DEPARTMENT OF JUSTICE

Vision

The Department of Justice (DOJ) plays an important role in keeping children safe from violence, drugs, exploitation, and discrimination. DOJ runs key programs that protect children’s civil rights and online privacy and strive to prevent substance abuse, sex trafficking, child exploitation, and the exposure of women and children to violence. While law enforcement is essential to keep children safe, it must be conducted in an appropriate manner that is sensitive to the needs of children and adolescents, especially those from racial and ethnic minorities and those who lack the means for legal representation. DOJ must address the disproportionate contact that minority youth have with the justice system and its sometimes-tragic consequences. Incarceration has demonstrated negative impacts on youth and should be avoided whenever possible in favor of treatment and community support. Law enforcement must also recognize that youth who come into contact with the justice system are significantly more likely to have a history of physical and sexual abuse as well as mental health and substance abuse problems. Importantly, the justice system is not the appropriate venue for addressing and treating these issues. Additionally, large numbers of youth in foster care end up in the juvenile justice system. The United States must commit to not having the justice system be the de facto overflow mechanism for underfunded and inadequate foster care and behavioral health care systems.

Recommended Administrative Actions

Provision of legal representation. The next administration should provide all children and families in immigration custody with legal counsel and should make legal orientation programs available at all detention and processing centers, so families know their rights and responsibilities under immigration law. Timely access to all documents must be provided to children and families for purposes of immigration hearing proceedings. Support for medical-legal partnerships must be expanded.

Ensure safeguards to prevent trafficking from foster care. Foster care and congregate care group homes are often targets for traffickers. Ensuring that these settings have appropriate safeguards and protections, including regular support from health professionals, can help prevent and respond to trafficking. Continued implementation of the Preventing Sex Trafficking and Strengthening Families Act is critical.

Recommended Congressional Actions

Prevent gun violence. There were over 33,000 firearm-related deaths in 2013, according to the CDC. Congress should act quickly to address gun violence by passing legislation creating mandatory waiting periods, closing the gun show loophole, creating mental health restrictions for gun purchases, and requiring comprehensive background checks on all gun purchases (this includes preventing known and/or suspected terrorists from purchasing firearms).

Decriminalize the possession of marijuana. Legalization of recreational marijuana is inadvisable because of its potential harms to children and adolescents. But, the general criminalization of marijuana possession has resulted in the incarceration of hundreds of thousands of adolescents, among whom minority youth are over-represented. A criminal record can have lifelong negative effects on an adolescent who would otherwise have no criminal justice history. For this reason, marijuana use and possession should be decriminalized for both minors and young adults, as several states have done. A focus on treatment for adolescents with marijuana use problems should be encouraged, and these adolescents should be referred to treatment.

End “medical” marijuana and ease marijuana research restrictions. Medicines used by children should be regulated by the Food and Drug Administration (FDA) to ensure their safety and efficacy. Yet, an increasing number of parents are using unregulated marijuana-derived treatments for their children with serious illnesses. The next administration must support efforts to conduct rigorous research into the potential health benefits of therapies made with marijuana derivatives, particularly for children with intractable seizures. Congress must pass legislation to eliminate unnecessary restrictions, such as those enforced by the Drug Enforcement Agency, on conducting legitimate medical research using marijuana and its derivatives, while maintaining needed protections to prevent the diversion of marijuana from the lab to the street.

Fund juvenile justice programs. The Juvenile Justice and Delinquency Prevention Act (JJDPA) provides crucial funding for state juvenile justice programs and important protections for juveniles in the system. It must be reauthorized and strengthened. Juvenile justice programs must incorporate an understanding of the overlap of this population with children in foster care and their substantial behavioral health needs.
Fund programs to support health professionals in identifying trafficking. Training and support for health professionals in recognizing and responding to the signs of sex trafficking can support the identification and support of children who are exploited. This is critical because health care is often one of the few systems with which victims will interact.

**Funding Priorities**

*Juvenile justice programs.* Funding for programs to divert juveniles away from incarceration and into treatment and community services is vitally important and should be increased. The next administration should coordinate these efforts with activities within the child welfare system to prevent the need for foster care, given that there is often overlap between these two populations of children.

**About this Document**

This document is an excerpt from blueprint for Children: How the Next President Can Build a Foundation for a Healthy Future (http://aap.org/blueprint), which was produced by the American Academy of Pediatrics in September 2016 and has also been endorsed by the following organizations: the Academic Pediatric Association, the American Pediatric Society, America’s Promise Alliance, the Association of Medical School Pediatric Department Chairs, Family Voices, the National Association of Pediatric Nurse Practitioners, the Pediatric Policy Council, the Society for Adolescent Health and Medicine, the Society for Pediatric Research and ZERO TO THREE.