



Memo in Support
An act to amend the criminal procedure law,
In relation to proceedings against juvenile and adolescent offenders

A8315 (Lentol) / S6550 (Bailey)

Contact: Julia Davis (212) 697.0882

The Children's Defense Fund's (CDF) *Leave No Child Behind* mission is to ensure every child a healthy start, a head start, a fair start, a safe start and a moral start in life, and successful passage to adulthood with the help of caring families and communities. CDF provides a strong, effective and independent voice for all the children of America who cannot vote, lobby or speak for themselves. We pay particular attention to the needs of poor children, children of color and those with disabilities. Our unique approach to improving conditions for children combines research, public education, policy development, community organizing and advocacy activities, making us an innovative leader for New York's youth, particularly in the areas of health, education, early childhood, child welfare and juvenile justice. We co-lead the Raise the Age-New York coalition, whose work includes ensuring that the State's youth justice reforms are implemented with fidelity to the law's principles.

This memo is to express support for A8315 (Lentol) / S6550 (Bailey), a bill to amend the criminal procedure law to provide an accessible magistrate authority to remove any juvenile offender or adolescent offender brought before them, with the consent of the prosecutor, to the family court at the initial court appearance.

Under current law, off-hour accessible magistrates are not authorized to remove a case to the family court at the initial appearance even if all parties agree that the case should not proceed in criminal court. This bill would grant these judges the authority to remove cases when all parties are in agreement. It will eliminate the need for unnecessary next day appearances before a Youth Part judge, which are a waste of court resources and a hardship on the youth charged and their families.

This bill is necessary in light of the number of youth arraignments that occur off-hours, when the Youth Part is not in session. Permitting adolescents to have the Court's removal decisions made at that first appearance will reduce the number of times a young person and their family miss school, take a day off from work, coordinate child care, travel to court, and manage other hardships inherent to appearing in Court. Since these removals would only occur with consent of the parties, there is no prejudice to either prosecutors or defendants. The Courts, attorneys – and most importantly the young people and their families – stand to save significant time and resources with this change.

We call upon the Assembly and Senate to pass this important legislation that will help to minimize hardships for court-involved youth and their families, while preserving limited court resources.