CommonWealth BEACON | 30 YEARS

OPINION

The case for raising the age of Juvenile Court jurisdiction has only grown stronger

Studies show it lowers recidivism while giving young people a chance to thrive without a record

by JAY BLITZMAN
October 28, 2025





THE MASSACHUSETTS LEGISLATURE is again **debating** whether to raise the age of Juvenile Court jurisdiction to include 18 to 20-year-old youth. The last time the state raised the age was in 2013, when 17-year-olds were moved from facing charges in criminal court to the Juvenile Court's jurisdiction. More than five years ago, **I argued** that, from an equity and public safety perspective, raising the age further was necessary. Today, this position is even more compelling.

Including late teens and emerging adults within the jurisdiction of the Juvenile Court system is the most effective way to protect public safety, as recidivism rates in the juvenile system are significantly lower than in the adult criminal system.

A 2024 report from the **Center for Law, Brain & Behavior** at Massachusetts General Hospital notes that there are no meaningful cognitive differences between 17- and 18-year-olds. The study, which includes the most current developmental research, also notes that nationally most juvenile systems feature lower recidivism rates than state criminal systems.

These findings correspond with Massachusetts data from the **Council on State Governments**, which found that 76 percent of the 18 to 24-year-olds sentenced in the adult criminal system were reconvicted within three years, compared with only 26 percent of those in our juvenile system.

This age group makes up 10 percent of the state's population but accounts for more than 29 percent of arrests. Many 18 and some 19-year-old youths are still in high school. In addition, the **Harvard's Criminal Justice Program** reports that African-Americans are 7.9 times more likely to enter the Massachusetts criminal justice system than white youths.

The Juvenile Court, which includes a statewide juvenile court clinic system, specially trained judges, and probation staff, is well-equipped to hear cases involving this age group. Cases can be considered more contextually than in the adult criminal system.

This is particularly true for late teens who are dually involved in juvenile justice and child protection cases. Juvenile courts have jurisdiction over child welfare cases involving families and youths up to age 22, and over delinquency and youthful offender cases until age 21. (Youthful offender cases are those involving 14 to 17-year-olds who are charged with certain felonies.)

The state's youth correctional agency, the Department of Youth Services (DYS), promotes positive youth development and educational continuity by providing greater opportunities and more opportunity for pre-arraignment diversion than exists in the adult

criminal system. The Department of Elementary and Secondary Education is being sued for not meeting the educational needs of late teens in Massachusetts adult jails.

Diversion also avoids the collateral consequences of a criminal record that compromises educational and job opportunities. When youths are discharged from DYS at age 18, or 21 in youthful offender cases, they are not subject to parole and probation conditions as is the norm in the criminal system. However, over 60 percent of youth discharged from DYS volunteer to continue receiving support through the **Youth Engaged in Services program**. There is nothing comparable in the criminal system. About 20 percent of youth discharged from the **Department of Youth Services** reoffend, compared to rates nearly twice as high for 18 to 21-year-olds released from adult jails.

The Juvenile Court has the capacity to hear additional cases. According to Massachusetts trial court filing data, since September of 2013, there has been a 53 percent reduction in juvenile arrests. Juvenile Court caseloads for all types of cases, including care and protection, status offense cases, delinquency and youthful offender filings, have declined by 23 percent.

Trying to create the infrastructure to address emerging adult issues in the criminal system which *already exists* in the juvenile system would be very expensive. Creating emerging adult or youthful offender court models in the criminal system requiring an admission or guilty plea also compromises the presumption of innocence and can lead to a chain of prolonged court involvement from probation violations for reasons other than reoffending. Developing emerging adult units in criminal jails can hopefully decrease high rates of abuse and assaults in those facilities, but there is no evidence to indicate this approach has reduced recidivism.

In considering these issues the **Center for Law, Brain & Behavior's findings** on the age–crime curve are particularly significant. Rates of offending peak by age 20 and then decline precipitously. While it may seem counterintuitive, this finding is true for even the most serious of offenders. Neuroscientific research has further shown that the adolescent brain is still developing until age 25. This research was cited by the Supreme Judicial Court in January 2024 in ***Commonwealth v. Mattis***, when Massachusetts became the first state in the country to abolish life without parole for people under 21.

Maturation contributes to a natural decline in criminal behavior. Applying an appropriate developmental lens which supports this process best serves the public interest. Treating late teens in the developmentally oriented juvenile system is evidence-based and provides for fair and proportionate accountability.

When we raised the age in 2013 to include 17-year-old youth, the sky didn't fall. Indeed, since Massachusetts raised the age to include 17-year-olds, we have seen a 51 percent reduction in juvenile crime rates. I am confident this history will be repeated if we begin the process of raising the age of juvenile court jurisdiction further. Let's follow the science and be smart on crime.

Jay Blitzman is a retired Juvenile Court judge.

*CommonWealth Voices is sponsored by **The Boston Foundation**.*

The Boston Foundation is deeply committed to civic leadership, and essential to our work is the exchange of informed opinions. We are proud to partner on a platform that engages such a broad range of demographic and ideological viewpoints.

© 2026 CommonWealth Beacon
Powered by Newspack

HTML Snippets Powered By : XYZScripts.com