and refusing to do something. When staff yelled and argued with you, they decided they were finished arguing and suddenly they get physical and then they will call "code black" or "code blue" and would jump on the youth. It wasn't common, but it happened when a staff person had a problem with one of the youth.



Staff felt like they had to respond excessively to any behavior they felt was wrong. If one person didn't do something like cleaning up, the unit got locked down for a week or more. Everyone had to be in their room and could only come out to eat and shower, and then it was lights off. After this, once everyone came out they would be upset, angry, raged and ready to fight.

PHYSICAL ABUSE

As numerous studies have documented, maltreatment and abuse are commonplace in large, institutional youth placements. For instance, one national survey of facility staff members showed that, over a three-year period, there were approximately 13,000 allegations of abuse in juvenile facilities around the country. Other studies have documented evidence of widespread maltreatment in at least 29 states.

The abuse youth experience includes violent assaults by staff and youth, sexual victimization, and systemic maltreatment. These experiences cannot be written off as the product of individual bad actors—they pervade our juvenile justice system and have persisted despite many efforts at reform. The abuses described below, and similar experiences of countless young people around the country, highlight how our correctional model is inherently flawed and must be fundamentally changed to support, not harm, young people.

Our Experiences

LILLY At my lockdown placement, I saw that youth could yell, not listen and sometimes fight each other because some staff would let them fight. There were times staff physically fought with youth, too. I had also heard about someone being pepper sprayed in response to telling a staff person “no.”



When a staff member intentionally burned me with a flat iron while she was straightening my hair, I was in a lot of pain and asked to see the nurse, but she wasn't there because she was only part-time. I never got to see a doctor until I went to court four or five days later. By that time, it was all scarred. When my judge saw what happened, she moved me to a different floor. I was really upset I had to stay at the same facility all because the other placement where I was supposed to go didn't have a bed available yet.

“No kid should be beaten up by staff at the facility, especially not for refusing to do class work that’s not on our level.”

HID When I was at my first juvenile placement facility, a lot of people were physically injured by staff. I had gotten a busted lip and broken ribs from a guard, so my social worker took me to the hospital and I was removed from this facility.

One time, I was on social media during school hours and when they caught me, they tapped me on my shoulder and told me to step out of class. As soon as I stepped out of the room, one guard held me, and another punched me, then they made me go back to class.



I never told anyone at the facility because the staff who punched me would bribe me and other youth with snacks to not tell the CFO, or when it happened to me, they told me to not tell when I went to court.

If people really knew what I faced behind those walls, they would understand how horrible it was for me. No kid should be beaten up by staff at the facility, especially not for refusing to do class work that's not on our level. If this happened in regular school, teachers could be arrested

and fired.

QILAH In a holding facility, I had been having a hard time sleeping and was having menstrual cramps, so I did not feel up to eating breakfast. I was tired, and I refused to go to breakfast.



When I refused, the staff grabbed and twisted me up out of the bed. Because it was hurting, I resisted. When I did, the staff woman swung me around and punched me. When I defended myself, the staff facilitator who was nearby and saw what was happening, threw her walkie-talkie at my head. After this happened, I tried reporting what happened between me and both the staff but there was no disciplinary action for the staff's behavior. Instead, I lost all my phone time with my family and was put in solitary for one day. One of the biggest parts of this experience that hurts was that I was punished for what happened to me and they took away my phone time, and it meant that I could not

talk to my family.

SOLITARY CONFINEMENT & EXTENDED ISOLATION

Neurological research and sociological studies have confirmed what common sense tells us: that solitary confinement has devastating, long-term effects on young people. The practice exacerbates mental health problems, disrupts normal adolescent development, and undermines the rehabilitative goals of the juvenile justice system. It has also been found unconstitutional by numerous courts.

Yet solitary confinement—also known as “isolation,” “room confinement,” “disciplinary detention,” or other euphemisms—remains common in juvenile facilities around the country.

In a national survey of juvenile defenders conducted by Juvenile Law Center, more than two-thirds of respondents reported that they have clients who spent time in solitary. The conditions these young people experience are often appalling; youth in solitary may spend 22-23 hours a day in cells by themselves, sometimes without basic necessities such as mattresses, sheets, showers, eating utensils, and mental health treatment.

Exposure to these conditions not only harms young people—it is also counterproductive. Facilities and jurisdictions that have reduced reliance on solitary confinement have seen corresponding decreases in rates of violence.

Our Experiences



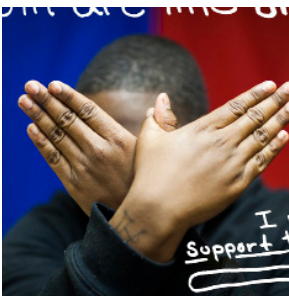
QILAH While I was in placement, often the whole group would get punished for behavior of one person. One time, I was placed in solitary confinement for one day for defending myself when a staff person threw a walkie talkie in my face. Another time at a holding facility, I was put in solitary for about 3-4 days. When I was in solitary, there was only a metal chair in the room and a table nailed to the floor. A person brought me food throughout the day and brought me a pen and paper for me to write to my family.

“It shouldn’t be that if one youth acts out in a facility, we are all punished.”



ANGE In general, you can't talk to anyone or look at anyone (in a silly way) or you would get in trouble. I was placed in isolation rooms for being considered a "threat" because I moved too quickly while talking to staff.

HID I was in solitary for one week once, and the room was cushion—a sponge-like substance.



They put me there because someone in the cafeteria was looking at me and I felt threatened. They thought that we both might get into a fight because we were staring at each other, so we were both put into solitary.

They only checked on me when it was time for meals, and they brought my class work to me, otherwise there was nothing for me to do and no one for me to interact with. I slept, looked at the wall, worked out in the room, and I ate—that's it, for a whole week.

At first, I didn't think it would affect me, but after being in the room with nothing to do for even a few minutes it started to bother me. It made me feel weak because there was nothing I could do to get out. There was only really me, the walls, and the floor.



JAHEEM At the detention center, if there was a fight everyone would be on lock down for some hours or a full day. It depended on the situation, like if a youth was in a unit fight, we would all be on lock down for 24 hours. We also would not be able to see our families if a lockdown happened. This was upsetting because it felt as if we were all being punished for someone else's behavior. This was also frustrating because if I had court the same day the lockdown happened, my court date got pushed back, sometimes almost a month. It shouldn't be that if one youth acts out in a facility, we are all punished even when we did not cause any trouble.

“When I was placed in solitary for three days, there was only a metal chair in the room and a table nailed to the floor.”

EDUCATION

Youth in juvenile facilities face countless barriers to educational success. Placement in a facility usually requires a youth to change schools, and the educational programs provided in facilities typically lack the academic rigor of community-based schools. Youth may be assigned to the wrong grade, given coursework below grade level, or simply placed in front of a computer and expected to teach themselves. Although a large percentage of youth in the juvenile justice system are eligible for special education, many facilities fail to provide mandated services.

When they are discharged from facilities, youth often struggle to transition back to community schools. Many find that they are unable to transfer the credits they earned or that all their courses are counted as elective hours. **Unsurprisingly, these barriers lead to abysmal educational outcomes: a majority of youth do not return to school after release from custody, and only 1% of justice-involved youth graduate from college.**

These outcomes are particularly tragic given that many youth enter the justice system due to school-related issues, such as truancy or school-based offenses. Rather than help youth meet their educational goals, system involvement sets them further behind.

Our Experiences

ANAHI I was assigned worksheets when I was in one placement facility. The work was too easy for me and not on my grade level. They had different teachers every day who came to teach us at different times. In another facility, the school work was the same—too easy and only one teacher who actually taught.



When I was released, I was not able to go back to my regular school and ended up going to an alternative school. My credits were not transferred, and I had to start from scratch.

This experience impacted my education because I didn't get the right grade work in the placement facility. It made it harder for me to learn when I got back to a regular school and pushed me back.

“My credits were not transferred, and I had to start from scratch.”

ANGE Worksheets and reading assignments were too easy in the placement facility. During my time there, I was taught with worksheets and books. While I thought the teachers were good, they didn't teach as much, and it was not the appropriate grade level. It was also really strict—I couldn't fool around or get in trouble. When I got in trouble, I was separated from the other students. If I got into trouble, they would give me a warning, pull me out of school, and I



would have to explain what I did wrong and what I was going to do to fix it. If I wasn't good in this "interview," I had to sit in a room by myself. When I was being goofy in class, the teacher got mad and told me to get out. I had to work separately in an empty room but the next day I could go back to class.

When I got home, my credits transferred from the facility to my neighborhood school. This was great, so I went to a neighborhood school first and returned to my grade level, but I didn't do well. I couldn't keep up with the pace of the work because I hadn't learned the things the other kids learned from my previous school, so I had to leave my neighborhood school to attend an alternative school. This experience at the alternative school affected me a lot because I was used to "normal" school and having more freedom. When you attend alternative school, it's so different, you can't carry anything—no pens, pencils, it's not like regular school at all. I believe if I didn't have this experience at the alternative school, I would probably have graduated on-time.



LILLY After coming back home, I tried to go back to the charter school I had attended for two years before going to the placement facility, but they wouldn't let me back in. My only option was to do a cyber program. I didn't learn anything while I was in placement and to this day I'm still having trouble in school. I ended up having to take eighth grade classes that I should have already known, like pre-algebra.



NIGEE In the adult facility, the worksheets I had were on my level, and all the assignments were both hard and easy. We had a teacher who came in and gave us work. She talked to us and helped us with worksheets and reading assignments. I'm glad I had her help and got the work I needed while I was there. This made it easier when I came home, and I was able to go to the school I used to attend. All my credits transferred from the adult facility back to my community high school.

"It messed my education up. Going to school was hard too because I didn't go for so long and when I did go it was only for 3-4 weeks."



HID It seemed like they only gave us work to keep us busy from doing anything. The work really didn't teach me anything. In the facility, I had access to a teacher and computer. But I wasn't really interested in the school work because they kept giving me work that wasn't at my grade level. One time I got ten punches by a guard for not doing the school work. When I came back home, I had to be homeschooled because no school in the Philadelphia School District would accept me back. My credits from the placement facility didn't transfer when I tried to go to a regular school outside of Philly, so I had to be homeschooled to start 12th grade on time.



ALEX We had teachers and two body guards in every class. The teachers didn't interact with us they just gave the papers and sat at the desk on their phones. I had to repeat grades when I left the facility because I didn't get the proper work, which made it harder for me because I didn't know the things that I should've known. I could've finished school this year (2018). I feel like I wasted my time for three years. When I came home even though I was not able to go to my neighborhood school, I could go to a school in Philly designed for youth with experience in foster care. I think it's the best school I have ever been in.



DON Once, I was told I had to leave the class because they thought I wasn't going to be safe and was arguing. I was sent to my room for half the day, and I had to make my work up another day.

“We had a teacher who came in and gave us work. She talked to us and helped us with worksheets and reading assignments... I was not able to go to my neighborhood school, but CB is the best school I have ever been in.”

CLOSING

We have shared our stories to shed light on the harm we experienced and to identify solutions to the challenges that many of us faced.

We are encouraging our community members, stakeholders, and local agencies to prevent youth from going into facilities and make sure they get services while staying with their families and communities. If youth must go into placement, their safety and well-being should be prioritized.

Why Is This Important?

All young people deserve the opportunity to grow up in safe environments that promote development. Going to placement, even for a short time, is an interruption to young people's ability to grow within their own community. It interrupts their family life, education, and development.

Being in placement often changes young people in a way that isn't rehabilitative even though one of the primary goals of the juvenile justice system is to rehabilitate youth. To help address the challenges youth face in placement facilities, we developed a set of recommendations designed to guide courts, facilities, and advocates in their efforts to reform the juvenile justice system.

We believe children should have and deserve opportunities to stay in or close to their communities, or if they are in the juvenile justice system, that it is supportive, safe and rehabilitative. We must accomplish these goals to ensure children are given a second chance.

Recommendation 1: Keep Youth in Their Communities

1. Provide community-based resources to youth and families to help keep kids out of the system.
2. Invest in more diversion programs to keep youth out of placement.
3. In the rare instances when placement is deemed necessary, place youth in facilities within their communities or close to their homes. This includes:
 - a. Ensuring that all placements are safe and supportive, and
 - b. Training staff on up-to-date trauma-informed practices

Recommendation 2: Connect Youth to their Families while in Placement

1. Never punish youth by denying them access to visits or phone calls with their families.
2. Give guardians contact information of staff who can provide information about the youth and their adjustment to the facility and make arrangements to communicate (e.g. accommodating language barriers).
3. Involve family members in education, behavioral management strategies, and medical and mental health service decisions about their child at the facility.

Recommendation 3: Improve Oversight, Accountability, and Reporting of Abuse

1. Designate a point person to follow-up with youth about reports of abuse and unsafe conditions.
2. Require responses to youth reports of abuse or unsafe conditions within 24-48 hours.
3. Train facility staff on how to look for and report abuse. Provide a safe way for staff to report concerns about abuse.

4. Hold staff accountable when reports are not made, particularly if youth are sexually or physically abused.
5. Ensure youth and their families fully understand and are able to access the facility's grievance procedure by:
 - a. Thoroughly orienting youth to the grievance procedure when they first enter a facility;
 - b. Using language that youth and the family can understand;
 - c. Providing direct information of who to contact about grievances at the facility;
 - d. Following up after incidents to ask if a youth wants to file a grievance or report abuse; and
 - e. Supporting youth in completing documentation and contacting the appropriate person.

Recommendation 4: Develop Alternatives to Physical Restraints

1. Thoroughly train staff on alternatives to physical restraints, including de-escalation techniques and other restorative justice practices. These trainings should be a requirement for all staff upon starting and should be continuously offered.
2. Require staff to exhaust all other de-escalation tactics before resorting to physical restraints.
3. Prohibit staff from restraining youth unless staff have been properly trained on the purpose and appropriate use of physical restraints and the use of the least harmful restraint tactics.

Recommendation 5: Use Restorative Techniques to Help Youth with Behavior Management

1. Instead of relying on solitary confinement for behavior management, offer individualized programming, including positive behavior support, to address behavior concerns.
2. Train all staff on the use of less restrictive alternatives, including de-escalation.

3. Ensure solitary confinement is never used for punishment, discipline, or convenience.
4. Never isolate youth for more than a three-hour period for any reason, and release youth from isolation as soon as they have regained self-control. If a youth requires further support after a three-hour “cool down” period, seek other positive, individualized interventions to address the youth’s needs.

Recommendation 6: Provide Quality Education to Youth in and Returning from Placement

1. Allow youth to attend school in their communities or in the community where a facility is located, rather than inside an institutional juvenile justice placement.
2. Make sure youth have the information and power to make decisions about their own education and future.
3. Require on-grounds schools at juvenile facilities to have the same, if not better, standards and resources as community schools in terms of curriculum, supplies, work, discipline, and meeting youths’ individualized needs.
4. Provide appropriate school work that is based in the youth’s grade, age, development, special education, language, and any other needs.
5. Have appropriate, positive and affirming responses to classroom misbehavior. Denial of education should not be used as punishment.
6. Provide youth with supports and opportunities to get post-secondary credit while in placement, prepare for post-secondary when they leave placement, and participate in career pathways programs that prepare youth for living wage employment.
7. Have meaningful reentry planning, led by youth and supported by invested adults.
8. Provide a plan for the youth’s transition out of placement that includes a plan to transfer school credits, and make sure the youth ends up in the appropriate school and classes, to avoid gaps in education.

Recommendation 7: Eliminate Strip Searches

1. Prohibit all strip searches unless there is probable cause that a youth is hiding dangerous contraband that could not be discovered in a less intrusive search.
2. Prohibit all strip searches unless there is probable cause that a youth is hiding dangerous contraband that could not be discovered in a less intrusive search.
3. Train staff on graduated response techniques before any search that requires contact with a youth's body.
4. Ensure searches are not conducted in a degrading or humiliating manner. For instance, youth should not be searched in front of other youth and should not be asked to strip in front of staff.

APPENDIX

Sample Standard Questions for Lawyers and Advocates to Ask Youth

As youth in placement, we didn't know that lawyers and advocates had a limited time with us. We didn't know it was important to tell them everything that was happening in placement. We were scared about retribution, did not think we would be believed, and did not know what could or would be done.

In addition, sometimes, we didn't feel we could trust our lawyers because we didn't know them well enough to tell. However, regardless of time constraints, we believe lawyers and advocates should always attempt to ask youth questions. This is important to ensure that we feel safe and our mental and emotional health is well while we are in facilities and when we come home.

To help youth to share their stories, we developed a set of questions that we feel are the most important to ask young people in placement. We know some of these are hard questions for youth to respond to, so the more rapport advocates develop with young clients, the more likely youth will disclose difficult information. We believe building rapport and trust with us and continuously asking some of these questions each time you see us will help us open up. Building trust is key to helping us to disclose information and to ensuring we are safe in facilities.

We hope our recommendations and these sample questions will help to one day eliminate the harm youth face in facilities.

SAMPLE QUESTIONS TO ASK YOUTH IN INSTITUTIONAL PLACEMENTS

1. How are you? Do you feel mentally and physically safe?
2. How many meals are you eating a day?
3. Do you feel you are being mistreated by any staff?
4. Have you talked to your family or seen them? When was the last time?
5. Have you ever been forced to do something you didn't want to do?
6. What school subjects are you learning? Do you feel you're learning the right work?
7. Have you ever been held in a room by yourself for a few hours or more? How long?
8. What other services here have been offered to you, for example therapy?

We separated our top 8 questions we feel youth should always be asked. These questions should be reviewed for wording to ensure questions are not leading and adhere to attorney client standards.

ADDITIONAL QUESTIONS THAT ARE IMPORTANT TO ASK YOUTH.

1. What happens in the facility when a youth is in trouble?
2. How do you feel you're being treated?
3. Have you, or do you feel threatened by anyone?
4. Were you ever on lockdown? Do you know why? For how long?
5. How do staff handle conflicts they may have with youth? How do staff handle conflicts that arise between two or more youth?
6. Where are you currently being housed? What is your room like?
7. What did you expect when you entered?
8. How do you feel like you're being treated in placement compared to the other youth in the facility?
9. Do you know who to talk to if you have a complaint or something bad happens?
10. Do you have questions about your next court hearing or when you are scheduled to return home?

BROKEN PROMISES: FUTURES DENIED

Broken Bridges - Second Edition



**Advocates
Transforming
Youth Systems**

**Advocates for
Youth Justice**



**Juvenile
Law Center**

Lost Freedom

Every day I lie awake dreaming of being free

This home promise to me is empty

Breathing is difficult to comprehend

every breath is taken away from me

no light no air just an empty room

I had a dream that when I grow up I would be like Harriet Tubman, an American abolitionist and social activist. But I will never be because I'm not free

Every day I lie awake dreaming of being free

This home promise to me is empty

Breathing is difficult to comprehend

every breath is taken away from me

no light no air just an empty room

I had a dream that when I grow up I would be like Martin Luther King, a civil rights activist.

But I will never be because I'm locked down in shackles

Every day I lie awake dreaming of being free

This home promise to me is empty

Breathing is difficult to comprehend

every breath is taken away from me

no light no air just an empty room

I had a dream that when I grow up I would be like Rosa Parks, an American activist. But I will never be because I'm locked in an empty room and not able to leave to show that I am a beautiful colored person with a unique personality.

Every day I lie awake dreaming of being free

This home promise to me is empty

Breathing is difficult to comprehend

every breath is taken away from me

no light no air just an empty room

I had a dream that when I grow up I would be like the president of the United States like

President Barack Obama. But I will never be able to run a nation as well as he did because

I'm locked in an empty room and not able to leave and not able to get a job because I'm being discriminated against by my record.

Written by Ria Murray

Biography:

My name is **Ria Murray**. I am a youth advocate for Juvenile Law Center, and a cashier and flagger for parking. I'm currently planning to go back to school for my bachelors in nursing. I've already hold an associate in arts health care studies degree.

I have written testimony and other written works for the benefit of young people involved in the system. Speaking engagements have allowed me to discuss policy changes that will help you and the system with state representatives, city council members. I've had the pleasure of getting to know some very incredible people along the road, including Mr. Curtis Jones, a council member, Mr. Joseph Hohenstein, a state representative, Mrs. Tracie Johnson, the youth ombudsperson, and Mrs. Liz Ryan, the administrator of the Office of Juvenile Justice and Delinquency Prevention.

Advocates for Youth Justice

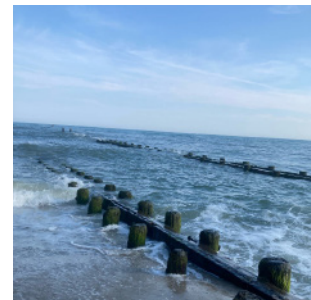
CLASS OF 2023 - 2024



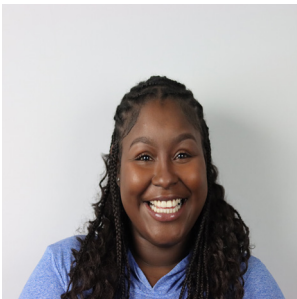
My name is **Bree Hood** and I'm 27. My pronouns are she/they. I have been an advocate with Juvenile Law Center's Youth Advocacy Program for eight years. I graduated high school and got my diploma.

(Not Pictured) My name is **Tay Colter** she/her. I'm 24 years old currently working on starting my own hair business and enrolled in school to pursue a career in the medical field. I am very ambitious, motivated, and proactive. The main reason why I love what I do is the feeling of helping and being there for others.

My name is **Jabriel Brown** and I'm 19. I am from West Philadelphia and I am a Virgo! I graduated from West Philadelphia high school. I work at the PHL Airport where I am a wheelchair associate, we help disabled, and elderly people up to their flights safely. I have been working with Juvenile Law Center's Youth Advocacy Program for three years. We help youth navigate legal AND educational systems, and advocating for policy changes that benefit young people. Our ultimate goal is to empower youth and help them achieve their full potential.



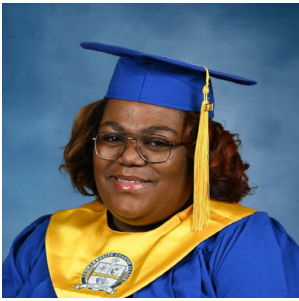
Broken Promises: Futures Denied



My name is **Aqilah David**. I am from Philadelphia! I was previously incarcerated at the age of 15 and I am now a youth advocate with the Juvenile Law Center where I use my lived experiences and expertise to bring awareness and make positive changes to the justice system for youth. I also work with the Youth Art & Self-empowerment Project's Participatory Defense Hub to support youth who are currently incarcerated and their families to help navigate the justice system.

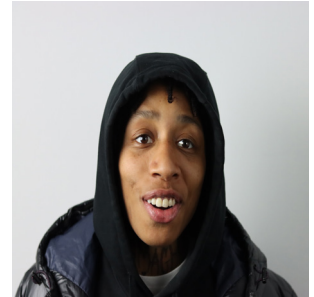
My name is **Alexandria Rivera** and I am a dedicated and proud mother of two beautiful daughters. I am 100 percent committed to advocating for youth, and fostering systemic change. With my 8 years of advocacy work at Juvenile Law Center, I strive to create a better future for our young people. I also represent various organizations focused on youth homelessness. My advocacy efforts are centered around addressing critical issues that impact our youth, including the enhancement of educational opportunities within juvenile facilities. My mission is to amplify the voices of youth and drive meaningful change in our communities and our broken systems.





My name is **Aniya Jackson** I am 19 years old. I am a single mother of one beautiful little girl. I like to play basketball, make music and spend time with my daughter. In the future I hope to become a professional business owner and music producer. I am a high school graduate, and I will be going to college to pursue my dreams of becoming a lawyer. I have been a youth advocate with Juvenile Law Center for two years. I joined this program because I want to help youth who are in the system like me, and let them know they have a voice and that they're not alone.

My name is **Bre Stoves** and I am 21 years old. I have been in seven different placements since I was 12 years old. This is my fourth year working in the Youth Advocacy Program at Juvenile Law Center. I got involved with this program because I heard I could actually advocate for other children. I was in the system, so I know how it works. If I can have a say in how to change it, then I will speak up.



My name is **Angela Landy** and I am 25. I am a parent of two girls. Outside of my work at Juvenile Law Center, I work as a canvasser. I am currently enrolled in college and will be starting in the fall. Some of the advocacy work I have done has been on issues with education and youth in the system.

(not pictured) **Lakeema Jones** has been with Juvenile Law Center's Youth Advocacy Program since 2017.

My name is **Shy Hill** and I work at Safe Steps Northwest which is a significant community-focused initiative led by Glitter in partnership with Mt. Airy CDC and the office of State Senator Art Haywood. I have been an advocate for over 12 years.



My name is **Anahi Martinez** and I spent two years as the Youth Advocacy Program Fellow at Juvenile Law Center. I previously completed three years in Advocates for Youth Justice (A4YJ) as a youth advocate through Juvenile Law Center's Youth Advocacy Program and graduated from the program in 2019. I am also a member of the Youth Safety Coalition.

My name is **Zah Brooks**. I have been with the Youth Advocacy Program at Juvenile Law Center for three years. I am now an alum of the program and will continue to be involved at Juvenile Law Center.



RACIAL DISCRIMINATION

The juvenile legal and child welfare systems have a long history of racial discrimination. Despite the ongoing conversation surrounding the issue, Black and Brown youth continue to experience disparate treatment at every stage of the system, especially in juvenile detention and placement. According to The Sentencing Project's *Black Disparities in Youth Incarceration* report, in 2021, Black youth were 4.7 times more likely to be placed in juvenile facilities than their white peers.⁴ Nationally, the U.S. has a placement rate of 228 per 100,000 for Black youth, and only 49 per 100,000 for white youth.⁵ Furthermore, 42% of youth in placement across this country are Black even though Black youth only represent 15% of the US youth population.⁶

Pennsylvania reflects similar disparities. In 2022, white non-Hispanic youth represented the largest racial/ethnic category for delinquency allegations at 42.6%, with Black non-Hispanic youth accounting for the second largest group at 37%, despite only making up 12.4% of the total Pennsylvania youth population (ages 10-17).⁷ Notwithstanding their smaller total population, Black non-Hispanic youth accounted for 36.5% of the total delinquency dispositions, with disparities at each decision point in the juvenile legal system, including disparities at secure detention (61.5%), transfer to criminal proceedings (51.6%), and juvenile placement (46.1%).⁸

These disparities also pervade the child welfare system in Pennsylvania. Despite comprising 12.4% of the youth population in Pennsylvania, Black youth make up 27% of those entering the child welfare system.⁹ Pennsylvania and the U.S. as whole must take further action to protect our youth of color from this harsh and unfair reality.

Youth continue to experience racial discrimination once in the juvenile legal and child welfare systems. For instance, youth of different ethnicities require different skin and hair care products, which facilities and group homes often fail to provide. Additionally, staff use racially derogatory/insensitive language toward youth, which creates an unhealthy environment and inhibits their development.¹⁰

4. THE SENTENCING PROJECT, *BLACK DISPARITIES IN YOUTH INCARCERATION 1* (2023), <https://www.sentencingproject.org/app/uploads/2023/12/Black-Disparities-in-Youth-Incarceration.pdf>.

5. *Id.*

6. *Id.*

7. PA. JUV. CT. JUDGES' COMM'N, *2022 JUVENILE COURT ANNUAL REPORT 7* (2023), <https://www.jcjc.pa.gov/Research-Statistics/Disposition%20Reports/2022%20Juvenile%20Court%20Annual%20Report.pdf>.

8. *Id.* at 41-42.

9. *Children Entering Foster Care by Race and Hispanic Origin in Pennsylvania*, ANNIE E. CASEY FOUND. (July 2023), <https://datacenter.aecf.org/data/tables/6272-children-entering-foster-care-by-race-and-hispanic-origin?loc=1&loct=2#detailed/2/40/false/2048/2638,2601,2600,2598,2603,2597,2602/13042>.

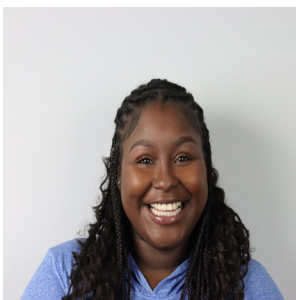
10. Ijeoma Opara et al., *Feeling Invisible and Unheard: A Qualitative Exploration of Gendered-Racist Stereotypes Influence on Sexual Decision Making and Mistreatment of Black Teen Girls*, 54 *YOUTH & SOC'Y* 527, 528 (2022).

Youth have noted that some facilities and group homes suppress children's cultural identities by prohibiting them from speaking in their native language, and even punishing them for doing so. Youth also mention that they often cannot exercise their religious beliefs, including praying, wearing religious garbs, and eating or abstaining from certain foods. Youth deserve to be affirmed in their racial and cultural identities at such a pivotal time in their lives.



ZAH Yes, I was antagonized by white staff members. They would act that way to all of the Black youth in the facility. He would call me a n****r. This staff and some other white staff members would restrain the Black youth in the facility more, too.

BREE In most facilities I was the only white youth, but I didn't really feel discriminated against by race or religion. If I was discriminated against, it was because of my sexual orientation. I never had problems with religion, but I did notice the Muslim youth weren't allowed to pray and sometimes staff would serve them pork—in the Islamic faith they are not allowed to consume pork. I felt it was very disrespectful towards them.



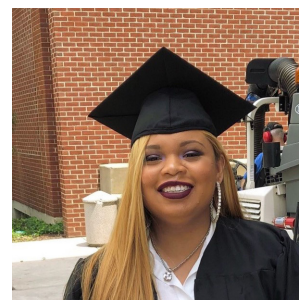
QILAH I experienced racial slurs in groups home by staff. I have beautiful dark brown skin and staff members would call me “soo black.”

African American young ladies require different essentials than their white peers. They need different hair care products and skin care products. I also noticed that young Muslim girls being told they were not allowed to wear their garments when I was in group homes.



AMARA Most people in group homes and juvenile placements were judged by how they looked and dressed. If you weren't put together with your hair done or nice clothes, then you were considered dirty and if you were put together you were cooler and treated better by staff. This type of competition forces kids to steal from one another and fight to get nicer things. On top of that, lighter-skinned girls were treated better by staff than darker-skinned girls.

ANAHI When it came to speaking other languages in placement, I wasn't allowed to do that with other females that spoke Spanish. Staff wouldn't like that cause they couldn't understand us and would tell us to stop and warn us that they would write us up if we continued to talk Spanish.



"Yes, I was antagonized by white staff members. They would act that way to all of the Black youth in the facility.

*He would call me a n****.*"

LGBTQIA+ BIAS

LGBTQIA+ youth face unique challenges both in and outside of the juvenile legal and child welfare systems. They experience bias in adjudication and disparate treatment while in congregate care and detention/placement. On a national level, LGBTQIA+¹¹ youth are 1.25-3 times more likely to be expelled from school, stopped by police, arrested, adjudicated delinquent, or convicted as an adult when compared to other youth.¹² One study found that: 19.5% of LGBTQ girls reported being stopped by the police, compared to 9.5% of heterosexual girls; 4.1% of LGBTQ girls reported being arrested before the age of 18 compared to 1.2% of heterosexual girls; and 1.3% of LGBTQ girls reported being convicted of a crime before age 18 compared to .4% of heterosexual girls.¹³ LGBTQIA+ youth are overrepresented in the juvenile legal system; one study found 20% of youth in the juvenile legal system identified as LGB, compared to only 7-9% in the community.¹⁴ These disparities are similar in the child welfare system with 30% of youth identifying as LGBTQ in foster care.¹⁵ Queer youth especially are more likely to experience homelessness which makes them vulnerable to placement in congregate care settings.

Once in institutions, LGBTQIA+ youth continue to face harm and discrimination. Many states require LGBTQIA+ youth to comply with gender-normative standards, resulting in emotional, mental, and physical harm to those youth. A 2017 review of state laws and policies revealed that 40 states provide no allowances for youth in the juvenile legal system to dress or express themselves in accordance with their gender identity.¹⁶ Further, many facilities place transgender and gender-nonconforming youth according to the sex assigned at birth rather than their gender identity.¹⁷

11. We use LGBTQIA+ in our own writing for a broad and inclusive definition of the community we describe. To the extent studies use other descriptors, we use those here for clarity about the research.

12. Kathryn E.W. Himmelstein & Hannah Brückner, *Criminal-Justice and School Sanctions Against Nonheterosexual Youth: A National Longitudinal Study*, 127 PEDIATRICS 49, 51-54 (2011), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3375466/pdf/zpe49.pdf>.

13. Andrew P. Barnett et al., *Sexual Minority Status, Bullying Exposure, Emotion Regulation Difficulties, and Delinquency Among Court-Involved Adolescent Girls*, 51 J. YOUTH & ADOLESCENCE 471, 471 (2022).

14. CTR. FOR AM. PROGRESS, MOVEMENT ADVANCEMENT PROJECT & YOUTH FIRST, UNJUST: LGBTQ YOUTH INCARCERATED IN THE JUVENILE JUSTICE SYSTEM 2 (2017), <https://www.lgbtmap.org/file/lgbtq-incarcerated-youth.pdf>.

15. Laura Baams et al., *LGBTQ Youth in Unstable Housing and Foster Care*, 143 PEDIATRICS 1, 1 (2019).

16. CHRISTINA WILSON REMLIN, M. CURREY COOK & ROSALYND ERNEY, CHILD'S RTS., LAMBDA LEGAL & CTR. FOR THE STUDY OF SOC. POL'Y, SAFE HAVENS: CLOSING THE GAP BETWEEN RECOMMENDED PRACTICE AND REALITY FOR TRANSGENDER AND GENDER-EXPANSIVE YOUTH IN OUT-OF-HOME CARE 4 (2017), https://www.childrensrights.org/wp-content/uploads/imported-files/TGNC-Policy-Report_2017_final-web.pdf.

17. CTR. FOR AM. PROGRESS, MOVEMENT ADVANCEMENT PROJECT & YOUTH FIRST, *supra* note 15, at 4.

These incorrect placements increase the risk of harassment, violence, and sexual assault for LGBTQIA+ youth.¹⁸ These youth also face a higher risk of sexual assault in institutions. A national survey found that 20.6% of gay/bisexual boys in residential facilities experienced sexual assault by another youth, compared to only 1.9% of heterosexual boys in facilities.¹⁹

Similar challenges face LGBTQIA+ youth in the child welfare system. In a 2014 study of youth in the Los Angeles child welfare system, 13% of LGBTQ youth reported being treated “not very well” compared to only 6% of non-LGBTQ youth.²⁰ Another study revealed that LGBTQ youth are more than twice as likely to report being mistreated in the child welfare system compared to heterosexual youth.²¹

Gender non-conforming youth also face discriminatory treatment. Studies have found that 5% of youth in foster care identified as transgender, compared to only 1% of youth not in foster care.²² Children’s Rights reports that 57% of transgender youth in the foster care system have experienced family rejection.²³ Once in the child welfare system, transgender youth are more likely to experience discrimination and abuse in foster care placements than their peers.²⁴ Transgender and gender non-conforming youth face similar problems in the juvenile legal system; they report experiencing discrimination, bullying, and violence.²⁵ They also frequently do not receive appropriate services, including gender-specific clothing, personal care products, and medically necessary transition-related care.²⁶

18. *Id.*

19. Bianca D.M. Wilson et al., *Disproportionality and Disparities Among Sexual Minority Youth in Custody*, 46 *J. YOUTH & ADOLESCENCE* 1547, 1553-54 (2017).

20. BIANCA D.M. WILSON ET AL., *THE WILLIAMS INST., SEXUAL AND GENDER MINORITY YOUTH IN FOSTER CARE: ASSESSING DISPROPORTIONALITY AND DISPARITIES IN LOS ANGELES* 38 (2014), <https://williamsinstitute.law.ucla.edu/wp-content/uploads/SGM-Youth-in-Foster-Care-Aug-2014.pdf>.

21. HUM. RTS. CAMPAIGN & FOSTERCLUB, *LGBTQ YOUTH IN THE FOSTER CARE SYSTEM* 3, <https://hrc-prod-requests.s3-us-west-2.amazonaws.com/files/assets/resources/HRC-YouthFosterCare-IssueBrief-FINAL.pdf> (last visited June 10, 2024).

22. Baams et al., *supra* note 16, at 4.

23. CHILDREN’S RIGHTS, *LGBTQ+ YOUTH IN FOSTER CARE* 1 (2023), <https://www.childrensrights.org/wp-content/uploads/2023/01/CR-LGBTQ-Youth-in-Foster-Care-2023-Fact-Sheet.pdf>.

24. *Id.*

25. OFF. OF JUV. JUST. & DELINQ. PREVENTION, *LITERATURE REVIEW: LGBTQ YOUTHS IN THE JUVENILE JUSTICE SYSTEM* 5-6 (2014), <https://www.ojjdp.gov/mpg/litreviews/LGBTQYouthsInTheJuvenileJusticeSystem.pdf>.

26. CTR. FOR AM. PROGRESS, MOVEMENT ADVANCEMENT PROJECT & YOUTH FIRST, *supra* note 15, at 4.

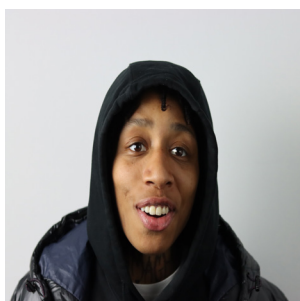
“All the things I normally would do I couldn’t because it might look strange to them. For example, we used to lay in each other’s beds and just talk which I had to stop because it was brought to my attention I could get written up if they suspected foul play.”

ZAH I saw other people discriminated against because of their identity. They weren't allowed to do the same activities, they would be excluded from some activities in the group home by staff. And they also would be made fun of. We were never given a reason why they were excluded but you just saw that anyone who was excluded was someone who identified as LGBTQ+.



BREE I was treated differently because everybody knew I was bisexual. There were a few staff that identified as lesbian, bisexual, etc. so I felt safe talking to them more than the other staff because we could relate to me, and they understand me more than the others. Some roommates I had didn't mind that I was bisexual, but others did and were scared. LGBTQ+ youth need to be protected always because unfortunately they do get bullied and beat up and they should have their own room or be roommates with somebody who identifies as the same as them, so they feel safe and secure.

ANIYA I found that both youth and staff were supportive of me being bisexual. The youth in the group home related to me and didn't judge because they were either in the same situation or know people in my situation. Having their support helped me feel like I wasn't alone and that if I was going through something, they would be there to help me.



BRE S. I was treated differently because of my sexual preference. Staff perceived me as masculine and responded to me aggressively as if I were not a female. This perception also made it hard when conflicts came up, I was always in the wrong when conflicts would come up with other females. When finding out how I identified, youth responded by coming on to me thinking that I wanted relations while incarcerated because we were all females. It was a stereotype. Staff always made assumptions when it came to my relationships, how I communicated with others, and even when trouble came along. LGBTQ+ youth can be protected & supported in congregate care by having someone trained & confidential to come to & speak with when there are issues concerning their sexuality.

ALEX I believe I was being watched more once they knew I was interested in other girls. All the things I normally would do I couldn't because it might look strange to them. For example, we used to lay in each other's beds and just talk which I had to stop because it was brought to my attention I could get written up if they suspected foul play. If you got three write-ups for sexual activities this could lead to you being moved and in trouble by our judges.



GENDER BIAS

Gender biases and stereotypes pervade the juvenile legal and child welfare systems. In Pennsylvania, boys comprise 73% of delinquency allegations, 74% of juvenile court dispositions, and 93% of transfers to adult court, while girls comprise 27%, 26%, and 7% respectively.²⁷ For girls that do enter the system in Pennsylvania, school-related offenses are the greatest driver with girls encompassing 33% of school-related referrals.²⁸

Nationally, girls are less likely to enter the juvenile justice system but are disproportionately arrested for minor offenses connected to poverty such as theft.²⁹ Many of these girls have experienced mental and emotional trauma, which the system often ignores. In a 2010 national survey, 42% of girls in residential placement reported past physical abuse (compared to 22% of boys), and 44% reported past suicide attempts (compared to 19% of boys).³⁰

Girls in the justice system are also 4.4 times more likely to have experienced past sexual abuse compared to boys.³¹ Research suggests that girls are more severely impacted by these past experiences than boys.³² While in residential facilities, girls are more likely to face physical and mental health problems.³³ They are also less likely to have their medical needs identified and treated.³⁴

As discussed below, youth face a heightened risk of harm from staff of a different gender. In many facilities, adult men work with and surveil young girls, which contributes to girls

27. PA. JUV. CT. JUDGES' COMM'N, *supra* note 8, at 7, 36.

28. *Id.* at 14.

29. CHARLES PUZZANCHERA, OFF. OF JUV. JUST. & DELINQ. PREVENTION, JUVENILE ARRESTS 2012 3 (2014), <http://www.ojjdp.gov/pubs/248513.pdf>.

30. ANDREA J. SEDLAK & KARLA S. MCPHERSON, OFF. OF JUV. JUST. & DELINQ. PREVENTION, YOUTH NEEDS AND SERVICES: FINDINGS FROM THE SURVEY OF YOUTH IN RESIDENTIAL PLACEMENT 6 (2010), <https://www.ojp.gov/pdffiles1/ojjdp/227728.pdf>.

31. Michael T. Baglivio et al., *The Prevalence of Adverse Childhood Experiences (ACE) in the Lives of Juvenile Offenders*, 3 OJJDP J. JUV. JUST. 1, 7 (2014), https://www.prisonpolicy.org/scans/Prevalence_of_ACE.pdf.

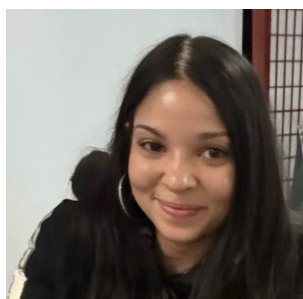
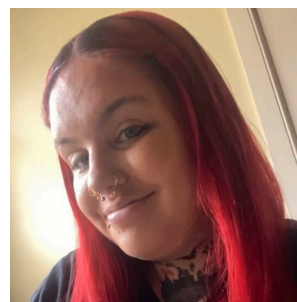
32. FRANCINE T. SHERMAN & ANNIE BLACK, GENDER INJUSTICE: SYSTEM-LEVEL JUVENILE JUSTICE REFORMS FOR GIRLS 20 (2015), <https://www.defendyouthrights.org/wp-content/uploads/Gender-Injustice-System-Level-Juvenile-Justice-Reforms-for-Girls.pdf>.

33. Summer J. Robins et al., *Incarcerated Girls' Physical Health: Can the Juvenile Justice System Help to Reduce Long-Term Health Costs?* 46 Court Rev. 30, 30-31 (2010); Michael A. Russell & Emily G. Marston, *Profiles of Mental Disorder Among Incarcerated Adolescent Females*, 46 Court Rev. 16, 16 (2010).

34. LESLIE ACOCA ET AL., THE KAISER COMM'N ON MEDICAID AND THE UNINSURED, HEALTH COVERAGE AND CARE FOR YOUTH IN THE JUVENILE JUSTICE SYSTEM: THE ROLE OF MEDICAID AND CHIP 4 (2014), <https://www.kff.org/wp-content/uploads/2014/05/8591-health-coverage-and-care-for-youth-in-the-juvenile-justice-system.pdf>.

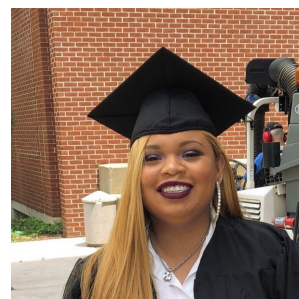
feeling unsafe in these facilities. In a national survey conducted by the Bureau of Justice Statistics covering 2013-2018, 657 youth experienced sexual victimization³⁵ by staff.³⁶ Youth in the child welfare system congregate care also face a heightened risk of abuse compared with their peers in the community.³⁷

BREE Every facility I resided in there were male staff on units, so basically they didn't have a lot of female staff. It was really uncomfortable to have male staff on the unit. These male staff used to be disrespectful to the female youth and it wasn't fair.



ANGE I feel like people that identified with a different gender than others were treated differently. Staff always had their favorites and people they weren't too fond of.

ANAHI Female youth were treated differently based on who staff liked more. When girls would start fighting staff wouldn't take into consideration if it was girls fighting or boys. Male staff would come up to our unit and use the same techniques they would use on the boys. They would body slam them and handle them like they weren't females to break them apart.



KEEMA Boys were always treated more rougher than the females but that's all I observed while in facilities.

35. The study defines sexual victimization as "sexual misconduct or sexual harassment perpetrated on a youth by staff." EMILY D. BUEHLER, BUREAU OF JUST. STATS., SUBSTANTIATED INCIDENTS OF SEXUAL VICTIMIZATION REPORTED BY JUVENILE JUSTICE AUTHORITIES, 2013-2018 2 (2023), <https://bjs.ojp.gov/document/sisvrjja1318.pdf>.

36. *Id.* at 12. Surveys of all youth in facilities show a greater number of boys facing abuse than girls because of the sheer numbers of boys locked up; girls are still at a heightened risk of abuse considering the ratio of girls to boys in facilities overall. *Id.*

37. Michael Nunno & Nolan Rindfleisch, *The Abuse of Children in Out of Home Care*, 5 CHILD. & SOC'Y 295, 295-97 (2007).

"Staff always had their favorites and people they weren't too fond of."

EDUCATION

From ineffective educational instruction to improper special education services, our justice-involved youth face severe deprivations of education, despite having the same right to a free public education as their peers in traditional school settings. According to the Education Law Center’s *Educational Rights of Students in the Juvenile Justice System*, youth in placement face significant barriers to adequate education, including: inappropriate class placement, unmet special education needs, inability to transfer earned credits back to their community schools, and higher dropout rates.³⁸ A research report by Dr. Deneil Christian of Columbia Southern University, *Education Behind Bars: A Review of Educational Services in Juvenile Correctional Facilities*, highlights the overrepresentation of students with disabilities in these facilities and the numerous instances of juvenile facilities failing to meet state and federal mandates of the IDEA.³⁹ The report also calls attention to deficiencies in the education provided in facilities, such as less access to advanced mathematics and science classes and less access to credit recovery despite having a greater need for these services.⁴⁰ In addition to providing substandard education to youth, systems place youth in improper grades which hinders their educational trajectories.

Pennsylvania youth face similar challenges. In 2022, over 6,000 delinquency allegations in the state were school related.⁴¹ Of these, the vast majority (89.9%) did not involve weapons; most were categorized as “simple assault,” likely resulting from a school fight.⁴² When schools lack resources to intervene proactively and positively with youth behavior, school fights lead to delinquency allegations, which in turn can push youth into secure detention stays and weeks and even months of missed school. Many young people spend up to a school marking period in secure detention because of school-related offenses.⁴³ These extensive stays can lead to overcrowding, as we’ve seen at Philadelphia’s Juvenile Justice Service Center (JJSC).⁴⁴

38. EDUC. L. CTR., EDUCATIONAL RIGHTS OF STUDENTS IN THE JUVENILE JUSTICE SYSTEM 1 (2023), <https://www.elc-pa.org/wp-content/uploads/2023/09/Rights-of-Students-in-Juvenile-Justice-System-2023.pdf>.

39. Deneil Christian, *Education Behind Bars: A Review of Educational Services in Juvenile Correctional Facilities*, SAFETY & EMERGENCY SERVS. J. (2022), <https://csesjournal.columbiasouthern.edu/education-behind-bars-a-review-of-educational-services-in-juvenile-correctional-facilities/>.

40. *Id.*

41. PA. JUV. CT. JUDGES’ COMM’N, *supra* note 8, at 13.

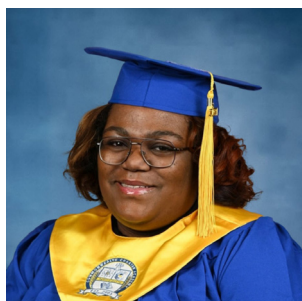
42. *Id.* at 13-14.

43. *Id.* at 105-06.

44. Ellie Rushing & Samantha Melamed, *Disturbing New Photos Inside Philly’s Juvenile Jail Show Kids Sleeping on Floors in Crowded, Filthy Cells*, PHILA. INQUIRER (Oct, 29, 2023), <https://www.inquirer.com/news/philadelphia/philadelphia-juvenile-justice-services-center-dhs-20231029.html>.

This further exacerbates the inequitable distribution of services, especially education, with some youth currently receiving no educational instruction.⁴⁵ When youth do receive education in on-grounds schools, they report they face fights and other disruptions to their education.

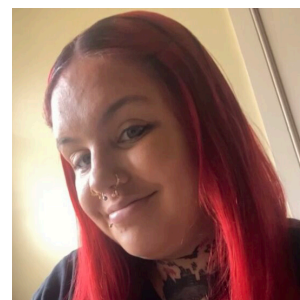
In hopes of remedying some of these educational hardships, in 2022, Pennsylvania passed Act 1, the Assisting Students Experiencing Educational Instability Act.⁴⁶ The law removes educational and graduation barriers for students experiencing educational instability as a result of homelessness, adjudication, foster care, or juvenile legal placement.⁴⁷ It requires school entities to implement systems to help identify youth experiencing educational instability, facilitate record transfers and credit recovery, develop graduation plans, and other necessities to ensure that some of Pennsylvania's most vulnerable youth receive their diploma.⁴⁸ The act needs to be implemented.



ANIYA While I was in one of the group homes I was able to go to my neighborhood school. I lived in another group home during COVID so I had to attend school virtually. When I had to do work virtually during the pandemic, I was alone in my room doing my own work. I was not allowed to leave. I was doing work on my grade level.

When I was able to go to the neighborhood school, it was like an escape from the group home. I felt like a prisoner there and I didn't feel safe there so being able to get out for any period of time was great. I was able to go to the same school I had been going to before the group home with friends I already had from that school.

BREE The education was poor. I wasn't being taught anything when I returned to the group home after leaving the juvenile placement. My school counselor told me when I returned I wasn't able to graduate then a couple months later she saw me again and told me I was graduating.



KEEMA I had multiple barriers related to my education while I was in group homes. My credits would disappear after I completed work, and nobody was sure what grade I was in. I was also going to multiple different schools.

Fights broke out in on-grounds schools and teachers would let everybody fight. There really wasn't much learning being done because there was so much drama. The teachers couldn't control their classrooms.

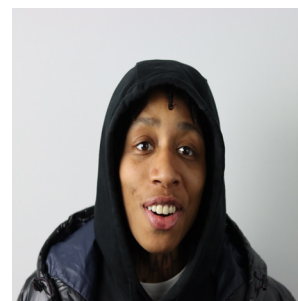
45. Kristen A. Graham & Samantha Melamed, *Some Kids at Philadelphia's Juvenile Detention Center Get No Education at All, Advocates Say. That's Illegal.*, PHILA. INQUIRER (Mar. 14, 2024), <https://www.inquirer.com/education/philadelphia-jjsc-education-complaint-20240314.html>.

46. 24 P.S. § 13-1331.1.

47. Act 1 of 2022 - Assisting Students Experiencing Education Instability, PA. DEP'T OF EDUC. (Aug. 1, 2022), <https://www.education.pa.gov/Policy-Funding/BECS/Purdons/Pages/Act1of2022AssistingStudentsExperiencingEducationInstability.aspx>.

48. *Id.*

BRE S. When I was in placement, I was in a classroom with different ages and we were all learning the same thing and being taught at the same pace. None of the work that I did in placement schools went toward credits that would be counted at the school when I returned home. I was in school a lot longer than I was supposed to be because my progress while incarcerated wasn't going towards school credits. I wasn't in a supportive learning environment. I ran into so many barriers trying to get help to proceed with my further studies and goals.

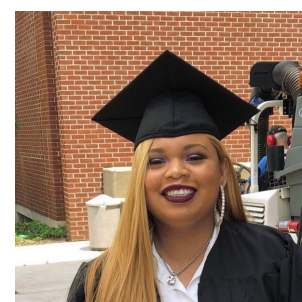


ALEX My education barriers were addressed and fixed while working with Juvenile Law Center. Back in 2014 I was put in the system because of truancy so I was forced to attend the on-grounds school located in Bensalem. Four years later, I signed myself out of the system. I enrolled in a credit recovery school located in Philadelphia where I was told my credits were lost, meaning that four years of my education were lost and I had to start over. Juvenile Law Center connected me to Education Law Center, and they helped me out. We advocated for a lot of issues in the system and in January 2022 Act One was passed for all youth credits to pass from the system on ground school to our high school.



ANAHI In my juvenile and group home placements they didn't teach us at our grade level. We were placed with different grade groups and we weren't really given anything except for worksheets. The education didn't teach me anything. I was in 9th grade learning how to multiply all over again because the other kids didn't know how to. I didn't earn any credits for a full school year because I was constantly moving to different placement facilities. When I was able to go to a neighborhood school, I was behind. I was supposed to be in 10th grade but they had me start at 9th grade all over again. Their school system was so different that I didn't learn the basics in my placement schools that although I was in 9th grade I couldn't keep up in some classes because they were going at a faster pace than I was used to.

At the end of that school year I had to return to Philadelphia and only had earned three credits all together for those two years I was in placement. I didn't get any help when it came to my education. I had to figure things out on my own. Due to my experience I didn't want to go to college because I felt like I would have to start all over again. I didn't want to start all over and I just felt stuck for a while.



“I didn't earn any credits for a full school year because I was constantly moving to different placement facilities”

PHYSICAL ABUSE

Wordsworth Academy, VisionQuest, Glen Mills, Devereux, Pittston Detention Center, Shuman Detention Center, and the Lima Detention Center in Delaware County—these residential facilities in Pennsylvania have been marked by rampant abuse and maltreatment of the children in their care. Youth in Pennsylvania have also experienced grievous harm in the child-welfare system. Wordsworth Academy, a residential treatment program, was shut down in 2016 after staff restrained 17-year-old David Hess until he died.⁴⁹ VisionQuest in Philadelphia closed in 2017 after inspectors documented physical abuse and insulting behavior from staff.⁵⁰ Glen Mills Schools, a residential placement facility, was closed in 2019 after widespread child abuse was uncovered.⁵¹ In 2020, the Philadelphia Department of Human Services removed all its young people from Devereux facilities after a Philadelphia Inquirer investigation uncovered disturbing claims of sexual abuse.⁵² PA Child Care in Pittston, one of the facilities to which judges were alleged to be sending youth for kickbacks in the Kids For Cash scandal, was closed in 2020.⁵³

The Shuman Juvenile Detention Center in Allegheny County was closed in 2021 following investigations into claims that youth were not receiving prescribed medication and a youth faced near death after a heroin overdose in the facility.⁵⁴ The Delaware County Juvenile Justice Center in Lima was also closed in 2021 after allegations of physical and sexual abuse including claims of staff “slamming a teen’s head into a window so hard it cracked the glass” and forcing a child

49. Chris Palmer, *Staff Shuts Down Philly Program After Teen’s Death in Fight with Staff*, PHILA. INQUIRER (Oct. 24, 2016), https://www.inquirer.com/philly/news/20161025_State_shuts_down_W__Philly_program_after_teen_s_death_in_fight_with_staff.html.

50. Jeff Gammage, *Accused of Harming Children at its North Philly Shelter, VisionQuest Now Plans to House Immigrant Youth Here*, PHILA. INQUIRER (Oct. 26, 2018), <https://www.inquirer.com/philly/news/visionquest-immigrant-children-philadelphia-shelter-abuse-20181026.html>.

51. Lisa Gartner, *Beaten, Then Silenced*, PHILA. INQUIRER (Feb. 20, 2019), <https://www.inquirer.com/crime/a/glen-mills-schools-pa-abuse-juvenile-investigation-20190220.html>; Lisa Gartner, *Pennsylvania Closes the Glen Mills Schools Amid Child-Abuse Investigation*, PHILA. INQUIRER (Apr. 8, 2019), <https://www.inquirer.com/news/glen-mills-schools-license-closed-pa-abuse-investigation-dhs-20190408.html>.

52. Ximena Conde, *Philly Removes Children from Devereux Facilities After Sex Abuse Revelations*, WHYY (Sept. 24, 2020), <https://whyy.org/articles/philly-removes-children-from-devereux-facilities-after-sex-abuse-revelations/>; Lisa Gartner & Barbara Laker, *Hope, Help, Harm, Phila. Inquirer* (Aug. 11, 2020), <https://www.inquirer.com/news/inq/devereux-advanced-behavioral-health-abuse-children-pennsylvania-20200811.html>.

53. *Officials: Pittston Detention Facility at Center of Scandal is Closed*, TRIB LIVE (Dec. 13, 2020), <https://triblive.com/news/pennsylvania/officials-pittston-detention-facility-at-center-of-scandal-is-closed/>.

54. *Pittsburgh Detention Center Ordered to Close Next Month Amid Ongoing Violations*, IMPRINT (Aug. 20, 2021), <https://imprintnews.org/news-briefs/pittsburgh-detention-center-ordered-to-close/58273>.

to drink from a toilet.⁵⁵ Recently, 66 former youth filed lawsuits alleging they were physically and sexually abused by staff in Pennsylvania juvenile facilities.⁵⁶

A Children's Rights and Education Law Center study found that children in Pennsylvania residential facilities were physically maltreated 156 times (114 times by staff), exposed to inappropriate sexual contact 73 times (39 times by staff), and suffered at least 43 incidents of verbal maltreatment by staff between May 2010 and May 2018.⁵⁷ The report also found that 44% of the facilities reviewed had repeated violations of physical or sexual maltreatment of children.⁵⁸ It also revealed 92 incidents involving the use of inappropriate restraints, with 28 of those incidents resulting in the documented injury of a child.⁵⁹ Behind all of these statistics are actual youth who have to live with the trauma of this abuse. Conditions inside facilities such as maltreatment and inappropriate use of restraints interfere with normal child development, traumatize youth, exacerbate physical and emotional disabilities, and cause serious life-long health problems.⁶⁰ Compounding this abuse, many youth are either unaware of their right to file a grievance, or afraid to file a grievance with the people abusing them because of the retaliation that often occurs.⁶¹ Children deserve far better from systems that are supposed to protect them.



BREE I experienced physical abuse by a male staff and I saw other people get abused as well. I couldn't talk to nobody about what was going on because I was being watched. I know I could file a grievance but was scared to file one because I didn't know how the staff was going to react. They need to do better background checks on people before allowing them to work in these facilities. There was no point in talking to anybody at the placement because they all were working with each other.

ANGE No I wasn't physically abused, but I think that restraints were a bit much for our age group and also traumatizing. It was too easy to get restrained.



55. Samantha Melamed, *Judge Empties Delaware County Juvenile Justice Center After Allegations of Rampant Abuse*, PHILA. INQUIRER (Mar. 13, 2021), <https://www.inquirer.com/news/delaware-county-juvenile-justice-center-abuse-allegations-closed-20210313.html>.

56. Mark Scolforo, *Lawsuits Claim 66 People Were Abused as Children in Pennsylvania's Juvenile Facilities*, WHYY (May 22, 2024), <https://whyy.org/articles/pennsylvania-juvenile-detention-lawsuits/>.

57. ELISSA GLUCKSMAN HYNE ET AL., CHILDREN'S RTS. & EDUC. L. CTR., UNSAFE AND UNEDUCATED: INDIFFERENCE TO DANGERS IN PENNSYLVANIA RESIDENTIAL CHILD WELFARE FACILITIES 9 (2018), https://www.elc-pa.org/wp-content/uploads/2018/12/2018_Pennsylvania-Residential-Facilities_Childrens-Rights_Education-Law-Center.pdf.

58. *Id.*

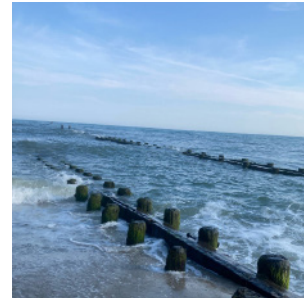
59. *Id.*

60. Laurence Steinberg et al., *Reentry of Young Offenders from the Justice System: A Developmental Perspective*, 2 *Youth Violence & Juv. Just.* 21, 25-28, 31 (2004).

61. SORENSON, *supra* note 3, at 20-21.

KEEMA I was never physically abused. We were rough girls so we would play-fight with the staff. If I did happen to witness physical abuse, I would've kept my mouth shut out of fear. I was not made aware that I could file a grievance.

JABRIEL I wish there was more oversight on the staff that worked in facilities. There were staff pushing kids to fight just to find amusement.



SHY I witnessed constant unnecessary restraints by 4-6 males at a time on a girl who would make loud noises and took medication every day. She was never physical until she was attacked by those staff members. Unit staff would make us move to a different area so we would not see the rest of what would happen. I did witness them drag her into a cell and close the door behind them.

ANAHI I never knew about grievance until my last placement, and even then I didn't understand them. I didn't really have issues with any of the placements because I was vocal about my issues with my caseworker, and she would speak up for me if she needed to. I never saw other youth that was with me write a grievance and some of them were scared to do anything that would upset the staff. Certain staff would be petty if you did anything they didn't like. Staff would wait till the last minute to try to resolve issues. The staff would turn a blind eye for a few minutes until they had to ask for back-up because the fights got out of hand. I have been in places where there were riots and have been in places where they would take precautions and try to fix the problem. They would have other staff around if they thought the problem was too much, but they would have a circle group and try to talk to us. Sometimes it worked and sometimes it didn't.



“I know I could file a grievance but was scared to file one because I didn't know how the staff was going to react”

DISABILITY JUSTICE

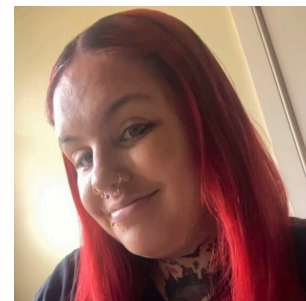
Many youth enter juvenile legal or child welfare system with disabilities; far too often, facility staff disregard their disabilities and fail to protect them from bullying. Studies estimate that between 30 and 85% of incarcerated youth have a disability.⁶² Youth with learning disabilities are disproportionately represented in the juvenile legal system,⁶³ often because individuals, schools, and communities resort to ineffective punitive measures or law enforcement referrals rather than positive interventions.⁶⁴

Youth with disabilities in foster care also experience disparate treatment. Studies report that 35% of children in the foster care system suffered a marked to severe impairment.⁶⁵ These youth are more likely to be maltreated and to be victims of neglect than their counterparts.⁶⁶ These challenges can be exacerbated by high rates of trauma and inadequate resources for youth in the justice or child welfare system or at risk of system involvement; trauma can be misdiagnosed as a disability, but can also cause learning or behavioral challenges that require supportive interventions.⁶⁷



ANAHI I didn't have a disability, but I did see youth being placed in placements that weren't the right fit for them. One youth in particular was supposed to have a staff member with them all day, but they couldn't really do that because there wasn't enough staff to accommodate him.

BREE There was a girl with a disability in the group home I was in. She was getting bullied and the staff didn't do anything about it. It took me and three other girls sticking up for her for the staff to do something.



62. JESSICA SNYDMAN, NAT'L CTR. FOR LEARNING DISABILITIES, UNLOCKING FUTURES: YOUTH WITH LEARNING DISABILITIES AND THE JUVENILE JUSTICE SYSTEM 6 (2022), <https://nclcd.org/wp-content/uploads/2023/08/NCLD-Unlocking-Futures-Final-7th-Dec-Updated-.pdf>.

63. Martin Mendoza et al., *Race, Gender, and Disability and the Risk for Juvenile Justice Contact*, 53 J. SPECIAL EDUC. 226, 228, 232 (2020).

64. SNYDMAN, *supra* note 68, at 11.

65. Shayla Stogsdill, *Children with Disabilities in the Foster Care System*, 4 ORPHANS & VULNERABLE CHILD. STUDENT SCHOLARSHIP 1, 4 (2019), <https://pillars.taylor.edu/cgi/viewcontent.cgi?article=1003&context=ovc-student>.

66. Patricia M. Sullivan & John F. Knutson, *Maltreatment and Disabilities: A Population-Based Epidemiological Study*, 24 Child Abuse & Neglect 1257, 1265 (2000).

67. SNYDMAN, *supra* note 68, at 17.

MENTAL HEALTH

Many youth enter the juvenile legal or child welfare system with mental health disorders. The system itself also harms youth mental health.

Studies show that 66% of youth in juvenile facilities have a diagnosable mental health disorder compared to 9-22% of peers in the community.⁶⁸ A 2019 snapshot of data from the Defender Association of Philadelphia found that 62% of youth in delinquency placement had a documented disability or mental health diagnosis.⁶⁹ Studies have also found that as many as 80% of youth in the child-welfare system have conditions requiring mental health treatment.⁷⁰ Children with mental health disorders in the child welfare system are also less likely to be placed in permanent homes and face more serious mental health challenges when they leave the system.⁷¹

Even for children without preexisting disorders, residential placement/congregate care settings have devastating consequences on children's mental health. Removing youth from their communities, families, and other caring adults and restricting their ability to have age-appropriate experiences inhibits normal and positive adolescent development.⁷² A child's brain is particularly vulnerable to the negative experiences they often face in these settings, such as verbal, emotional, and physical abuse,⁷³ solitary confinement,⁷⁴ restraints⁷⁵ and strip searches.⁷⁶

68. OFF. OF JUV. JUST. & DELINQ. PREVENTION, LITERATURE REVIEW: INTERSECTION BETWEEN MENTAL HEALTH AND THE JUVENILE JUSTICE SYSTEM 2-3 (2017), <https://www.ojjdp.gov/mpg/litreviews/Intersection-Mental-Health-Juvenile-Justice.pdf>.

69. LISA PILNIK ET AL., JUV. L. CTR., TRANSFORMING JUSTICE: BRINGING PENNSYLVANIA'S YOUNG PEOPLE SAFELY HOME FROM JUVENILE JUSTICE PLACEMENTS 5 (2019), https://jlc.org/sites/default/files/attachments/2019-10/Transforming_Justice_final.pdf.

70. Barbara Burns et al., *Mental Health Need and Access to Mental Health Services by Youths Involved With Child Welfare: A National Survey*, 43 J. AM. ACAD. CHILD & ADOLESCENT PSYCHIATRY 960, 961 (2004).

71. *How Mental Health Disorders Affect Youth*, YOUTH.GOV, <https://youth.gov/youth-topics/youth-mental-health/how-mental-health-disorders-affect-youth> (last visited June 12, 2024).

72. RICHARD E. MENDEL, THE ANNIE E. CASEY FOUND., NO PLACE FOR KIDS: THE CASE FOR REDUCING JUVENILE INCARCERATION 2-25(2011), <https://www.aecf.org/resources/no-place-for-kids-full-report/>.

73. NAT'L ACADS. OF SCIS., ENG'G & MED., THE PROMISE OF ADOLESCENCE: REALIZING OPPORTUNITY FOR ALL YOUTH 46-47, 58 (Richard J. Bonnie & Emily P. Backes eds., 2019), <https://nap.nationalacademies.org/catalog/25388/the-promise-of-adolescence-realizing-opportunity-for-all-youth>.

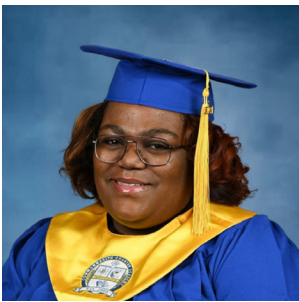
74. JESSICA FEIERMAN, KAREN LINDELL & NATANE EADDY, JUV. L. CTR., UNLOCKING YOUTH: LEGAL STRATEGIES TO END SOLITARY CONFINEMENT IN JUVENILE FACILITIES 10 (2017), https://jlc.org/sites/default/files/publication_pdfs/JLC_Solitary_Report-FINAL.pdf.

75. ADVOCS. FOR YOUTH JUST. & JUV. L. CTR., *supra* note 1, at 13-14.

76. JUV. L. CTR., ADDRESSING TRAUMA: ELIMINATING STRIP SEARCHES 2 (2017), <https://jlc.org/sites/default/files/attachments/2020-04/AddressingTrauma-EliminatingStripSearch%20March%202020.pdf>.

Facilities also fail to provide high quality mental health care to youth. Although the juvenile legal system purports to provide rehabilitation and treatment, there are low rates of referral and mental health treatment for incarcerated youth.⁷⁷ In some jurisdictions, only 15-23% of youth with mental health diagnoses received treatment.⁷⁸ These rates can be even lower for youth of color.⁷⁹ When children do receive treatment, it is often administered in a uniform manner that disregards the specific needs of the child, and children often meet with professionals who are not invested in their mental health. Youth in both juvenile legal and child welfare placements face over-medication, medication without informed consent, and a lack of access to respectful and supportive mental health services.⁸⁰

The trauma youth experience in these systems follows them into adulthood. Even short periods of youth incarceration (less than one month) are associated with depressive symptoms as an adult.⁸¹ Youth incarceration for periods of one to twelve months are also associated with worse physical health as an adult.⁸² Longer periods of youth incarceration (more than one year) are associated with suicidal thoughts, depressive symptoms, and functional limitations as an adult.⁸³ Youth who were incarcerated for one year or more were over four times more likely to experience depression and twice as likely to have suicidal thoughts in adulthood than comparable peers who were not incarcerated.⁸⁴ Youth with foster care experience are also more likely to experience emotional and mental health problems in adulthood.⁸⁵



ANIYA When I was in the group homes, I experienced depression and anxiety, and was struggling with ADHD. I had experienced some anxiety and depression before in my life, but it got so much worse once I entered the group home. I tried to ask staff, my CUA worker, and my child advocate to get me therapy, but no one helped me. I had to initially 201 [voluntarily commit] myself but that didn't help, it only made things worse, so I was 302ed [involuntarily committed] and taken out of my group home in handcuffs. I only received the help that I really needed when I was discharged from care.

TAY In my group home, I was given access to resources for my mental health. I had some depression before the group home but it got a lot worse once I entered into the facility. I was connected to a doctor who was helpful managing my depression.

77. OFF. OF JUV. JUST. & DELINQ. PREVENTION, *supra* note 74, at 4-5.

78. *Id.*

79. *Id.* at 6.

80. Robert E. Drake, *Overmedicating Vulnerable Children in the U.S.*, 28 EPIDEMIOLOGY & PSYCHIATRIC SCIS. 358, 358-59 (2019), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6999034/pdf/S2045796018000689a.pdf>.

81. Elizabeth S. Barnert et al., *How Does Incarcerating Young People Affect Their Adult Health Outcomes?*, 139 PEDIATRICS 1, 1 (2017), https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5260153/pdf/PEDS_20162624.pdf.

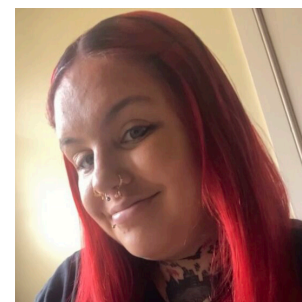
82. *Id.*

83. *Id.*

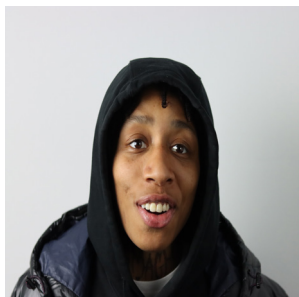
84. *Id.* at 6.

85. Peter J. Pecora et al., *Mental Health Services for Children Placed in Foster Care: An Overview of Current Challenges*, 88 CHILD WELFARE 5, 7, 13-14 (2009).

BREE I was suffering from a lot of mental health problems especially grief being in the system because my parents had died, and my family abandoned me. I was all alone. I was in therapy and took medication but didn't think it was helping because I was feeling a lot worse than I was already feeling. I wish back then we had genuine people working in the mental health field because the people that were working with back then were horrible. I wish they took mental health seriously because a lot of youth commit suicide from the lack of mental health services being offered to them.



BRE S. I was aware of how my experiences within the facility were affecting my mental health. Youth were given access to mental health resources, but it wasn't very available or accessible often. The things that I wanted to address about my mental health were decided for me. I only wanted one-on-one sessions, but group sessions were mandatory & weren't very helpful. It was a negative experience & the group dynamic didn't help because there was no structure or common ground. The challenges I've faced with mental health group sessions were disrespect, rudeness, insensitivity, and lack of boundaries. Facilities can be more accommodating to individuals by having more trained and available mental health specialists or therapists. Also allowing young people to have more decisions within their mental health goals and plans to benefit them in the future.



KEEMA I didn't have language to understand and define my mental health. They did try to force us to get therapy, but we were so wild we ran those therapists away. Everything was decided for me, I didn't have a say so in anything. We had one-on-one therapy, but I can't remember us having group meetings. I received the therapy, but I just always scared the therapist off or they just stopped showing up.

ALEX Back then I didn't have a clue what mental health was or how important it was. I do believe they need to take mental health more seriously and include resources for the youth. THIS SHOULD BE MANDATORY!!



“I didn't have language to understand and define my mental health”



ANGE I feel like I wasn't able to express myself when I did talk to my therapist in care. They didn't really want to talk about much except my goals although I had mental health issues I was facing.

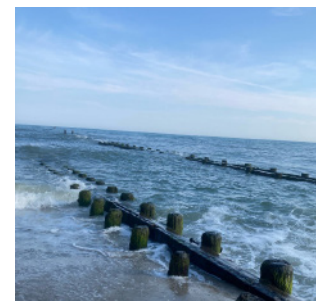
ZAH It is hard for a young person to come out of placement and not be a product of their environment. It messes with your head to be kept in a cage for so long.



ANAHI When I was in placement, they forced me to take pills for depression even though I told them I didn't need them. They kept forcing me to take them for months. They would have us talk to therapists that didn't really understand us. I felt like they couldn't understand us because of their background. Sometimes their face expressions would tell it all. They didn't seem sincere when we would talk to them. We were just another case and appointment to them. I feel like placements should be more aware of kids' mental health and stop treating all of us the same. Some stuff they would ask us would be triggering but they would never care.



JABRIEL In my placement, we had group therapy sessions that really helped us connect and engage for the rest of the day. It gave you the opportunity to talk about what you were managing at that time, and it helped us form communication skills. But when I look back at my experience, I don't necessarily see it as a childhood, I see it as trauma. There needs to be more one-on-one support between youth and social workers because youth need to have someone they can trust to talk to about what might be going on in that facility and what they might be experiencing from staff or other youth there.



“When I was in placement, they forced me to take pills for depression even though I told them I didn't need them. They kept forcing me to take them for months.”

Call to Action: What Should Policy Makers do to Address These Issues?

General Recommendations:

Youth deserve support and fair treatment, connection with their families and communities, and opportunities for healing, not punitive interventions and separation.

For all youth:

- Keep youth at home and with their communities.
- Ensure a continuum of care with sufficient resources for home communities.
- Create restorative approaches to address harm and promote healing.
- Ensure that systems and adults responsible for care do not discriminate based on race, LGBTQIA+ identity, physical ability, access needs, and neurodivergence, and instead acknowledge and respect youth identities.

For youth removed from their families and communities, reduce harm:

- Require safe placements that treat children as children.
- Allow youth a safe way to voice concerns.

Equitable Treatment:

Youth deserve fair treatment, which includes ensuring that they don't get pushed into the system because of their identity. If they are in the system, they should receive culturally responsive and supportive environments.

For all youth:

- Establish protections for Black, Latine, and Indigenous youth, LGBTQIA+ youth, and youth with disabilities to prevent them from funneling into either or both the juvenile legal and child welfare systems, any out of home placement, and especially congregate care settings.
- Require comprehensive training in cultural competency and responsive treatment for all juvenile legal and child welfare staff.
- Expand diversity and inclusion in recruitment, hiring, promotion, and retention to ensure state and county juvenile legal workforces have diversity of race, ethnicity, sexual orientation, gender identity, disability, and system experience that reflect the communities they serve.

For youth removed from their families and communities, reduce harm:

- Provide culturally and gender responsive environments where resources are provided for youth to meet their needs, including their body care, language access, and religious traditions.

Education:

Youth should have access to high quality and supportive education without disruption and in their community schools whenever possible.

For all youth:

- Ensure that youth in the justice and child welfare system are informed, supported, and entrusted to make decisions about their own education and future.
- Ensure that each child in the justice or child welfare system receives high quality education and has the support and resources needed to enter and succeed in post-secondary education and training.
- Support social and emotional learning for youth including utilizing restorative justice practices in schools.

For youth removed from their families and communities, reduce harm:

- Support them in remaining in the same school they were previously attending whenever possible.
- Allow them to be educated in the community.
- Ensure high quality education with credit toward grade progression and graduation.

Physical and Sexual Abuse in Out-of-Home Placement:

For youth removed from their families and communities, reduce harm:

- Require that employees receive training on adolescent development, de-escalation, restorative practices, and positive youth development.
- Hire individuals with experience in adolescent development, education and other activities that will prepare them to support rather than harm young people.
- Require working cameras in congregate care settings with views from multiple angles and with audio recording.
- Limit physical restraints to only situations where someone is at risk of immediate harm, and only when other strategies have already been tried and failed.
- Ensure that children are supervised by staff with their same gender identity or when that is not possible, that other staff members are present to ensure safety.
- Remove any staff member who has harmed young people from their position in that setting.

Mental Health:

For all youth:

- Abide by laws that give young people the right to provide informed consent for medical treatment.
- Provide an array of high-quality therapies and providers that will accommodate youths' individual needs at no cost to their families.
- Give youth the information they need and ensure youth have the choice and ability to access supports that will be therapeutic and healing for them.

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