

Dear Member of Congress,

We write to encourage you to support changes to the Prison Litigation Reform Act (PLRA). As current and former leaders of juvenile justice systems, advocates, and nationally-recognized consultants on juvenile justice reform, we appreciate the need to keep communities safe and hold youth accountable for their actions. However, we are concerned that the PLRA, in its effort to reduce frivolous litigation about conditions of incarceration, has swept too broadly and must be fixed to avoid harming youth.

We believe that applying the PLRA to juveniles does not serve the goals of the Act nor the welfare of our country's children. The PLRA was designed to reduce the number of frivolous prisoner lawsuits reaching the courts. Juveniles do not file frivolous lawsuits. They generally lack the literacy skills, knowledge of the court system and access to legal materials that would be needed to bring about litigation. Moreover, youth under the age of 18 cannot file lawsuits on their own under federal law.

While the PLRA as a whole is inappropriate for children, certain provisions of the Act exact particular hardships on youth. For example, the requirement that prisoners exhaust administrative remedies before filing suit in federal court is especially inappropriate for incarcerated youth. In order to satisfy this requirement, youth must navigate the grievance system in a facility and comply with often challenging rules about deadlines, ways complaints are phrased, and appeals processes. Many youth either do not know of or do not understand the grievance systems in their facilities. If they do, they may be unable to access grievance forms or writing implements which are carefully controlled in secure settings. If they get that far, their lack of literacy skills may limit their abilities to express their concerns and navigate the grievance system. Most importantly, youth are often reluctant to file grievances in institutions both because they are deferential to authority figures and often fear retaliation for complaining. Thus, the exhaustion requirement may completely prevent youth from reporting serious problems that should be brought to light.

The PLRA requirement that plaintiffs may not recover damages for "mental or emotional injury suffered while in custody without a prior showing of physical injury" works against protection of youths' rights to rehabilitation in custody. The provision undermines the rights of incarcerated youth to protect their religious rights, free speech rights and due process rights, and jeopardizes the right to education, counseling and other rehabilitative programming that forms the core of the juvenile justice system but would not involve physical injury.

The PLRA provision requiring prisoners to repay the court for their filing fees through monthly payments also particularly burdens youth. By saddling children who engage in litigation with financial debt, these provisions may deter youth from continuing their education and rehabilitation after their release. And the PLRA's limits on attorney's fees have a

particularly chilling effect on youths' access to the courts. When attorneys are discouraged from helping incarcerated children, meritorious claims simply do not reach the courts.

Rather than benefiting the public, the PLRA actually reduces public safety by allowing serious abuses to occur without giving youth recourse to the courts. Youth are sent to the juvenile justice system for rehabilitation, and governments should be held accountable for improving youths' lives, not causing more harm. Recent reports of serious abuses in juvenile facilities across the country remind us that while many of our colleagues are doing admirable work improving the lives of youth, those who are not must be held accountable for betraying the trust of vulnerable children and the public.

Therefore, we call on Congress to reassess the PLRA and to amend the law so that it protects children and comports with principles of justice.

Sincerely,

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African American Juvenile Justice Project

Boston College Juvenile Rights Advocacy Program

Campaign for Youth Justice

Center for Children's Law and Policy, Washington, DC

Center for Public Representation

The Children's Law Center of Kentucky

The Children's Law Center of Massachusetts

Citizens for Juvenile Justice

Council of Juvenile Correctional Administrators

Families and Allies of Virginia's Youth

Florida Justice Institute, Inc.

Hispanic Urban Minority Alcoholism and Drug Abuse Outreach Program, Inc., Cleveland, OH

Indiana Juvenile Justice Task Force, Inc.

Iowa Coalition to Oppose Life Without the Possibility of Parole for Children

Juvenile Justice Coalition of Minnesota

Juvenile Justice Coalition of Ohio

Juvenile Law Center, Philadelphia, PA

Law Offices of Public Defender Carlos J. Martinez, 11th Judicial Circuit of Florida

Legal Services for Children, San Francisco, CA

Mississippi Youth Justice Project

Montgomery County, Ohio, Law Office of the Public Defender, Juvenile Division

National Center for Youth Law

National Council on Crime and Delinquency

National Center for Lesbian Rights

National Disability Rights Network

National Juvenile Justice Network

National Youth Advocate Program

Neighborhood Solutions, Cleveland, OH

Southern Juvenile Defender Center

Southern Poverty Law Center

W. Haywood Burns Institute, San Francisco, CA

Youth Law Center, San Francisco, CA