

TRANSFORMATIVE APPROACHES TO JUVENILE JUSTICE REFORM IN INDIA: A COMPREHENSIVE EXAMINATION OF POLICY, PRACTICES AND SOCIETAL IMPACT

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Abstract

Juvenile justice in India represents a delicate balance between child protection, social responsibility, public safety and constitutional morality. The Juvenile Justice (Care and Protection of Children) Act, 2015 establishes a comprehensive legal framework for children in conflict with law and children in need of care and protection. Its central philosophy is not punishment but care, protection, development, rehabilitation and social reintegration (Government of India, 2016). However, the success of juvenile justice reform cannot be measured merely by the existence of legislation. It must be assessed through actual implementation, institutional functioning, child-friendly procedures, rehabilitation outcomes, community acceptance and the capacity of the system to prevent children from entering or re-entering the justice process. This article examines juvenile justice reform in India from a transformative perspective. It analyses constitutional foundations, international standards, statutory framework, institutional mechanisms, policy practices, data trends, implementation gaps and societal impact. It argues that India's juvenile justice system must move beyond formal legal compliance and adopt a holistic child-rights approach based on prevention, diversion, restorative justice, mental health care, family strengthening, community-based rehabilitation, after-care and accountable institutions. The article concludes that the true measure of juvenile justice is not how many children are processed by the system, but how many are restored to dignity, education, family, safety and society.

Keywords: *Juvenile justice¹, India², Child rights³, Rehabilitation⁴, Juvenile Justice Act 2015⁵, Restorative justice⁶, Children in conflict with law⁷, Child protection⁸, Social reintegration⁹.*

1. INTRODUCTION

Juvenile justice is one of the most sensitive areas of law and public policy because it concerns children whose lives are often marked by vulnerability, immaturity, neglect, poverty, violence, abuse, substance exposure, family instability, peer pressure, lack of education and social exclusion. A child who enters the juvenile justice system is not merely a legal subject; he or she is a developing human being whose conduct, circumstances and future require careful social and psychological understanding. Therefore, juvenile justice cannot be viewed only through the lens of crime control. It must be understood as a system of care, accountability, protection and rehabilitation. In India, juvenile justice has moved through several stages: from colonial-era correctional ideas to welfare-based legislation, and finally to a rights-based statutory framework under the Juvenile Justice (Care and Protection of Children) Act, 2015. The 2015 Act consolidates the law relating to children alleged and found to be in conflict with law and children in need of care and protection. It provides for child-friendly adjudication, care, protection, development, treatment, rehabilitation and social reintegration (Government of India, 2016). The Act gives statutory recognition to the idea that childhood requires a distinct justice process, separate from the ordinary criminal justice system. ([India Code](#))

The expression “transformative approaches” refers to reforms that change the nature of juvenile justice from punitive control to child-centred restoration. Such an approach does not deny responsibility. Rather, it recognises that children must be made aware of the consequences of their conduct in a manner that does not destroy their future. A transformative juvenile justice system asks deeper questions: Why did the child come into conflict with law? Was there school dropout, abuse, addiction, family breakdown or exploitation? Was the child used by adults? Did the child receive legal aid, counselling and family support? Was the child placed in an institution unnecessarily? Was rehabilitation real or merely recorded on paper? The Indian juvenile justice system must also be viewed in the context of crimes against children. According to Ministry of Home Affairs data based on NCRB records, registered crimes against children in India increased from 149,404 in 2021 to 162,449 in 2022 and 177,335 in 2023 (Ministry of Home Affairs, 2025). These figures reflect the continuing vulnerability of children and the need for strong institutional response. However, crime data must be interpreted carefully because higher registration may also reflect increased awareness, improved reporting and greater access to police mechanisms. ([Ministry of Home Affairs](#))

2. CONCEPTUAL FOUNDATION OF TRANSFORMATIVE JUVENILE JUSTICE

The traditional criminal justice system is primarily based on guilt, punishment, deterrence and retribution. Juvenile justice, however, is based on a different understanding of childhood. Children are not miniature adults. Their emotional control, decision-making ability, moral reasoning and social maturity are still developing. Their behaviour may be influenced by circumstances over which they have little control, such as family violence, poverty, neighbourhood criminality, digital exposure, substance abuse, exploitation or absence of adult supervision. Transformative juvenile justice therefore requires an approach that combines responsibility with

rehabilitation. It accepts that unlawful conduct must be addressed, but it rejects the idea that a child should be permanently defined by one act. The system must help the child understand harm, accept responsibility where appropriate, repair relationships and re-enter society with dignity. This approach rests on four foundational pillars.

First, juvenile justice must be rights-based. Children are not objects of charity; they are holders of legal and human rights. Their dignity, privacy, participation, education, health, protection and development must be respected at every stage of the process. Secondly, juvenile justice must be rehabilitative. The purpose of intervention should be correction, counselling, education, skill development, family restoration and reintegration. A purely punitive response may harden the child, deepen stigma and increase the possibility of reoffending. Thirdly, juvenile justice must be restorative. Restorative justice focuses on repairing harm, rebuilding responsibility and involving families and communities where suitable. It is particularly useful in cases where formal criminalisation may do more harm than good. Fourthly, juvenile justice must be preventive. The best juvenile justice policy is not the one that manages children after they enter the system, but the one that prevents unnecessary entry into the system. Prevention requires strengthening schools, families, communities, child protection committees, counselling systems, anti-trafficking mechanisms and social welfare schemes.

International standards strongly support this approach. The Convention on the Rights of the Child requires that the best interests of the child be a primary consideration in all actions concerning children and that children alleged to have violated penal law be treated in a manner consistent with their dignity and reintegration (United Nations, 1989). The Beijing Rules emphasise proportionality, welfare, diversion and the use of institutionalisation only where necessary (United Nations, 1985). The Riyadh Guidelines focus on prevention of juvenile delinquency through family, education, community and social policy (United Nations, 1990a). The Havana Rules provide that deprivation of liberty should be used only as a measure of last resort and for the shortest appropriate period (United Nations, 1990b). ([India Code](#))

3. CONSTITUTIONAL FOUNDATION OF JUVENILE JUSTICE IN INDIA

The Indian Constitution provides a strong moral and legal foundation for juvenile justice reform. Although the Constitution does not contain a single consolidated chapter on juvenile justice, several provisions create a child-protective constitutional framework. Article 14 guarantees equality before law and equal protection of laws. In the juvenile justice context, equality does not mean treating children exactly like adults. Real equality requires recognition of relevant differences. Since children differ from adults in maturity, development and vulnerability, they require a separate legal process. Article 15(3) empowers the State to make special provisions for children. This is the constitutional basis for protective discrimination in favour of children. Juvenile justice laws, child labour laws, child protection schemes and special procedures for children are justified under this provision.

Article 21 guarantees the right to life and personal liberty. Judicial interpretation has expanded Article 21 to include dignity, fair procedure, legal aid, speedy trial, humane treatment and protection against arbitrary

detention. In juvenile justice, Article 21 requires that no child should be exposed to cruel, degrading or adult-oriented criminal procedures. Article 21A guarantees the right to education for children between six and fourteen years. This right is directly connected to juvenile justice because school dropout is often linked to vulnerability, child labour, exploitation, early marriage, substance exposure and conflict with law. Articles 23 and 24 prohibit trafficking, forced labour and employment of children in hazardous occupations. These provisions are significant because many children who come before the justice system as “offenders” may actually be victims of labour exploitation, trafficking or adult manipulation. Article 39(e) and Article 39(f), contained in the Directive Principles of State Policy, require the State to ensure that children are not abused and that they develop in conditions of freedom, dignity and moral and material security. These provisions express the constitutional philosophy behind child protection and rehabilitation.

The Supreme Court has also played an important role in shaping child-sensitive justice. In *Sheela Barse v. Union of India*, the Court addressed the issue of children detained in jails and emphasised legal protection, speedy trial and separate juvenile facilities (*Sheela Barse v. Union of India*, 1986). (Juvenile Justice Committee) In *Sampurna Behura v. Union of India*, the Court issued significant directions for the effective implementation of juvenile justice institutions, including Juvenile Justice Boards, Child Welfare Committees, infrastructure and monitoring (*Sampurna Behura v. Union of India*, 2018). These decisions show that juvenile justice is not merely a legislative matter; it is part of India’s constitutional commitment to child dignity and welfare.

4. LEGAL FRAMEWORK UNDER THE JUVENILE JUSTICE ACT, 2015

The Juvenile Justice Act, 2015 is the principal law governing juvenile justice in India. It deals with two broad categories of children: children in conflict with law and children in need of care and protection. A “child in conflict with law” refers to a child who is alleged or found to have committed an offence and who has not completed eighteen years of age on the date of commission of such offence. A “child in need of care and protection” includes children who are abandoned, orphaned, abused, trafficked, missing, exploited, working in violation of labour laws, found vulnerable or without proper care (Government of India, 2016). The Act begins with general principles of care and protection. These principles include presumption of innocence, dignity and worth, participation, best interest, family responsibility, safety, positive measures, non-stigmatising language, non-waiver of rights, equality and non-discrimination, privacy and confidentiality, institutionalisation as a measure of last resort, repatriation and restoration, and fresh start. These principles are central to the transformative character of the law.

The Juvenile Justice Board is the competent authority for dealing with children in conflict with law. It is composed of a Metropolitan Magistrate or Judicial Magistrate of First Class and two social workers, at least one of whom must be a woman. The presence of social workers indicates that the Board is not meant to function as an ordinary criminal court. Its procedure must be child-friendly, informal and rehabilitative. The Child Welfare Committee is the competent authority for children in need of care and protection. It has wide powers to receive

children, conduct inquiry, direct social investigation, order restoration, place children in child care institutions, recommend foster care, monitor rehabilitation and declare children legally free for adoption where required (Government of India, 2016). The CWC functions as a guardian-like institution for vulnerable children. The Act also provides for observation homes, special homes, places of safety, children's homes, open shelters, foster care, sponsorship, after-care and adoption. It requires registration of child care institutions and provides for inspection and monitoring. These provisions demonstrate that juvenile justice is not confined to adjudication; it includes care, protection, placement, rehabilitation and reintegration.

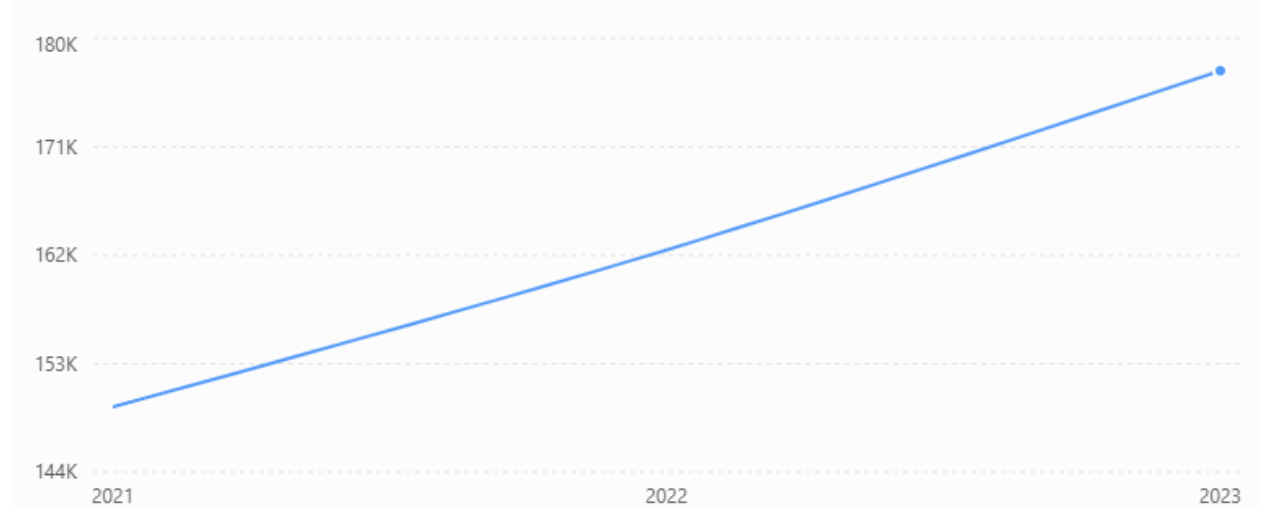
One of the most debated features of the 2015 Act is Section 15, which permits preliminary assessment in cases of heinous offences allegedly committed by children aged sixteen years or above. The Juvenile Justice Board must assess the child's mental and physical capacity to commit the offence, ability to understand the consequences and the circumstances in which the offence was allegedly committed. If the Board concludes that the child should be tried as an adult, the matter may be transferred to the Children's Court (Government of India, 2016). This provision was introduced after public debate on serious offences by older adolescents. However, it has also raised concerns because it creates a possible movement away from the purely rehabilitative philosophy of juvenile justice. The Supreme Court has clarified important aspects of this provision. In *Shilpa Mittal v. State (NCT of Delhi)*, the Court clarified the meaning of "heinous offence" and held that offences without a minimum sentence of seven years could not automatically be treated as heinous under the original statutory structure (*Shilpa Mittal v. State (NCT of Delhi)*, 2020). ([Indian Kanoon](#)) In *Barun Chandra Thakur v. Master Bholu*, the Court emphasised the seriousness of preliminary assessment under Section 15 and the need for expert assistance unless the Board itself includes a qualified professional in child psychology or child psychiatry (*Barun Chandra Thakur v. Master Bholu*, 2022). ([Indian Kanoon](#))

5. Data Context: Children, Crime and Juvenile Justice in India

A serious discussion on juvenile justice reform must engage with data. The following graph shows registered crimes against children in India between 2021 and 2023, based on Ministry of Home Affairs data derived from NCRB records.

Registered crimes against children in India

Cases registered under crimes against children from 2021 to 2023.



Source: Ministry of Home Affairs/NCRB data, 2025.

The increase from 149,404 cases in 2021 to 177,335 cases in 2023 reflects the continuing seriousness of child vulnerability in India (Ministry of Home Affairs, 2025). However, these numbers should not be read in a simplistic manner. Registered crime data depends on reporting, awareness, access to police, social stigma, trust in institutions and willingness of families to pursue legal remedies. In child-related offences, underreporting remains a major concern because children may be dependent on abusers, families may fear social shame, and communities may prefer informal settlement. At the same time, an increase in registered cases may also reflect improved reporting and better legal awareness. (Ministry of Home Affairs)

For juvenile justice policy, this data has two broad implications. First, child protection systems must be strengthened because crimes against children remain significant. Secondly, children in conflict with law should not be viewed in isolation from children in need of care and protection. A child who commits an offence may also have been a victim of neglect, abuse, trafficking, labour exploitation, addiction or family violence. Therefore, the system must be capable of identifying underlying vulnerability.

6. INSTITUTIONAL ARCHITECTURE AND PRACTICAL FUNCTIONING

The success of juvenile justice reform depends upon the functioning of institutions. A strong law may fail if institutions are understaffed, insensitive, delayed or poorly monitored. The Juvenile Justice Board must function as a child-friendly forum. It should not resemble an ordinary criminal court in appearance, language or atmosphere. The child should be able to participate without fear. The Board must ensure legal aid, social investigation, counselling, family participation and timely inquiry. In petty and serious offences, the emphasis should be on diversion, supervision, community service, education and rehabilitation. In heinous offences, the

Board must exercise greater caution because its preliminary assessment may decide whether the child remains within the juvenile system or is transferred to the Children's Court. The Child Welfare Committee must function as a responsive protection authority. Children who are abandoned, rescued from child labour, trafficked, sexually abused, homeless, missing or neglected require urgent protection. The CWC must ensure safe production, social investigation, medical care, counselling, restoration, institutional placement where necessary and long-term rehabilitation. Its orders must be based on the best interests of the child, not administrative convenience.

The District Child Protection Unit is also crucial. Under the policy framework of Mission Vatsalya, child protection is treated as an integrated system involving State Child Protection Societies, DCPUs, CWCs, JJBs, child care institutions, Special Juvenile Police Units and related stakeholders (Ministry of Women and Child Development, 2022). Mission Vatsalya emphasises child protection services, institutional care, non-institutional care, sponsorship, foster care, after-care and monitoring mechanisms. The police form the first point of contact in many cases. Therefore, police behaviour can either protect or damage the child. The Juvenile Justice Act prohibits placing a child alleged to be in conflict with law in a police lock-up or jail and requires production before the Board within the prescribed period (Government of India, 2016). Police officers must be trained in child psychology, non-stigmatising language, privacy, POCSO procedures, trafficking indicators, missing-child protocols and restorative handling of minor offences. Child care institutions are equally important. Institutions should not become custodial warehouses. They must provide food, hygiene, education, health care, counselling, recreation, legal aid, vocational training, grievance redressal and preparation for reintegration. Institutional care should always be treated as a measure of last resort. Where safe family-based or community-based care is possible, it should be preferred.

7. TRANSFORMATIVE POLICY APPROACHES FOR JUVENILE JUSTICE REFORM

7.1 Prevention-Oriented Juvenile Justice

The most effective juvenile justice reform is prevention. Many children come into conflict with law because of preventable social conditions. School dropout, domestic violence, substance abuse, poor parental supervision, peer pressure, homelessness, poverty, migration and online exploitation can push children toward risky behaviour. Therefore, juvenile justice must be linked with education, health, labour, women and child development, social welfare and community policing. Schools should become early-warning spaces. Teachers and counsellors should be trained to identify signs of distress, absenteeism, aggression, bullying, substance use, abuse and neglect. Instead of expelling difficult children, schools should connect them with counselling and family support. Exclusion from school often increases vulnerability.

Prevention also requires strengthening families. Many children need support, not prosecution. Parenting support, de-addiction services, family counselling, financial assistance, sponsorship and community mentoring can prevent children from entering the justice system. The Riyadh Guidelines also emphasise prevention through family, education, community and social policy rather than criminalisation (United Nations, 1990a).

7.2 Diversion and Restorative Justice

Diversion means dealing with suitable cases outside formal adjudication. It can include counselling, warning, community service, apology, restitution, family conferencing, supervision, educational engagement and behavioural intervention. Diversion is especially useful for petty and non-violent offences where formal proceedings may stigmatise the child. Restorative justice focuses on repairing harm. It allows the child to understand the impact of conduct, take responsibility and rebuild relationships. However, restorative processes must be carefully designed. They must be voluntary, rights-based and victim-sensitive. Victims should never be pressured into compromise, especially in serious offences. Diversion and restorative practices should be used where they serve justice, rehabilitation and public safety.

7.3 Mental Health and Trauma-Informed Practice

Mental health is one of the most neglected areas of juvenile justice. Many children in conflict with law have histories of trauma, violence, abandonment, learning difficulties, addiction, anxiety, depression or behavioural disorders. Children in need of care and protection may have experienced sexual abuse, trafficking, child labour, family rejection or street survival. A trauma-informed juvenile justice system does not ask only “what did the child do?” It also asks “what happened to the child?” This does not excuse unlawful behaviour, but it helps design an effective response. Every district should have access to child psychologists, psychiatrists, counsellors, psychiatric social workers and special educators. This is especially necessary in Section 15 preliminary assessment, where the Board must assess capacity, understanding and circumstances.

7.4 Strengthening Individual Care Plans

The individual care plan is the heart of rehabilitation. It should not be treated as a routine document. It must contain the child’s educational status, family background, health needs, psychological condition, risk factors, strengths, vocational interests, rehabilitation goals, follow-up plan and responsible officers. A meaningful individual care plan should be prepared after proper social investigation and child interaction. It should be reviewed periodically. Rehabilitation should not end with an order of the Board or Committee. It should continue through follow-up, school re-enrolment, family counselling, vocational training, mental health support and community reintegration.

7.5 Family-Based and Community-Based Care

Institutionalisation must remain a last resort. Children generally develop better in safe family or family-like environments than in institutions. The Juvenile Justice Act provides for sponsorship, foster care and after-care (Government of India, 2016). Mission Vatsalya also supports institutional and non-institutional child protection services, including sponsorship and foster care (Ministry of Women and Child Development, 2022). However, family restoration must be safe. A child should not be returned to a violent, abusive or exploitative family merely to reduce institutional burden. Restoration must be based on assessment. Where poverty is the primary issue, sponsorship and family strengthening may be appropriate. Where the family is unsafe, alternative care should be arranged.

7.6 Education, Skill Development and Livelihood Support

Education is central to rehabilitation. A child who returns to school or vocational training has a better chance of reintegration. Observation homes, special homes and children's homes should have links with formal schooling, open schooling, digital literacy, sports, arts, crafts and vocational programmes. Skill development should not be tokenistic. Children should receive training that matches local employment opportunities and their own interests. Programmes in computer literacy, electrical work, tailoring, food processing, hospitality, agriculture-related skills, mobile repair, carpentry, design, sports and entrepreneurship may help older children and care leavers.

7.7 After-Care and Social Reintegration

After-care is one of the weakest but most important parts of juvenile justice. A child leaving institutional care at eighteen may face homelessness, unemployment, lack of documents, social stigma and emotional isolation. Without after-care, the child may again become vulnerable to exploitation or conflict with law. After-care should include safe accommodation, mentorship, employment linkage, higher education support, counselling, bank account facilitation, identity documents, health care and emergency assistance. Universities, industries, NGOs, legal services authorities and local administration can be involved in supporting care leavers.

7.8 Digital Safety and Cyber Vulnerability

Children today live in a digital environment. Online abuse, cyberbullying, grooming, harmful content, gaming addiction, financial fraud, sextortion and social media influence have become important child protection concerns. Juvenile justice reform must therefore include digital safety education. Police, schools, parents, CWCs and JJBs should understand cyber risks. Children in conflict with law may be involved in cyber offences without understanding long-term consequences. Children in need of care and protection may be victims of online exploitation. Therefore, digital literacy, cyber counselling and child-friendly cyber reporting mechanisms are necessary.

8. SOCIETAL IMPACT OF JUVENILE JUSTICE REFORM

The social impact of juvenile justice reform is far wider than the individual case. A humane juvenile justice system can transform children, families, communities and institutions.

At the child level, reform can prevent lifelong criminalisation. A child who receives counselling, education, skill training and family support may become a responsible member of society. But a child who is unnecessarily detained, humiliated, abused or labelled may internalise criminal identity. The principle of “fresh start” under the Juvenile Justice Act is therefore deeply important (Government of India, 2016).

At the family level, juvenile justice can identify and address hidden problems. Many children come from homes affected by violence, addiction, poverty, neglect or parental absence. If the system works with families, it can reduce future harm. If it only punishes the child, the root causes remain.

At the community level, reform reduces stigma. Society often sees children in conflict with law as criminals and children in institutions as undesirable. This stigma affects education, employment, housing and social acceptance. Public awareness is necessary to show that rehabilitation is not softness; it is a stronger method of social protection.

At the justice system level, child-friendly reform increases public trust. When children and families experience fairness, dignity and support, they are more likely to cooperate with legal institutions. When they experience fear, delay and humiliation, they avoid the system. Therefore, juvenile justice reform strengthens the legitimacy of the rule of law.

9. MAJOR CHALLENGES IN INDIAN JUVENILE JUSTICE

Despite progressive legislation, India faces several implementation challenges.

First, institutional capacity remains uneven. Some districts may have active JJBs, CWCs, counsellors and child care institutions, while others may suffer from vacancies, infrastructure gaps and limited training.

Secondly, child-friendly procedures are not always followed. If proceedings resemble ordinary criminal trials, children may feel intimidated. The atmosphere, language and method of inquiry must be child-sensitive.

Thirdly, social investigation reports are sometimes weak or mechanical. Without proper assessment of family, school, mental health and community background, rehabilitation orders may become ineffective.

Fourthly, Section 15 preliminary assessment remains a serious concern. It must not become a shortcut for adult trial. The Supreme Court’s guidance in *Barun Chandra Thakur* requires careful expert-led assessment (*Barun Chandra Thakur v. Master Bholu*, 2022). (Allahabad High Court Lucknow)

Fifthly, institutional care may sometimes become custodial. Overcrowding, lack of trained staff, poor counselling, weak education and inadequate inspection can defeat rehabilitation.

Sixthly, after-care remains underdeveloped. Children leaving institutions often need long-term support, but many systems stop tracking them after release or restoration.

Seventhly, data transparency is limited. India needs stronger district-wise data on JJB pendency, CWC cases, Section 15 assessments, rehabilitation outcomes, foster care, sponsorship, after-care and institutional inspections.

Eighthly, societal stigma remains powerful. Without community acceptance, even a legally rehabilitated child may remain socially excluded.

10. RECOMMENDATIONS

India should adopt a transformative juvenile justice reform agenda based on the following measures.

First, every State should conduct regular institutional audits of JJBs, CWCs, DCPUs, observation homes, children's homes, special homes and places of safety. These audits should examine infrastructure, staff, training, pendency, child safety, education, counselling and rehabilitation outcomes.

Secondly, all JJB and CWC members should receive continuous training in child psychology, trauma, restorative justice, POCSO, child labour, trafficking, mental health, Section 15 assessment and individual care planning.

Thirdly, every district should have a panel of psychologists, psychiatrists, counsellors, social workers and special educators. Mental health should be treated as a core component of juvenile justice.

Fourthly, diversion should be institutionalised for suitable petty and non-violent cases. Diversion programmes should include counselling, family conferencing, community service and educational support.

Fifthly, individual care plans should be made meaningful and monitored. They should not remain paper formalities.

Sixthly, sponsorship, foster care and after-care should be expanded. Poverty should not become a reason for unnecessary institutionalisation.

Seventhly, child care institutions should be regularly inspected. Children must have confidential complaint mechanisms and access to legal aid.

Eighthly, schools should be integrated into juvenile justice prevention. Teachers should be trained to identify vulnerable children and refer them to support systems.

Ninthly, juvenile justice data should be published in a child-protective manner. Identity must remain confidential, but institutional performance should be transparent.

Tenthly, society must be sensitised to accept rehabilitated children. Reintegration cannot happen only through law; it requires social willingness.

11. CONCLUSION

Juvenile justice reform in India must be understood as a constitutional, legal and social project. The Juvenile Justice Act, 2015 provides a comprehensive framework, but the success of the law depends on implementation. A child-sensitive statute cannot succeed unless institutions are functional, professionals are trained, procedures are humane, data is transparent and rehabilitation is real.

Transformative juvenile justice requires a shift from punishment to restoration, from stigma to dignity, from institutionalisation to family-based care where safe, from mechanical orders to individual care plans, from legal disposal to life outcomes, and from isolated institutions to coordinated child protection ecosystems.

Children in conflict with law must be held responsible in a manner appropriate to their age, maturity and circumstances. Children in need of care and protection must receive safety, family support, education, counselling and long-term rehabilitation. The two categories must not be treated as completely separate because many children who offend have themselves been victims of neglect, abuse and social failure.

The ultimate measure of juvenile justice is not the number of cases disposed of, but the number of children restored to education, family, dignity, safety and society. A truly transformative juvenile justice system is one that gives children not only legal protection but also a real second chance.

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