

| State | Statute | Juvenile Detention Required | Juvenile Detention is Possible but not Required | Adult Jail is Presumed or Required | Relevant Language |
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| Alabama | ALA. CODE. § 12-15-208 (2018). | | | X | <p>(c) Compliance with jail removal. No person under the age of 18 years shall be detained or confined in any jail or lockup for adults except for the following exceptions:</p> <p>(1) A child may be detained in a jail or lockup for adults for up to six hours while processing the case of the child.</p> <p>(2) A child transferred for criminal prosecution pursuant to Section 12-15-203 may be detained in a jail or lockup for adults.</p> <p>(3) A person charged pursuant to Section 12-15-204 may be detained in a jail or lockup for adults.</p> <p>When a case is transferred to another court for criminal prosecution, the person shall be transferred to the appropriate officer or jail or lockup in accordance with the law governing the detention of the person charged with the crime. Jails and lockups used for holding adults shall not hold status offenders in secure custody at any time. An accused status offender may be detained in a nonsecure area of a jail or lockup for processing while waiting transportation to a nonsecure shelter care facility or a juvenile detention facility or while waiting for release to a parent, legal guardian, or legal custodian. Nothing in this subsection shall prohibit a circuit court judge exercising criminal jurisdiction from recommending that a child described in subdivision (2) or (3) should be placed in a juvenile detention center instead of an adult jail or lockup.</p> |
| Alaska | ALASKA STAT. § 47.12.240 (2016). | | X | | <p>(c) Notwithstanding (a) of this section, a minor may be incarcerated in a correctional facility</p> <p>(1) if the minor is the subject of a petition filed with the court under this chapter seeking adjudication of the minor as a delinquent minor or if the minor is in official detention pending the filing of that petition; however, detention in a correctional facility under this paragraph may not exceed the lesser of</p> <p>(A) six hours, except under the criteria listed in (e) of this section; or</p> <p>(B) the time necessary to arrange the minor’s transportation to a juvenile</p> |

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| | | | | detention home or comparable facility for the detention of minors; (2) if, in response to a petition of delinquency filed under this chapter, the court has entered an order closing the case under AS 47.12.100(a), allowing the minor to be prosecuted as an adult; or (3) if the minor is at least 16 years of age and the court has entered an order under AS 47.12.160(e) imposing an adult sentence and transferring custody of the minor to the Department of Corrections. |
| Arizona | ARIZ. REV. STAT. § 8-305 (2016). | | X | <p>A. The county board of supervisors or the county jail district, if authorized pursuant to title 48, chapter 25, shall maintain a detention center that is separate and apart from a jail or lockup in which adults are confined and where juveniles who are alleged to be delinquent or children who are incorrigible and within the provisions of this article shall be detained when necessary before or after a hearing or as a condition of probation. A juvenile who is charged with an offense that is not a dangerous offense and that is listed in section 13-501 may be detained in a juvenile detention center if the detention is ordered by the court. The board may enter agreements with public or private entities to acquire land for, build, purchase, lease-purchase, lease or expand a detention center required by this section.</p> <p>B. The board of supervisors or the county jail district, if authorized pursuant to title 48, chapter 25, may provide for the detention of juveniles who are accused or convicted of a criminal offense in a jail or lockup in which adults are confined. A juvenile who is confined in a jail or lockup in which adults are confined shall be kept in a physically separate section from any adult who is charged with or convicted of a criminal offense, and no sight or sound contact between the juvenile and any charged or convicted adult is permitted, except to the extent authorized under federal laws or regulations.</p> |
| Arkansas | ARK. CODE. ANN. § 9-27-336 (2016). | | X | <p>(b) A juvenile shall not be placed or confined in a jail or lock-up used for the detention of adults except under the following circumstances:</p> <p>(1) A juvenile who has been formally transferred from the juvenile division of circuit court to the criminal division of circuit court and against whom felony charges have been filed or a juvenile whom the prosecuting attorney has the discretion to charge in circuit court and to prosecute as an adult and against whom the circuit court's jurisdiction</p> |

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| | | | | | has been invoked by the filing of felony charges may be held in an adult jail or lock-up; |
| California | CAL. WELF. & INST. § 207.1 and § 207.6 (2018). | X | | | <p>207.1.</p> <p>(a) No court, judge, referee, peace officer, or employee of a detention facility shall knowingly detain any minor in a jail or lockup, except as provided in subdivision (b) or (d).</p> <p>(b) Any minor who is alleged to have committed an offense described in subdivision (b), paragraph (2) of subdivision (d), or subdivision (e) of Section 707 whose case is transferred to a court of criminal jurisdiction pursuant to Section 707.1 after a finding is made that he or she is not a fit and proper subject to be dealt with under the juvenile court law, or any minor who has been charged directly in or transferred to a court of criminal jurisdiction pursuant to Section 707.01, may be detained in a jail or other secure facility for the confinement of adults if all of the following conditions are met:</p> <p>(1) The juvenile court or the court of criminal jurisdiction makes a finding that the minor’s further detention in the juvenile hall would endanger the safety of the public or would be detrimental to the other minors in the juvenile hall.</p> <p>(2) Contact between the minor and adults in the facility is restricted in accordance with Section 208.</p> <p>(3) The minor is adequately supervised.</p> <p>(c) A minor who is either found not to be a fit and proper subject to be dealt with under the juvenile court law or who will be transferred to a court of criminal jurisdiction pursuant to Section 707.01, at the time of transfer to a court of criminal jurisdiction or at the conclusion of the fitness hearing, as the case may be, shall be entitled to be released on bail or on his or her own recognizance upon the same circumstances, terms, and conditions as an adult who is alleged to have committed the same offense.</p> <p>(d) (1) A minor 14 years of age or older who is taken into temporary</p> |

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| | | | | <p>custody by a peace officer on the basis of being a person described by Section 602, and who, in the reasonable belief of the peace officer, presents a serious security risk of harm to self or others, may be securely detained in a law enforcement facility that contains a lockup for adults, if all of the following conditions are met [omitted]</p> <p>207.6. A minor may be detained in a jail or other secure facility for the confinement of adults pursuant to subdivision (b) of Section 207.1 or paragraph (1) of subdivision (b) of Section 707.1 only if the court makes its findings on the record and, in addition, finds that the minor poses a danger to the staff, other minors in the juvenile facility, or to the public because of the minor’s failure to respond to the disciplinary control of the juvenile facility, or because the nature of the danger posed by the minor cannot safely be managed by the disciplinary procedures of the juvenile facility. 208 (a) When any person under 18 years of age is detained in or sentenced to any institution in which adults are confined, it shall be unlawful to permit such person to come or remain in contact with such adults.</p> |
| Colorado | COLO. REV. STAT. §19-2-508 (2017). | X | | <p>(II) Following a detention hearing held in accordance with subparagraph (I) of this paragraph (c), a juvenile who is to be tried as an adult for criminal proceedings pursuant to a direct filing or transfer shall not be held at any adult jail or pretrial facility unless the district court finds, after a hearing held pursuant to subparagraph (IV), (V), or (VI) of this paragraph (c), that an adult jail is the appropriate place of confinement for the juvenile.</p> <p>(III) In determining whether an adult jail is the appropriate place of confinement for the juvenile, the district court shall consider the following factors:</p> <p>(A) The age of the juvenile;</p> <p>(B) Whether, in order to provide physical separation from adults, the juvenile would be deprived of contact with other people for a significant portion of the day or would not have access to recreational facilities or age-appropriate educational opportunities;</p> |

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| | | | | <p>(C) The juvenile's current emotional state, intelligence, and developmental maturity, including any emotional and psychological trauma, and the risk to the juvenile caused by his or her placement in an adult jail, which risk may be evidenced by mental health or psychological assessments or screenings made available to the district attorney and to defense counsel;</p> <p>(D) Whether detention in a juvenile facility will adequately serve the need for community protection pending the outcome of the criminal proceedings;</p> <p>(E) Whether detention in a juvenile facility will negatively impact the functioning of the juvenile facility by compromising the goals of detention to maintain a safe, positive, and secure environment for all juveniles within the facility;</p> <p>(F) The relative ability of the available adult and juvenile detention facilities to meet the needs of the juvenile, including the juvenile's need for mental health and educational services;</p> <p>(G) Whether the juvenile presents an imminent risk of harm to himself or herself or others within a juvenile facility;</p> <p>(H) The physical maturity of the juvenile; and</p> <p>(I) Any other relevant factors.</p> <p>(IV) After charges are filed directly in district court against a juvenile pursuant to section 19-2-517 or a juvenile is transferred to district court pursuant to section 19-2-518, the division of youth corrections may petition the district court to transport the juvenile to an adult jail. The district court shall hold a hearing on the place of pretrial detention for the juvenile as soon as practicable, but no later than twenty days after the receipt of the division's petition to transport. The district attorney, sheriff, or juvenile may file a response to the petition and participate in the hearing. The juvenile shall remain in a juvenile detention facility pending hearing and decision by the district court.</p> |
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| | | | | <p>(V) If a juvenile is placed in the division of youth corrections and is being tried in district court, the division of youth corrections may petition the court for a forthwith hearing to terminate juvenile detention placement if the juvenile's placement in a juvenile detention facility presents an imminent danger to the other juveniles or to staff at the detention facility. In making its determination, the court shall review the factors set forth in subparagraph (III) of this paragraph (c).</p> <p>(VI) If the district court determines that an adult jail is the appropriate place of confinement for the juvenile, the juvenile may petition the court for a review hearing. The juvenile may not petition for a review hearing within thirty days after the initial confinement decision or within thirty days after any subsequent review hearing. Upon receipt of the petition, the court may set the matter for a hearing if the juvenile has alleged facts or circumstances that, if true, would warrant reconsideration of the juvenile's placement in an adult jail based upon the factors set forth in subparagraph (III) of this paragraph (c) and the factors previously relied upon by the court.</p> <p>(3.5) Repealed.</p> <p>(4) (a) No jail shall receive a juvenile for detention following a detention hearing pursuant to this section unless the juvenile has been ordered by the court to be held for criminal proceedings as an adult pursuant to a transfer or unless the juvenile is to be held for criminal proceedings as an adult pursuant to a direct filing. No juvenile under the age of fourteen and, except upon order of the court, no juvenile fourteen years of age or older shall be detained in a jail, lockup, or other place used for the confinement of adult offenders. The exception for detention in a jail shall be used only if the juvenile is being held for criminal proceedings as an adult pursuant to a direct filing or transfer.</p> <p>(b) Whenever a juvenile is held pursuant to a direct filing or transfer in a facility where adults are held, the juvenile shall be physically segregated from the adult offenders.</p> |
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| | | | | | <p>(b.5) (I) When a juvenile who is to be held for criminal proceedings as an adult pursuant to a direct filing or transfer of charges, as provided in sections 19-2-517 and 19-2-518, respectively, is received at a jail or other facility for the detention of adult offenders, the official in charge of the jail or facility, or his or her designee, shall, as soon as practicable, contact the person designated pursuant to section 22-32-141, C.R.S., by the school district in which the jail or facility is located to request that the school district provide educational services for the juvenile for the period during which the juvenile is held at the jail or facility. The school district shall provide the educational services in accordance with the provisions of section 22-32-141, C.R.S. The official, in cooperation with the school district, shall provide an appropriate and safe environment to the extent practicable in which the juvenile may receive educational services.</p> <p>(II) Notwithstanding the provisions of subparagraph (I) of this paragraph (b.5), if either the official in charge of the jail or facility or the school district determines that an appropriate and safe environment cannot be provided for a specific juvenile, the official and the school district shall be exempt from the requirement to provide educational services to the juvenile until such time as an environment that is determined to be appropriate and safe by both the official and the school district can be provided. If the school district will not be providing educational services to a juvenile because of the lack of an appropriate and safe environment, the official in charge of the jail or facility shall notify the juvenile, his or her parent or legal guardian, the juvenile's defense attorney, and the court having jurisdiction over the juvenile's case.</p> |
| Connecticut | CONN. GEN. STAT. §46b-127 (2015). | | | X | <p>(d) Any child whose case is transferred to the regular criminal docket of the Superior Court who is detained pursuant to such case shall be in the custody of the Commissioner of Correction upon the finalization of such transfer. A transfer shall be final (1) upon the arraignment on the regular criminal docket until a motion filed by the state's attorney pursuant to subsection (a) of this section is granted by the court, or (2) upon the arraignment on the regular criminal docket of a transfer order pursuant to subsection (b) of this section until the court sitting for the regular criminal docket orders the case returned to the</p> |

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| | | | | | docket for juvenile matters for good cause shown. Any child whose case is returned to the docket for juvenile matters who is detained shall be in the custody of the Judicial Department. |
| Delaware | 81 DEL. CODE ANN. 308 (2018). | X - Hearing required for children 16 and Older | | | <p>(d)(1) If a child aged 16 or older has been ordered by a court to be held in secure detention pending trial in Superior Court and is found to be non-amenable to Family Court pursuant to §§ 1010 and 1011 of this title, the Department of Services for Children, Youth and Their Families may file a motion in Superior Court to place the child in a secure detention facility other than a facility operated by the Department of Services for Children, Youth and Their Families because the Department's secure detention facilities are at or beyond capacity or the child poses a security risk to self or other youth served by the Department in the facilities it operates. If a motion is filed, Superior Court shall conduct an evidentiary hearing unless the parties reach an agreement to a secure detention for the child.</p> <p>a. After an evidentiary hearing, the Superior Court may order the child to be placed in a secure detention facility not operated by the Department if the Court finds by clear and convincing evidence that the Department's secure detention facilities are at or beyond capacity and the child's safety or health is at risk by remaining at a facility operated by the Department. If the Court makes such a finding, the Department shall provide the Court with a status on the capacity of the Department's secured detention facilities at least weekly and no child may be held in a secured detention facility for adults for more than 60 days.</p> <p>b. After an evidentiary hearing, the Superior Court may order the child to be placed in a secure detention facility not operated by the Department if the Court finds by clear and convincing evidence that the child is a danger to self or other youth served by the Department in the facilities it operates and the child's needs would be better served at a facility not operated by the Department.</p> |
| Florida | FLA. STAT. §985.265 (2017). | | | X - If a felony | <p>(5) The court shall order the delivery of a child to a jail or other facility intended or used for the detention of adults:</p> <p>(a) When the child has been transferred or indicted for criminal prosecution as an adult under part X, except that the court may not order or allow a child alleged to have committed a misdemeanor who is being</p> |

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| | | | | | <p>transferred for criminal prosecution pursuant to either s. 985.556 or s. 985.557 to be detained or held in a jail or other facility intended or used for the detention of adults; however, such child may be held temporarily in a detention facility; or</p> <p>(b) When a child taken into custody in this state is wanted by another jurisdiction for prosecution as an adult.</p> <p>The child shall be housed separately from adult inmates to prohibit a child from having regular contact with incarcerated adults, including trustees. "Regular contact" means sight and sound contact. Separation of children from adults shall permit no more than haphazard or accidental contact. The receiving jail or other facility shall contain a separate section for children and shall have an adequate staff to supervise and monitor the child's activities at all times. Supervision and monitoring of children includes physical observation and documented checks by jail or receiving facility supervisory personnel at intervals not to exceed 10 minutes. This subsection does not prohibit placing two or more children in the same cell. Under no circumstances shall a child be placed in the same cell with an adult.</p> |
| Georgia | GA. CODE §15-11-565 (2016). | X - Until the age of 17 | | | <p>(a) Prior to the entry of a judgment ordering a child's transfer or during the pendency of an appeal of a judgment ordering a child's transfer, such child shall be detained only in those places authorized for the preadjudication detention of a child as set forth in Code Section 15-11-504.</p> <p>(b) After the entry of a judgment ordering transfer, a child shall be detained only in those places authorized for the detention of a child until such child, as set forth in Code Section 15-11-34, reaches 17 years of age.</p> |
| Hawaii | HAW. REV. STAT. §571-32 (2016). | | | X | <p>(g) Where a child transferred for criminal proceedings pursuant to waiver of family court jurisdiction is detained, the child shall be held in the detention facility used for persons charged with crime. When a child is ordered committed to an agency or institution, the child shall be transported promptly to the place of commitment.</p> |
| Idaho | IDAHO CODE § 20-509 and § 20-518 (2017). | | | X | <p>20-509: (2) Once a juvenile has been formally charged or indicted pursuant to this section or has been transferred for criminal prosecution as an adult pursuant to the waiver provisions of section 20-508, Idaho Code, or this section, the juvenile shall be held in a county jail or</p> |

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| | | | | | other adult prison facility unless the court, after finding good cause, orders otherwise. 20-518: (1) Juvenile detention centers must be so constructed and/or maintained as to keep juveniles segregated from adult offenders with there to be no contact as to sight and/or sound between the two (2) classes. Those juveniles being treated as adult offenders pursuant to section 20-508 or 20-509, Idaho Code, may be housed in a juvenile detention center if so ordered by the court. Such juveniles may be housed in the general juvenile population without sight and sound separation if it is determined by the detention administration that the safety and security of the other juveniles would not be at risk. |
| Illinois | 705 ILL. COMP. STAT. 405/5-410 (2018). | | X | | (e) When a minor who is at least 15 years of age is prosecuted under the criminal laws of this State, the court may enter an order directing that the juvenile be confined in the county jail. However, any juvenile confined in the county jail under this provision shall be separated from adults who are confined in the county jail in such a manner that there will be no contact by sight, sound or otherwise between the juvenile and adult prisoners. |
| Indiana | IND. CODE §37-1-2 (2016). | | | X | 31-30-3-8: If jurisdiction is waived, the juvenile court: (1) shall order the child held for proceedings in the court to which the child is waived; and (2) may fix a recognizance bond for the child to answer the charge in the court to which the child is waived. |
| Iowa | IOWA CODE § 232.22 (2018). | | X | | 3. Except as provided in subsection 7, a child may be placed in detention as provided in this section in one of the following facilities only: a. A juvenile detention home. b. Any other suitable place designated by the court other than a facility under paragraph “c”. c. (1) A room in a facility intended or used for the detention of adults if there is probable cause to believe that the child has committed a delinquent act which if committed by an adult would be a felony, or aggravated misdemeanor under section 708.2 or 709.11, a serious or aggravated misdemeanor under section 321J.2, or a violation of section 123.46, and if all of the following apply: (a) The child is at least fourteen years of age. (b) The child has shown by the child’s conduct, habits, or condition that the child constitutes an immediate and serious danger to another or to the property of another, and a facility or place |

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| | | | | | <p>enumerated in paragraph “a” or “b” is unavailable, or the court determines that the child’s conduct or condition endangers the safety of others in the facility.</p> <p>(c) The facility has an adequate staff to supervise and monitor the child’s activities at all times.</p> <p>(d) The child is confined in a room entirely separated from detained adults, is confined in a manner which prohibits communication with detained adults, and is permitted to use common areas of the facility only when no contact with detained adults is possible.</p> <p>(2) However, if the child is to be detained for a violation of section 123.46 or section 321J.2, placement in a facility pursuant to this paragraph “c” shall be made only after an attempt has been made to notify the parents or legal guardians of the child and request that the parents or legal guardians take custody of the child. If the parents or legal guardians cannot be contacted, or refuse to take custody of the child, an attempt shall be made to place the child in another facility, including but not limited to a local hospital or shelter care facility. Also, a child detained for a violation of section 123.46 or section 321J.2 pursuant to this paragraph “c” shall only be detained in a facility with adequate staff to provide continuous visual supervision of the child.</p> <p>....</p> <p>7. If the court has waived its jurisdiction over the child for the alleged commission of a forcible felony offense pursuant to section 232.45 or 232.45A, and there is a serious risk that the child may commit an act which would inflict serious bodily harm on another person, the child may be held in the county jail, notwithstanding section 356.3. However, wherever possible the child shall be held in sight and sound separation from adult offenders. A child held in the county jail under this subsection shall have all the rights of adult post-arrest or pretrial detainees.</p> |
| Kansas | KAN. STAT. § 38-2332 (2018). | | | X | <p>38-2332. Prohibiting placement or detention of juvenile in jail; exceptions; review of records and determination of compliance by juvenile justice authority. (a) No juvenile shall be detained or placed in any jail pursuant to the revised Kansas juvenile justice code except as provided by subsections (b), (c) and (d) and subject to K.S.A. 38-2330 and 38-2331, and amendments thereto.</p> <p>(c) The provisions of this section shall not apply to detention of a</p> |

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| | | | | | <p>juvenile:</p> <p>(1) (A) Against whom a motion has been filed requesting prosecution as an adult pursuant to K.S.A. 38-2347(a)(2), and amendments thereto; and (B) who has received the benefit of a detention hearing pursuant to K.S.A. 38-2331, and amendments thereto;</p> <p>(2) whose prosecution as an adult or classification as an extended jurisdiction juvenile has been authorized pursuant to K.S.A. 38-2347, and amendments thereto; or</p> <p>(3) who has been convicted previously as an adult under the code of criminal procedure or the criminal laws of another state or foreign jurisdiction.</p> |
| Kentucky | KY. REV. STAT. § 640.020 (2015). | X | | | <p>640.020 Detention of youthful offender if unable to meet conditions of release or bail.</p> <p>(1) Any person proceeded against as a youthful offender under the provisions of this chapter who is under eighteen (18) years of age shall be detained in a secure juvenile detention facility if he is unable to meet the conditions of release or bail established pursuant to KRS Chapter 431 and the Kentucky Rules of Criminal Procedure.</p> |
| Louisiana | LA. CHIL. CODE ART. 306 (2018). | | X | | <p>B. If a detention facility for juveniles is not available, he may be held in an adult jail or lockup for identification or processing procedures or while awaiting transportation only as long as necessary to complete these activities for up to six hours, except that in nonmetropolitan areas, he may be held for up to twenty-four hours if all of the following occur:</p> <p>(1) The child meets the age and offense criteria set out in Article 305.</p> <p>(2) A continued custody hearing in accordance with Articles 820 and 821 is held within twenty-four hours after his arrest.</p> <p>(3) There is no acceptable alternative placement to the jail or lockup in which he is being held.</p> <p>(4) The sheriff or the administrator of the adult jail or lockup has certified to the court that facilities exist providing for sight and sound separation of the juvenile from adult offenders and that he can be given continuous visual supervision while placed in the jail or lockup.</p> |

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| | | | | <p>C. If an indictment has not been returned, a bill of information filed, or a continued custody hearing not held within twenty-four hours, the child held in an adult jail or lockup in a nonmetropolitan area shall be released or removed to a juvenile detention facility.</p> <p>D. If at the conclusion of the continued custody hearing, the court determines that the child meets the age requirements and that there is probable cause that the child has committed one of the offenses enumerated in Article 305, the court shall order him held for trial as an adult for the appropriate court of criminal jurisdiction. The appropriate court of criminal jurisdiction may thereafter order that the child be held in any facility used for the pretrial detention of accused adults and the child shall apply to the appropriate court of criminal jurisdiction for a preliminary hearing, bail, and for any other rights to which he may be entitled under the Code of Criminal Procedure.</p> <p>E. If for any reason the court determines that the child is not subject to the jurisdiction of the criminal courts, it may continue him in custody only in those places authorized by Article 822.</p> <p>F. The court authorizing the detention of the child in an adult jail or lockup pursuant to Paragraph B or D of this Article shall submit a written report delineating appropriate reasons for the continued custody to the judicial administrator of the supreme court for review and shall submit copies to the Louisiana Commission on Law Enforcement and Administration of Criminal Justice and to the sheriff or chief of police of the facility in which the child is being detained within seven working days of the court's decision.</p> <p>G. Notwithstanding any provision of law to the contrary, a child who is subject to criminal jurisdiction pursuant to Article 305 shall not be detained prior to trial in a juvenile detention facility after reaching the age of eighteen if the governing authority with funding responsibility for the juvenile detention facility objects to such detention.</p> |
| <p>Maine</p> | <p>ME. REV. STAT. TIT. 15 § 3205 (2017).</p> | | <p>X</p> | <p>1. Generally. A juvenile may not be committed to or detained or confined in a jail or other secure detention facility intended or primarily used for the detention of adults, except when bound over</p> |

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| | | | | <p>as an adult and as provided in section 3101, subsection 4, paragraph E-2, or as provided in section 3203-A, subsection 1, paragraph B-1 or section 3203-A, subsection 7. A juvenile who is detained in a jail or other secure detention facility intended or primarily used for the detention of adults may be detained only in a section of a facility that meets the requirements of section 3203-A, subsection 7, paragraph A, unless bound over as an adult and held in an adult section of a facility pursuant to section 3101, subsection 4, paragraph E-2.2. Exception. Subsection 1 applies to any person who has not attained 18 years of age or is considered a juvenile by virtue of section 3101, subsection 2, paragraph D except that:</p> <p>A. If the person has attained 18 years of age, or has been convicted as an adult in another jurisdiction, any detention pursuant to section 3203-A and any confinement pursuant to section 3314, subsection 1, paragraph H or section 3314, subsection 7 may be, upon the order of a court, in an adult section of a jail or other secure detention facility intended or primarily used for the detention of adults and may extend beyond the time limits set out in section 3203-A/</p> |
| Maryland | MD. CODE CRIM. PROC. § 4-202 (2017). | | X | <p>(h)(1) Pending a determination under this section to transfer its jurisdiction, the court shall order the child to be held in a secure juvenile facility unless:</p> <p>(i) the child is released on bail, recognizance, or other conditions of pretrial release;</p> <p>(ii) there is not available capacity in a secure juvenile facility, as determined by the Department of Juvenile Services; or</p> <p>(iii) the court finds that detention in a secure juvenile facility would pose a risk of harm to the child or others.</p> <p>(2) If the court makes a finding under paragraph (1)(iii) of this subsection that detention in a secure juvenile facility would pose a risk of harm to the child or others, the court shall state the reasons for the finding on the record.</p> <p>(j)Disposition by District Court. --</p> <p>(1) Regardless of whether the District Court has jurisdiction over the case, at a bail review or preliminary hearing before the District Court involving a child whose case is eligible for transfer under subsection (b) of this section, the District Court:</p> |

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| | | | | | <p>(i) may order that a study be made under the provisions of subsection (e) of this section; and</p> <p>(ii) shall order that the child be held in a secure juvenile facility pending a transfer determination under this section unless:</p> <ol style="list-style-type: none"> 1. the child is released on bail, recognizance, or other conditions of pretrial release; 2. there is not available capacity at a secure juvenile facility as determined by the Department of Juvenile Services; or 3. the District Court finds that detention in a secure juvenile facility would pose a risk of harm to the child or others. <p>(2) If the District Court makes a finding under paragraph (1)(ii)3 of this subsection that detention in a secure juvenile facility would pose a risk of harm to the child or others, the District Court shall state the reasons for the finding on the record.</p> |
| Massachusetts | MASS. GEN. LAWS CH. 119 § 68 (2017). | X - Except when charged with 1st or 2nd degree murder | | | <p>Section 66. Except as otherwise provided in section sixty-seven and in section twelve of chapter one hundred and twenty, no child under 18 years of age shall be detained by the police in a lockup, police station or house of detention pending arraignment, examination or trial by the court. No child under 18 years of age shall be committed by the court to a jail or house of correction or to the state farm, pending further examination or trial by the court or pending any continuance of his case or, except as otherwise provided in sections fifty-two through eighty-four upon adjudication as a youthful offender.</p> <p>Section 68: A person who at the time of the offense had attained the age of fourteen but had not attained the age of 18, and who is charged with murder in the first or second degree and is held by the superior court for trial or continuance, or for indictment and trial, if unable to furnish bail, shall be committed by the court to the custody of the sheriff of the county in which the court is situated; provided, however, that the appearance of the person at such examination or trial shall be the responsibility of the court for which he is being held in safekeeping.</p> |
| Michigan | MICH. COMP. LAWS § 764.27a (2017). | | X | | <p>764.27a(3)</p> <p>(3) A juvenile or individual less than 17 years of age who is under the jurisdiction of the circuit court or recorder's court of the city of</p> |

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| | | | | <p>Detroit for committing a felony may be confined in the county jail pending trial. An individual less than 17 years of age who is under the jurisdiction of the probate court for committing a felony may be held in the county jail pending trial if the case is designated by the court under section 2d of chapter XIIA of Act No. 288 of the Public Acts of 1939, being section 712A.2d of the Michigan Compiled Laws, as a case in which the individual is to be tried in the same manner as an adult and the court has determined that there is probable cause to believe that the felony was committed and that there is probable cause to believe the individual committed that felony. If a juvenile or individual less than 17 years of age is confined in the county jail under this subsection, the juvenile or individual less than 17 years of age shall be held physically separate from adult prisoners. A juvenile or individual less than 17 years of age shall not be confined in the county jail under this subsection without the prior approval of the county sheriff. As used in this subsection, “felony” means a crime that is designated by law as a felony or that is punishable by imprisonment for more than 1 year.</p> |
| <p>Minnesota</p> | <p>MINN. STAT. § 260B.176 (2018).</p> | | <p>X</p> | <p>Subd. 2.Reasons for detention. (a) If the child is not released as provided in subdivision 1, the person taking the child into custody shall notify the court as soon as possible of the detention of the child and the reasons for detention.</p> <p>(b) No child may be detained in a juvenile secure detention facility or shelter care facility longer than 36 hours, excluding Saturdays, Sundays, and holidays, after being taken into custody for a delinquent act as defined in section 260B.007, subdivision 6, unless a petition has been filed and the judge or referee determines pursuant to section 260B.178 that the child shall remain in detention.</p> <p>(c) No child may be detained in an adult jail or municipal lockup longer than 24 hours, excluding Saturdays, Sundays, and holidays, or longer than six hours in an adult jail or municipal lockup in a standard metropolitan statistical area, after being taken into custody for a delinquent act as defined in section 260B.007, subdivision 6, unless:</p> <p>(1) a petition has been filed under section 260B.141; and</p> |

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| | | | | | <p>(2) a judge or referee has determined under section 260B.178 that the child shall remain in detention.</p> <p>After August 1, 1991, no child described in this paragraph may be detained in an adult jail or municipal lockup longer than 24 hours, excluding Saturdays, Sundays, and holidays, or longer than six hours in an adult jail or municipal lockup in a standard metropolitan statistical area, unless the requirements of this paragraph have been met and, in addition, a motion to refer the child for adult prosecution has been made under section 260B.125. Notwithstanding this paragraph, continued detention of a child in an adult detention facility outside of a standard metropolitan statistical area county is permissible if:</p> <p>(i) the facility in which the child is detained is located where conditions of distance to be traveled or other ground transportation do not allow for court appearances within 24 hours. A delay not to exceed 48 hours may be made under this clause; or</p> <p>(ii) the facility is located where conditions of safety exist. Time for an appearance may be delayed until 24 hours after the time that conditions allow for reasonably safe travel. "Conditions of safety" include adverse life-threatening weather conditions that do not allow for reasonably safe travel.</p> <p>The continued detention of a child under clause (i) or (ii) must be reported to the commissioner of corrections.</p> <p>(d) If a child described in paragraph (c) is to be detained in a jail beyond 24 hours, excluding Saturdays, Sundays, and holidays, the judge or referee, in accordance with rules and procedures established by the commissioner of corrections, shall notify the commissioner of the place of the detention and the reasons therefor. The commissioner shall thereupon assist the court in the relocation of the child in an appropriate juvenile secure detention facility or approved jail within the county or elsewhere in the state, or in determining suitable alternatives. The commissioner shall direct that a child detained in a jail be detained after</p> |
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| | | | | <p>eight days from and including the date of the original detention order in an approved juvenile secure detention facility with the approval of the administrative authority of the facility. If the court refers the matter to the prosecuting authority pursuant to section 260B.125, notice to the commissioner shall not be required.</p> <p>(e) When a child is detained for an alleged delinquent act in a state licensed juvenile facility or program, or when a child is detained in an adult jail or municipal lockup as provided in paragraph (c), the supervisor of the facility shall, if the child's parent or legal guardian consents, have a children's mental health screening conducted with a screening instrument approved by the commissioner of human services, unless a screening has been performed within the previous 180 days or the child is currently under the care of a mental health professional. The screening shall be conducted by a mental health practitioner as defined in section 245.4871, subdivision 26, or a probation officer who is trained in the use of the screening instrument. The screening shall be conducted after the initial detention hearing has been held and the court has ordered the child continued in detention. The results of the screening may only be presented to the court at the dispositional phase of the court proceedings on the matter unless the parent or legal guardian consents to presentation at a different time. If the screening indicates a need for assessment, the local social services agency or probation officer, with the approval of the child's parent or legal guardian, shall have a diagnostic assessment conducted, including a functional assessment, as defined in section 245.4871.</p> |
| Mississippi | MISS. CODE. ANN. § 43-21-301(6) and § 43-21-315 (2017). | | | <p>43-21-301(6)</p> <p>(a) No child who has been accused or adjudicated of any offense that would not be a crime if committed by an adult shall be placed in an adult jail or lockup. An accused status offender shall not be held in secure detention longer than twenty-four (24) hours prior to and twenty-four (24) hours after an initial court appearance, excluding Saturdays, Sundays and statutory state holidays, except under the following circumstances: a status offender may be held in secure detention for violating a valid court order pursuant to the criteria as established by the federal Juvenile Justice and Delinquency Prevention Act of 2002, and any subsequent amendments thereto, and out-of-state runaways may be</p> |

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| | | | | <p>detained pending return to their home state.</p> <p>(b) No accused or adjudicated juvenile offender, except for an accused or adjudicated juvenile offender in cases where jurisdiction is waived to the adult criminal court, shall be detained or placed into custody of any adult jail or lockup for a period in excess of six (6) hours.</p> <p>(c) If any county violates the provisions of paragraph (a) or (b) of this subsection, the state agency authorized to allocate federal funds received pursuant to the Juvenile Justice and Delinquency Prevention Act of 1974, 88 Stat. 2750 (codified in scattered Sections of 5, 18, 42 USCS), shall withhold the county's share of such funds.</p> <p>(d) Any county that does not have a facility in which to detain its juvenile offenders in compliance with the provisions of paragraphs (a) and (b) of this subsection may enter into a contractual agreement to detain or place into custody the juvenile offenders of that county with any county or municipality that does have such a facility, or with the State of Mississippi, or with any private entity that maintains a juvenile correctional facility.</p> <p>(e) Notwithstanding the provisions of paragraphs (a), (b), (c) and (d) of this subsection, all counties shall be allowed a one-year grace period from March 27, 1993, to comply with the provisions of this subsection. 43-21-315(2)</p> <p>(2) Except as otherwise provided in this chapter, unless jurisdiction is transferred, no child shall be placed in any jail or place of detention of adults by any person or court unless the child shall be physically segregated from other persons not subject to the jurisdiction of the youth court and the physical arrangement of such jail or place of detention of adults prevents such child from having substantial contact with and substantial view of such other persons; but in any event, the child shall not be confined anywhere in the same cell with persons not subject to the jurisdiction of the youth court. Any order placing a child into custody shall comply with the detention requirements provided in Section 43-21-301(6). This subsection shall not be construed to apply to commitments to the training school under Section 43-21-605(1)(g)(iii).</p> |
| Missouri | MO. REV. STAT. § 221.044 (2018). | | X | Persons under eighteen may not be confined in adult jails, exceptions — commitment to juvenile detention facilities, when. — No person under the age of eighteen years, except those transferred to the court of |

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| | | | | | general jurisdiction under the provisions of section 211.071, shall be detained in a jail or other adult detention facility as that term is defined in section 211.151. A traffic court judge may request the juvenile court to order the commitment of a person under the age of eighteen to a juvenile detention facility |
| Montana | MONT. CODE § 41-5-206 (2017). | | X | | (7) If a youth's case is filed in the district court and remains in the district court after the transfer hearing, the youth may be detained in a jail or other adult detention facility pending final disposition of the youth's case if the youth is kept in an area that provides physical separation from adults accused or convicted of criminal offenses. |
| Nebraska | NEB. REV. STAT. § 43-250 (2018). | | X | | (v) If, within the time limits specified in subdivision (1)(c)(i) or (1)(c)(ii) of this section, a felony charge is filed against the juvenile as an adult in county or district court, he or she may be securely held in a jail or other facility intended or used for the detention of adults beyond the specified time limits; |
| Nevada | NEV. REV. STAT. § 62C.030 (2017). | | X | | 3. If a child is less than 18 years of age, the child must not, at any time, be confined or detained in any police station, lockup, jail, prison or other facility where the child has regular contact with any adult who is confined or detained in the facility and who has been convicted of a criminal offense or charged with a criminal offense, unless: (a) The child is alleged to be delinquent; (b) An alternative facility is not available; and (c) The child is separated by sight and sound from any adults who are confined or detained in the facility. 4. During the pendency of a proceeding involving: (a) A criminal offense excluded from the original jurisdiction of the juvenile court pursuant to NRS 62B.330; or (b) A child who is certified for criminal proceedings as an adult pursuant to NRS 62B.390, a child may petition the juvenile court for temporary placement in a facility for the detention of children. |

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| <p>New Hampshire</p> | <p>N.H. REV. STAT. § 169-B:24 (2018).</p> | | <p>X</p> | <p>II. The minor shall be entitled to the assistance of counsel. Both the prosecutor and counsel for the minor shall have access to the court records, probation reports, or other agency reports. If the court orders transfer to superior court, it shall provide a written statement of findings and reasons for such transfer to the minor. When persons so certified are accepted by the superior court, the superior court may dispose of all criminal charges arising out of the incident which led to the transfer petition according to the relevant laws of this state without any limitations as to sentence or orders required by this chapter. All original papers in transferred cases shall remain in the court from which transferred and certified copies of the papers shall be filed with and shall constitute the records of the court to which transfer is made. Pending disposition by the superior court, a juvenile who is transferred and accepted by the superior court may be placed under the supervision of the department of corrections or required to recognize with sufficient sureties, or in default of such sureties, be detained at a county correctional facility or the youth development center to await disposition of the case in the superior court.</p> |
| <p>New Jersey</p> | <p>NJ. STAT. ANN. § 2A:4A-36 (2017).</p> | <p>X</p> | | <p>a. If the court waives jurisdiction over a case and refers that case to the appropriate court and prosecuting authority, there shall be a hearing before the court waiving jurisdiction to decide whether to detain the juvenile pending resolution of the case. If detention is deemed necessary, there shall be a presumption that the juvenile shall be detained in a county juvenile detention facility, unless good cause is shown that it is necessary to detain the juvenile in a county jail or other county correctional facility in which adults are incarcerated.</p> |
| <p>New Mexico</p> | <p>N.M. STAT. § 32A-2-12 (2017).</p> | <p>X</p> | | <p>C. A child adjudicated as a youthful offender who is violent toward staff or other residents in a detention facility may be transferred and detained, pending a court hearing, in a county jail. In the event that a child is detained in a jail, the director of the jail shall presume that the child is vulnerable to victimization by inmates within the adult population because of the child's age, and shall take measures to provide protection to the child. However, provision of protective measures shall not result in diminishing a child's civil rights to less than those existing for an incarcerated adult.</p> <p>D. A child who has previously been incarcerated as an adult or a</p> |

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| | | | | <p>person eighteen years of age or older shall not be detained in a juvenile detention facility or a facility for the long-term care and rehabilitation of delinquent children, but may be detained in a county jail. A child shall not be transferred to a county jail solely on the basis of attaining the age of eighteen while detained in a juvenile detention facility. In the event that a child is detained in a jail, the director of the jail shall presume that the child is vulnerable to victimization by inmates within the adult population because of the child's age, and shall take measures to provide protection to the child. However, provision of protective measures shall not result in diminishing a child's civil rights to less than those existing for an incarcerated adult.</p> <p>E. A child alleged to be a serious youthful offender may be detained pending a court hearing in any of the following places, prior to arraignment in metropolitan, magistrate or district court:</p> <p>(1) a detention facility, licensed by the department, for children alleged to be delinquent children;</p> <p>(2) any other suitable place, other than a facility for the long-term care and rehabilitation of delinquent children to which children adjudicated as delinquent children may be confined pursuant to Section 32A-2-19 NMSA 1978, designated by the court that meets the standards for detention facilities pursuant to the Children's Code and federal law; or</p> <p>(3) a county jail, if a facility in Paragraph (1) or (2) of this subsection is not appropriate. In the event that a child is detained in a jail, the director of the jail shall presume that the child is vulnerable to victimization by inmates within the adult population because of the child's age and shall take measures to provide protection to the child. However, provision of protective measures shall not result in diminishing a child's civil rights to less than those existing for an incarcerated adult.</p> |
| New York | N.Y. CRIM. PRO. L. § 510.15 (2017). | X | | <p>1. When a principal who is under the age of sixteen is committed to the custody of the sheriff the court must direct that the principal be taken to and lodged in a place certified by the office of children and family services as a juvenile detention facility for the reception of children. When a principal who (a) commencing October first, two</p> |

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| | | | | | <p>thousand eighteen, is sixteen years of age; or (b) commencing October first, two thousand nineteen, is sixteen or seventeen years of age, is committed to the custody of the sheriff, the court must direct that the principal be taken to and lodged in a place certified by the office of children and family services in conjunction with the state commission of correction as a specialized secure juvenile detention facility for older youth. Where such a direction is made the sheriff shall deliver the principal in accordance therewith and such person shall although lodged and cared for in a juvenile detention facility continue to be deemed to be in the custody of the sheriff. No principal under the age specified to whom the provisions of this section may apply shall be detained in any prison, jail, lockup, or other place used for adults convicted of a crime or under arrest and charged with the commission of a crime without the approval of the office of children and family services which shall consult with the commission of correction if the principal is sixteen years of age or older in the case of each principal and the statement of its reasons therefor. The sheriff shall not be liable for any acts done to or by such principal resulting from negligence in the detention of and care for such principal, when the principal is not in the actual custody of the sheriff.</p> |
| <p>North Carolina</p> | <p>N.C. GEN. STAT. § 7B-2204 (2018).</p> | | <p>X - Unless it is more convenient to hold a child in a holdover facility for pretrial/trial</p> | | <p>Once the order of transfer has been entered, the juvenile has the right to pretrial release as provided in G.S. 15A-533 and G.S. 15A-534. The release order shall specify the person or persons to whom the juvenile may be released. Pending release, the court shall order that the juvenile be detained in a detention facility while awaiting trial. The court may order the juvenile to be held in a holdover facility at any time the presence of the juvenile is required in court for pretrial hearings or trial, if the court finds that it would be inconvenient to return the juvenile to the detention facility.</p> |
| <p>North Dakota</p> | <p>N.D. CENT. CODE §12-46-13 (2017).</p> | | <p>X</p> | | <p>Whenever a district court finds an offender under eighteen years of age guilty of a crime and commits the offender to the custody of the department of corrections and rehabilitation, the department may transfer the offender to the North Dakota youth correctional center; however, the department shall first transfer the offender to the North Dakota youth correctional center if the offender is under sixteen years of age. The department may transfer an offender who is between sixteen years</p> |

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| | | | | | <p>of age and eighteen years of age to an adult correctional facility after the department has given the offender an administrative hearing to determine if the interests of the department, the safety of other residents, or the interests of the general public justifies the transfer.</p> <p>12-44.1.09 Each correctional facility shall adopt a classification system for inmates to provide for the security, safety, and order of the correctional facility and for the safety and security of the community. If the correctional facility has adopted a classification system approved by the department of corrections and rehabilitation, the correctional facility is not required to comply with subsections 3, 4, and 5. In grade one and grade two correctional facilities and, where practicable, in grade three correctional facilities, the following groups of inmates must be housed separately from each other:</p> <p>2. Juveniles from adults, except that an adult held under a delinquency proceeding may be held with juveniles and a juvenile transferred or waived to adult court on a felony criminal offense may be housed with adults in a jail or regional correctional facility</p> |
| Ohio | OHIO REV. CODE § 2152.26 (2018). | X | | | <p>(F)(1) If a case is transferred to another court for criminal prosecution pursuant to section 2152.12 of the Revised Code and the alleged offender is a person described in division (C)(7) of section 2152.02 of the Revised Code, the person may not be transferred for detention pending the criminal prosecution in a jail or other facility except under the circumstances described in division (F)(4) of this section. Any child held in accordance with division (F)(3) of this section shall be confined in a manner that keeps the child beyond the sight and sound of all adult detainees. The child shall be supervised at all times during the detention.</p> <p>(F)(3)(a) A person alleged to be a delinquent child may be held in places other than those specified in division (A) of this section, including, but not limited to, a county, multicounty, or municipal jail, if the delinquent act that the child allegedly committed would be a felony if committed by</p> |

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| | | | | <p>an adult, and if either of the following applies: (i) The person attains twenty-one years of age before the person is arrested or apprehended for that act. (ii) The person is arrested or apprehended for that act before the person attains twenty-one years of age, but the person attains twenty-one years of age before the court orders a disposition in the case. (b) If, pursuant to division (F)(3)(a) of this section, a person is held in a place other than a place specified in division (A) of this section, the person has the same rights to bail as an adult charged with the same offense who is confined in a jail pending trial.</p> <p>(F)(4)(a) Any person whose case is transferred for criminal prosecution pursuant to section 2152.10 or 2152.12 of the Revised Code or any person who has attained the age of eighteen years but has not attained the age of twenty-one years and who is being held in a place specified in division (B) of this section may be held under that disposition or charge in places other than those specified in division (B) of this section, including a county, multicounty, or municipal jail or workhouse, or other place where an adult under arrest or charged with crime is held if the juvenile court, upon its own motion or upon motion by the prosecutor and after notice and hearing, establishes by a preponderance of the evidence and makes written findings of either of the following: (i) With respect to a person whose case is transferred for criminal prosecution pursuant to either specified section or who has attained the age of eighteen years but who has not attained the age of twenty-one years and is being so held, that the youth is a threat to the safety and security of the facility; (ii) With respect to a person who has attained the age of eighteen years but who has not attained the age of twenty-one years and is being so held, that the best interests of the youth require that the youth be held in a place other than a place specified in division (B) of this section, including a county, multicounty, or municipal jail or workhouse, or other place where an adult under arrest or charged with crime is held.</p> <p>(F)(4)(f) Any person transferred under division (F)(4)(a) of this section to a place other than those specified in division (B) of this section shall be confined in a manner that keeps those under eighteen years of age</p> |
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| | | | | beyond sight and sound of all adult detainees. Those under eighteen years of age shall be supervised at all times during the detention. |
| Oklahoma | OKLA. STAT. tit. 10A-2-5-204 (2018). | | X | 10A-2-5-204 (F) Upon arrest and detention of a person subject to the provisions of Section 2-5-205 or 2-5-206 of this title, the person has the same right to be released on bail as would an adult in the same circumstances and, if detained, may be detained in a county jail if separated by sight and sound from the adult population as otherwise authorized by law. If no such county jail is available, then such person may be detained at a juvenile detention facility. |
| Oregon | OR. REV. STAT. § 419C.130 (2017). | X - If under 16 | | 1) A youth or youth offender may not be detained at any time in a police station, jail, prison or other place where adults are detained, except as follows: (b) A youth waived under ORS 419C.349 or 419C.364 to the court handling criminal actions or to municipal court may be detained in a jail or other place where adults are detained if: (A) The youth is at least 16 years of age; and (B) The director of the county juvenile department and the sheriff, or other official responsible for the jail or other place, agree to detain the youth in a jail or other place where adults are detained. |
| Pennsylvania | 42 PA. CONS. STAT. § 6327 (2017). | | X | (c) Detention in jail prohibited.--It is unlawful for any person in charge of or employed by a jail knowingly to receive for detention or to detain in the jail any person whom he has or should have reason to believe is a child unless, in a criminal proceeding, the child has been charged with or has been found guilty of an act set forth in paragraph (2)(i), (ii), (iii) or (v) of the definition of "delinquent act" in section 6302 (relating to definitions). (c.1) Detention of child.-- (1) A child who is subject to criminal proceedings having been charged with an act set forth under paragraph (2)(i), (ii) or (iii) of the definition of "delinquent act" in section 6302, who has not been released on bail and who may seek or is seeking transfer to juvenile proceedings under section 6322 (relating to transfer from criminal proceedings) may be detained in a secure detention facility approved by the Department of Public Welfare for the detention of alleged and adjudicated delinquent |

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| | | | | <p>children if the attorney for the Commonwealth has consented to and the court has ordered the detention.</p> <p>...</p> <p>(3) For a child held in secure detention under this subsection, the court shall order the immediate transfer of the child to the county jail if any of the following apply:</p> <p>(i) The court determines that the child is no longer seeking transfer under section 6322.</p> <p>(ii) The court denies the motion filed under section 6322.</p> <p>(iii) The child attains 18 years of age. This subparagraph does not apply if:</p> <p>(A) the court has granted the motion filed under section 6322; or</p> <p>(B) the child is otherwise under order of commitment to the secure detention facility pursuant to the jurisdiction of the court in a delinquency matter.</p> <p>(d) Transfer of child subject to criminal proceedings.--If a case is transferred for criminal prosecution the child may be transferred to the appropriate officer or detention facility in accordance with the law governing the detention of persons charged with crime. The court in making the transfer may order continued detention as a juvenile pending trial if the child is unable to provide bail.</p> |
| Rhode Island | R.I. GEN. LAWS §14-1-26 (2018); <i>In re Joseph</i> , A.2d 985 (R.I. 1990) | | X | <p>14-1-26. In case a delinquent or wayward child is taken into custody or detained before or after the filing of a petition, or pending a hearing on the petition, the child shall not be confined in any prison, jail, lockup, or reformatory, or be transported with, or compelled or permitted to associate or mingle with, criminal, vicious, or dissolute persons, but shall be kept under the care of the person arresting the child, or of a police matron as provided in § 14-1-24, until by order of the court other disposition is made of the child as provided in this chapter; and if the</p> |

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| | | | | child is ordered to be detained or confined in any of the institutions mentioned in this chapter, the child shall not be conveyed to or from the institution with adult offenders. <i>In re Joseph</i> , A.2d 985 (R.I. 1990) provides that children who have been waived to adult court may be detained pre-trial in adult facilities. |
| South Carolina | S.C. CODE § 63-19-820 (2018). | | X | (C) No child may be placed in secure confinement or ordered detained by the court in secure confinement in an adult jail or other place of detention for adults for more than six hours. However, the prohibition against the secure confinement of juveniles in adult jails does not apply to juveniles who have been waived to the court of general sessions for the purpose of standing trial as an adult. Juveniles placed in secure confinement in an adult jail during this six-hour period must be confined in an area of the jail which is separated by sight and sound from adults similarly confined. ... (F) Children ten years of age and younger must not be incarcerated in a jail or detention facility for any reason. Children eleven or twelve years of age who are taken into custody for a violation of law which would be a criminal offense under the laws of this State if committed by an adult or who violates conditions of probation for such an offense must be incarcerated in a jail or detention facility only by order of the family court. |
| South Dakota | S.D. CODIFIED LAWS § 26-7A-26 and § 26-11-1 (2018). | | X | 26-7A-26. A child who has been transferred to adult court pursuant to § 26-11-4 or a child who is being tried in circuit court as an adult pursuant to § 26-11-3.1 may be held in an adult lockup or jail if physically separated from adult prisoners. ... A child under the age of eighteen years who has been transferred to adult court pursuant to §§ 26-11-3.1 or 26-11-4 and who has been convicted of a felony as an adult may be held in an adult jail or lockup. 26-11-1 A child under the age of eighteen years, subject to proceedings pursuant to this section and accused of a Class 2 misdemeanor, may be |

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| Tennessee | TENN. CODE § 37-1-134 (2017). | | X | | (i) When a child transferred under this section is detained, the juvenile court may, in its discretion, order confinement in a local juvenile detention facility, or a juvenile detention facility with which it contracts or an adult detention facility separate and removed from adult detainees. The court having adult criminal jurisdiction may thereafter order detention in an adult detention facility separate and removed from adult detainees; provided, however, that during the period while such child is detained separately from adult detainees, such child shall otherwise abide by the same regulations and policies governing conditions of imprisonment that apply to adult detainees who are charged with similar offenses. Similar regulations and policies governing educational opportunities for adults shall be implemented for a child so detained, but such regulations and policies shall in no way affect or alter the manner in which a local education agency is required to provide educational services to a child under the federal Individuals with Disabilities Education Act, compiled in 20 U.S.C. § 1471 et seq. |
| Texas | TEX. FAM. CODE ANN. § 51.12(f) and §54.02(p) (2017). | | X | | Texas Family Code Ann § 54.02(p) (p) If the juvenile court does not order a respondent released under Subsection (o), the court shall, pending the conclusion of the discretionary transfer hearing, order that the respondent be detained in: (1) a certified juvenile detention facility as provided by Subsection (q); or (2) an appropriate county facility for the detention of adults accused of criminal offenses. ... Texas Family Code Ann § 51.12(f) (f) A child detained in a building that contains a jail, lockup, or other place of secure confinement, including an alcohol or other drug treatment facility, shall be separated by sight and sound from |

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| | | | | | <p>adults detained in the same building. Children and adults are separated by sight and sound only if they are unable to see each other and conversation between them is not possible. The separation must extend to all areas of the facility, including sally ports and passageways, and those areas used for admission, counseling, sleeping, toileting, showering, dining, recreational, educational, or vocational activities, and health care. The separation may be accomplished through architectural design. A person who has been transferred for prosecution in criminal court under Section 54.02 and is under 17 years of age is considered a child for the purposes of this subsection.</p> |
| Utah | UTAH CODE ANN. § 78A-6-113(9) - (12) (2018). | | X | | <p>9) (a) A child under 16 years of age may not be held in a jail, lockup, or other place for adult detention except as provided by Section 62A-7-201 or unless certified as an adult pursuant to Section 78A-6-703. Section 62A-7-201 regarding confinement facilities apply to this Subsection (9).</p> <p>(b) A child 16 years of age or older whose conduct or condition endangers the safety or welfare of others in the detention facility for children may, by court order that specifies the reasons, be detained in another place of confinement considered appropriate by the court, including a jail or other place of confinement for adults. However, a secure facility is not an appropriate place of confinement for detention purposes under this section.</p> <p>(10) A sheriff, warden, or other official in charge of a jail or other facility for the detention of adult offenders or persons charged with crime shall immediately notify the juvenile court when a person who is or appears to be under 18 years of age is received at the facility and shall make arrangements for the transfer of the person to a detention facility, unless otherwise ordered by the juvenile court.</p> <p>....</p> <p>(12) A minor held for criminal proceedings under Section 78A-6-701, 78A-6-702, or 78A-6-703 may be detained in a jail or other place of detention used for adults charged with crime.</p> |
| Vermont | VT. STAT. tit. 33 § 5293 (2019). | X - Unless a felony charge has been filed | | | <p>(a) Pretrial detention.</p> <p>(1) A minor who is under the age of 18 who has been arrested shall not be placed in a facility for adult offenders</p> |

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| | | | | | <p>unless a felony charge has been filed in the Criminal Division of the Superior Court or the Criminal Division of the Superior Court has exercised jurisdiction over the matter and the State's Attorney has determined that a felony charge will be filed without delay. A minor who is eligible for release under 13 V.S.A. chapter 229 shall be released.</p> <p>(2) (A) A minor who is under the age of 18 who has been arrested for a misdemeanor shall immediately and without first being taken elsewhere: (i) be released to his or her custodial parent, guardian, or custodian; or (ii) be delivered to the Criminal Division of the Superior Court. (B) If the minor is delivered to the Criminal Division of the Superior Court, the arresting officer shall immediately file written notice thereof with the Court together with a statement of the reason for taking the minor into custody. A minor who is eligible for release under 13 V.S.A. chapter 229 shall be released. In the event that the minor is not released: (i) the minor shall not be detained in a facility for adult offenders; and (ii) The Court shall defer to the Commissioner of Corrections concerning the facility in which the minor shall be detained.</p> |
| Virginia | VA. CODE § 16.1-249 | X | | | <p>D. When a case is transferred to the circuit court in accordance with the provisions of subsection A of § 16.1-269.1 and an order is entered by the circuit court in accordance with § 16.1-269.6, or in accordance with the provisions of § 16.1-270 where the juvenile has waived the jurisdiction of the district court, or when the district court has certified a charge to the grand jury pursuant to subsection B or C of § 16.1-269.1, the juvenile, if in confinement, shall be placed in a juvenile secure facility, unless the court determines that the juvenile is a threat to the security or safety of the other juveniles detained or the staff of the facility, in which case the court may transfer the juvenile to a jail</p> |

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| | | | | | <p>or other facility for the detention of adults, provided that the facility is approved by the State Board of Corrections.</p> <p>E. If, in the judgment of the custodian, a juvenile has demonstrated that he is a threat to the security or safety of the other juveniles detained or the staff of the home or facility, the judge shall determine whether such juvenile should be transferred to another juvenile facility or, if the child is 14 years of age or older, a jail or other facility for the detention of adults, provided that (i) the detention is in a room or ward entirely separate and removed from adults, (ii) adequate supervision is provided, and (iii) the facility is approved by the State Board of Corrections for detention of juveniles.</p> |
| Washington | WASH. REV. CODE §13.04.030 (2017). | | X | | <p>(1) Except as provided in this section, the juvenile courts in this state shall have exclusive original jurisdiction over all proceedings:</p> <p>(e) Relating to juveniles alleged or found to have committed offenses, traffic or civil infractions, or violations as provided in RCW 13.40.020 through 13.40.230, unless:</p> <p>(i) The juvenile court transfers jurisdiction of a particular juvenile to adult criminal court pursuant to RCW 13.40.110;</p> <p>(ii) The statute of limitations applicable to adult prosecution for the offense, traffic or civil infraction, or violation has expired;</p> <p>(4) A juvenile subject to adult superior court jurisdiction under subsection (1)(e)(i) through (v) of this section, who is detained pending trial, may be detained in a detention facility as defined in RCW 13.40.020 pending sentencing or a dismissal.</p> |
| West Virginia | W. VA. CODE § 49-4-720 (2018). | X | | | <p>(a) A juvenile, including one who has been transferred to criminal jurisdiction of the court, may not be detained or confined in any institution in which he or she has contact with or comes within sight or sound of any adult persons incarcerated because he or she has have been convicted of a crime or are awaiting trial on criminal charges or with the security staff (including management) or direct-care staff of a jail or locked facility for adults.</p> |
| Wisconsin | WIS. STAT. § 938.209 (2018). | | X | | <p>(3) Juveniles under adult court jurisdiction. The restrictions of this section do not apply to the use of jail for a juvenile who has been waived to adult court under s. 938.18 or who is under the jurisdiction of an adult</p> |

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| | | | | | court under s. 938.183, unless the juvenile is under the jurisdiction of an adult court under s. 938.183 (1) and is under 15 years of age. |
| Wyoming¹ | N/A | | X | | |
| Washington, D.C. | D.C. CODE § 23-1322 (2016) | X | | | All juveniles housed at the Correctional Treatment Facility or the Central Detention Facility shall be transferred to available space in secure juvenile facilities within 6 months after a determination that there have been 4 consecutive quarters of excess capacity, as determined under subsection (a)(3) of this section |

¹ The Wyoming code does not specify where youth transferred to the adult system are held pretrial, but advocates in the state report that transferred youth may be held in adult facilities.