



Fact Sheet: Delaware

Key Facts:

- Delaware's Department of Youth Rehabilitative Services (DYRS) has two secure detention centers: the William Marion Stevenson House Detention Center and the New Castle County Detention Center (NCCDC).¹
- The Ferris School for Boys has been recognized by the Coalition for Juvenile Justice as a national model facility. The total learning environment incorporates programming in education, normative behavior, aggression replacement training, and therapeutic clinical programs.²
- The average length of stay at Ferris is 6 months, followed by a 6 week transition program at Mowlds Cottage.³
- Youth can be sentenced to life without parole.⁴

Major Developments:

- In October 2002, DYRS partnered with the Annie E. Casey Foundation to implement the Juvenile Detention Alternatives Initiative (JDAI) and reform the conditions and practices of juvenile detention.⁵
- Kent, New Castle, and Sussex Counties are sites using the JDAI model to increase the use of community-based alternatives to incarceration.⁶
- The Delaware Girls Initiative was created by a Chief judge in response to her

concerns about the growing number of girls committing crimes and the motivation behind these offenses. The Initiative is a gathering of officials and staff meeting to study the issue and find ways to improve the juvenile justice system.⁷

What Delaware Law Says:

- There is no minimum age for juvenile jurisdiction.⁸
- The extended age of delinquency jurisdiction is 20.⁹
- The law mandates pre-trial detention in adult jails for youths over 16 years of age. No special protections are required in such situations.¹⁰
- Once a child turns 18, he or she is under Adult or Superior Court jurisdiction. However, if an offense is committed before the age of 18, Family Court can retain jurisdiction until age 21.¹¹
- There is no minimum age specified for judicial waiver to the adult criminal justice system. However, transfer by prosecutorial discretion is only allowed when the juvenile is 14 years or older.¹²
- Reverse waiver, or the return of a youthful offender to juvenile court is allowed under special circumstances.¹³
- Once transferred to adult court, youth remain under adult criminal jurisdiction for all future crimes committed. This is

known as a "once an adult always an adult" provision.¹⁴

- Delaware has no blended sentencing provisions. That is, a youth cannot be committed to a secure juvenile facility for part of their sentence and then considered for transfer to adult prison for the remainder of the sentence.¹⁵

State Resources:

Department of Services for Children, Youth and their Families

Youth Rehabilitative Services Division

Perry Phelps, Director

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Delaware Collaboration for Youth

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Joseph Dell'Olio

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<http://www.surj.org/cfy.htm>

Delaware Department of Corrections

245 McKee Road

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Telephone: (302) 739-5601

State Juvenile Justice Specialist

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Criminal Justice Council

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<http://www.state.de.us/cjc/default.shtml>

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¹ See National Center for Juvenile Justice, 1.

² Delaware Services for Children, Youth, and their Families. (2007, March 22). *Youth rehabilitative services: Ferris School for Boys*. Retrieved July 23, 2007, from http://kids.delaware.gov/yrs/yrs_ferris/yrs_ferris.shtml

³ Ibid.

⁴ Amnesty International USA. (2005). *The Rest of their Lives Without Parole for Child Offenders in the United States*. Available from <http://www.amnestyusa.org/document.php?lang=e&id=ENGUSA2005101205002>

⁵ National Center for Juvenile Justice (2006, March 15).

NCJJ State Profiles: Delaware. Retrieved July 5, 2007 from

<http://www.ncjj.org/stateprofiles/profiles/DE06.asp?state=%2Fstateprofiles%2Fprofiles%2FDE06.asp&topic=>

⁶ The Annie E. Casey Foundation. (2007). *JDAI sites and contacts*. The Annie E. Casey Foundation: Helping vulnerable kids and families succeed. Retrieved July 25, 2007, from

<http://www.aecf.org/MajorInitiatives/JuvenileDetentionAlternativesInitiative/SitesAndContacts.aspx>

⁷ Chalmers, M. (2006, March 5). Tough love puts teens on road to reform: History of abuse often sends girls on a downward spiral. *The News Journal*.

Available at <http://www.pacecenter.org/Delaware.pdf>

⁸ National Juvenile Defender's Center. (2005 August).

State Data: Delaware. Retrieved July 6, 2007 from http://www.njdc.info/state_data.php

⁹ National Center for Juvenile Justice (2006, March 15).

NCJJ State Profiles: Delaware. Retrieved July 5, 2007 from

<http://www.ncjj.org/stateprofiles/profiles/DE06.asp?state=%2Fstateprofiles%2Fprofiles%2FDE06.asp&topic=>

¹⁰ Goemann, M. (2007). *Children Being Tried as Adults: Pre-trial Detention Laws in the U.S.*. Washington, DC: Campaign for Youth Justice.

¹¹ See National Juvenile Defender Center, 8.

¹² See National Center for Juvenile Justice, 1.

¹³ Ibid.

¹⁴ Ibid.

¹⁵ Ibid.