

# THE JUSTICE FOR JUVENILES ACT

---

## What does the bill do?

The Justice for Juveniles Act protects young people from abuse in institutions by exempting them from the Prison Litigation Reform Act (PLRA). **The PLRA currently creates obstacles to the courts for young people facing abuse in justice system institutions:**

- It requires teenagers in juvenile or adult facilities to file grievances before bringing a lawsuit, sometimes with the very people who have abused them.
- It limits the kind of relief youth can get from the courts.
- It prevents youth from bringing a lawsuit for emotional injuries without physical injuries.
- It limits attorneys' fees, making it harder for young people to find attorneys to represent them.

**The Justice for Juveniles Act exempts youth from the requirements of the Prison Litigation Reform Act to ensure that they are properly protected from abuse in institutions.**

## Why is the bill important?

- **Youth are at serious [risk of harm](#) in juvenile and criminal justice facilities.** They face physical and sexual violence, solitary confinement, pepper spray, and harmful restraints.
- **Youth face unique challenges in complying with the administrative exhaustion requirement of the PLRA.** The exhaustion requirement means that youth need to file grievance in a facility before they can ask for the court's help. Youth often lack the [literacy skills](#), the understanding of the system and the [capacity](#) to comply with these expectations. They are also uniquely at risk of [retaliation](#) by staff members if they try to report abuse.
- **Youth are deprived of court access because of the PLRA.** A child in Texas was sexually assaulted. A Kentucky youth filed a lawsuit alleging that staff had hit him, shocked him with a stun gun, and then led him down the hall by his testicles. A North Dakota youth was beaten with "padlock-laden socks," suffered a seizure, deprived of medical care, and then beaten again and raped. He was too afraid to report the assaults because staff were involved in arranging fights between youth. These cases were all dismissed because the judges held they didn't satisfy the exhaustion requirement of the PLRA. We have no way of counting the number of youth whose cases never even reach the court because they lack access to attorneys.
- **Psychological injuries are uniquely harmful to youth.** Solitary confinement, strip searches, and other institutional practices can be harmful to anyone. For youth, whose brains are still developing, these practices can be particularly damaging. The requirement that an individual must show a physical injury before bringing a lawsuit is thus particularly problematic for youth.
- **The PLRA was designed for adults.** The PLRA was designed to address the problem of prisoners inundating the federal courts with lawsuits. That was never a reality for teenagers, whose cases rarely reach the court system. Even before the PLRA, incarcerated children [filed very few lawsuits](#).

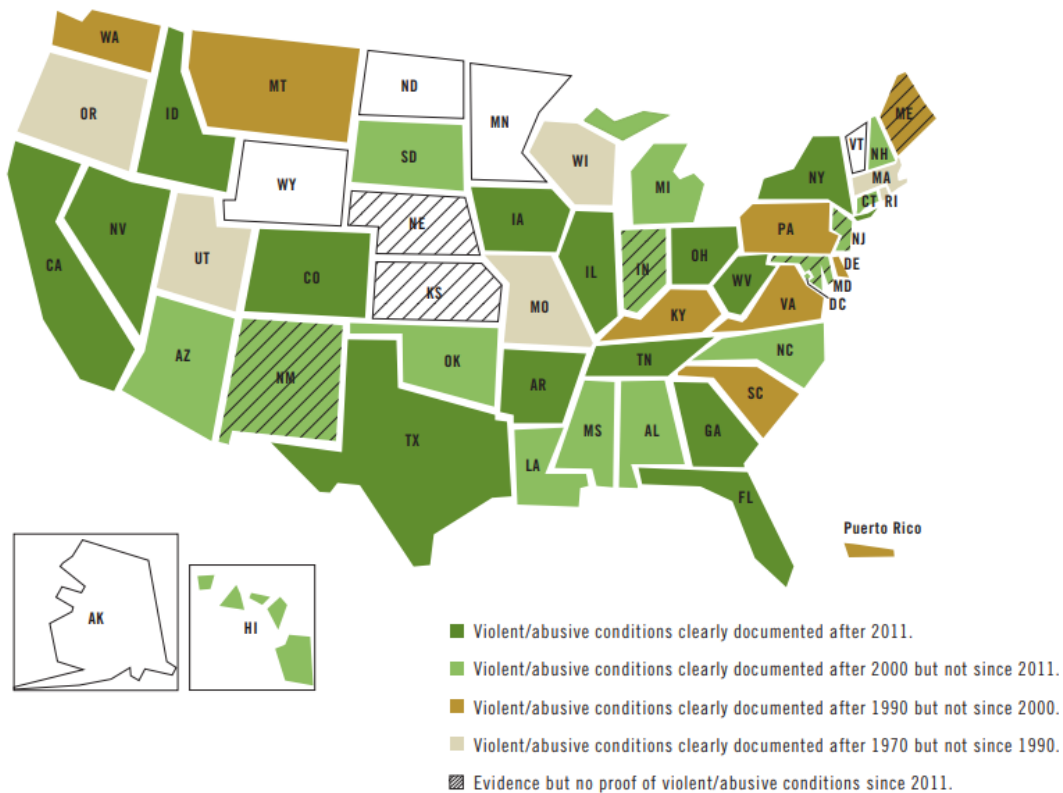
## Child Abuse and the Need for PLRA Reform: Youth Abused and Silenced at Glen Mills School

For decades, youth were placed at the Glen Mills School in Pennsylvania. “Counselors” and other staff physically assaulted youth, encouraged youth to beat up other youth, failed to intervene in assaults, and deprived youth of an education. A counselor threw one youth on his head, knocking him unconscious. Another student suffered a broken jaw over a joke. Yet another youth was slammed to the ground, punched, and choked [while using the facility grievance procedure](#).

Facility leadership and staff took all measures to protect the school’s reputation—intimidating youth and their families into silence. A lawsuit was never filed until after a reporter [exposed the abuses](#).

While these abuses were particularly horrifying, similar problems have been revealed across the state and across the country. The Annie E. Casey Foundation issued a report about youth maltreatment in juvenile correctional facilities. As the map below shows, there were documented abuses in youth facilities in almost every state from 2000 through 2015.

SYSTEMIC OR RECURRING MALTREATMENT IN JUVENILE CORRECTIONS FACILITIES IN THE STATES: 1970 TO PRESENT



For this map, “systemic or recurring maltreatment” is identified when clear evidence has emerged from federal investigations, class-action lawsuits or authoritative reports written by reputable media outlets or respected public or private agencies showing that — at least at one particular time — one or more state-funded youth corrections facilities repeatedly failed to protect youth from violence by staff or other youth, sexual assaults and/or excessive use of isolation or restraints. “Evidence but no proof” is indicated when credible reports of maltreatment have emerged, but not enough to satisfy the above criteria.

For more information, visit [www.aecf.org](http://www.aecf.org).

## Youth Speak Out: Excerpts from Broken Bridges

Youth at Juveniles for Justice, a program of Juvenile Law Center, shared the following experiences in their report, [Broken Bridges](#), with the goal of uplifting their own experiences and advocating for other youth. They too, reported on widespread abuse of youth in facilities.



**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.



**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.