



From juvenile delinquency (JD) to disability-mediated offending (DMO): A developmental and legal reframing of youth crime

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Abstract

Juvenile delinquency is a central concept in criminal law and criminology, referring to unlawful or antisocial behavior committed by individuals who have not yet reached the age of legal adulthood (ALA). This paper examines who qualifies as a juvenile delinquent and how juvenile delinquency (JD) is conceptualized and regulated across jurisdictions, with particular attention to age thresholds, legal definitions, and the objectives of juvenile justice systems. It further explores how juvenile justice frameworks respond to young offenders with special needs, including those with intellectual, developmental, cognitive, or psychosocial disabilities, who are disproportionately represented within justice systems worldwide. While such juveniles are generally subject to the same legal regimes governing juvenile delinquency, comparative legal analysis demonstrates that many jurisdictions recognize the necessity of tailored protections, assessments, and rehabilitative interventions. Building on this recognition, the author of this paper introduces the concept of Disability-Mediated Offending (DMO) to distinguish disability-influenced rule violations from typical juvenile delinquency. DMO is proposed as a neutral, mechanism-focused framework that emphasizes how neurodevelopmental impairments interact with environmental and systemic factors to mediate offending behavior. By integrating developmental science, disability rights principles, and contemporary juvenile justice theory, this paper argues for a more nuanced, equitable, and rehabilitative approach to youth offending that better reflects differences in culpability, intent, and capacity.

Keywords: Age of Legal Adulthood (ALA), Disability-Mediated Offending (DMO), Juvenile Delinquency (JD), Juvenile Justice, Special Needs Offenders

Introduction

Who is Juvenile Delinquent and what is Juvenile Delinquency?

Whenever the term *juvenile delinquent* is mentioned, it generally refers to the conduct of a juvenile that is characterized by antisocial behavior beyond parental control (BPC; see Chao, 1994)^[7] and that is subject to legal action, including violations of law that would be considered crimes if committed by adults (Merriam-Webster, n.d.; see also Legal Information Institute, 2023)^[13]. Similarly, *Britannica* defines a juvenile delinquent as a young person whose conduct is marked by antisocial behavior beyond parental control and subject to legal intervention (Britannica Editors, 2025)^[5]. Authoritative legal descriptions further emphasize that juvenile delinquency (JD) encompasses not only acts that would constitute criminal offenses if committed by adults, but also status offenses, i.e., behaviors that are unlawful solely because of the offender's age, such as truancy or curfew violations (Widowati, 2025)^[31]. In practice, most jurisdictions classify individuals under the age of 18 as juveniles for delinquency purposes, and juvenile justice systems are designed to respond to such behavior in ways that reflect the developmental status of youth rather than imposing adult criminal penalties (see Widowati, 2025)^[31].

Juvenile delinquency (JD), therefore, represents a significant issue within criminal law, as it involves unlawful conduct committed by individuals who have not yet reached legal adulthood. Legal responses to juvenile offending vary across jurisdictions and are informed by differing emphases on rehabilitation, punishment, and social reintegration (Widowati, 2025)^[31]. As a result, juvenile justice systems

typically distinguish between juvenile and adult offenders by prioritizing youth-specific legal protections, safeguarding juvenile rights, and aligning domestic practices with international standards. Widowati (2025)^[31] has cited research to further indicate that JD is very much shaped by a complex interplay of social, economic, and familial factors, which can be explained by the Wilson-Kelling Broken Windows Theory (Wilson & Kelling, 1982)^[32], and that well-designed legal interventions can reduce recidivism. Reflecting these considerations, contemporary juvenile justice policies increasingly emphasize restorative justice, diversion programs, and alternatives to incarceration, underscoring the importance of balancing accountability with rehabilitation to support the successful reintegration of young offenders into society (Widowati, 2025)^[31].

Age of Legal Adulthood or Age of Majority

According to the Legal Information Institute (2023)^[13], “[A] juvenile delinquent is a minor who is tried and found guilty of a crime in a juvenile court. Laws can vary, but minors are usually persons under 18 years of age. While minors are typically charged in juvenile court, some offenses are too serious, so the minors are instead charged as adults. If the minor is charged and convicted as an adult, they are not considered a juvenile delinquent but instead an offender” (para. 1). In other words, Juvenile Delinquency (JD), an official and widely used term in legal, criminological, and social science contexts, is applied to describe unlawful or antisocial behavior by young people who have not yet reached their Age of Legal Adulthood (ALA).

In the United States, the ALA is often taken to be the *age of majority*, i.e., 18 years old, in most states, which means an individual is generally recognized as adults for legal purposes (e.g., signing contracts and voting at this age). However, there are a few exceptions: some states set the age of majority at 19 (e.g., Alabama and Nebraska) or even 21 (e.g., Mississippi and Puerto Rico) for certain legal capacities. However, according to the Organization for Economic Co-operation and Development (OECD, 2016)^[20], 18 is the age that remains as the predominant standard across the country. Unlike the United States, the ALA in China is 18 years old under its current national law. Chinese legal codes, including its Civil Code, establish that citizens who have reached the age of 18 are considered adults with full civil capacity to exercise their rights and undertake legal responsibilities independently (Lian, 2026)^[15]. However, in Singapore, the common law *age of majority* is 21 years old, which means that, under Singaporean law, individuals below 21 are considered minors for many legal purposes. This higher majority age distinguishes Singapore from countries like the United States and China, although specific legal capacities, such as the ability to enter into most contracts, may be conferred at younger ages (e.g., 18 for contractual capacity under amended civil law provisions) (Attorney-General's Chambers of Singapore, 2026). Therefore, while the United States and China predominantly recognize 18 as the ALA or age of majority, the legal framework of Singapore retains 21 as the formal age at which full legal adulthood is attained in many contexts, illustrating variation in legal adulthood thresholds across jurisdictions. (OECD, 2016)^[20].

When Juvenile Delinquents have Disabilities or Special Needs

Juvenile offenders with special needs are still governed by juvenile delinquency laws. However, most legal systems throughout the world generally *acknowledge their unique circumstances* and may provide additional protections, assessments, or tailored interventions rather than strictly treating them the same as other neurotypical juveniles. There is a need to acknowledge the existence of this group of delinquents as well as to integrate legal principles and practice when they are brought to court.

In many legal systems in different parts of the world, juveniles with special needs (e.g., intellectual and developmental disabilities, emotional or behavioral disorders, or other cognitive impairments) remain subject to juvenile justice laws and procedures when they commit offences (Young, Greer, & Church, 2017)^[33]. For instance, in the United States, adolescents with disabilities involved in the juvenile justice system are entitled to special services under civil rights and education laws, e.g., the Individuals with Disabilities Education Improvement Act of 2004^[12] (20 U.S.C. § 1400 et seq.), which mandates that eligible children with disabilities receive a free appropriate public education even while in juvenile justice settings. It must also be mentioned here that the Section 504 of the Rehabilitation Act of 1973^[22] (29 U.S.C. § 794) prohibits discrimination on the basis of disability in programs receiving federal funds (Lewis & Muñiz, 2023)^[14]. These educational and disability protections apply alongside juvenile justice proceedings, meaning that a juvenile with special needs does not lose these rights simply because of system involvement, and justice professionals are expected

to consider their unique needs in planning interventions and supports. Research (e.g., Chávez-García, 2007^[8]; Platt & Alan, 2004^[21]; Smith, Esposito, & Gregg, 2002^[26];) shows that a substantial proportion of justice-involved youth qualify for special education services, and that addressing their educational and behavioral needs is important for reducing recidivism and improving outcomes (also see Segal, 2011)^[24].

At the same time, juvenile justice procedures in the United States and elsewhere recognize that individuals with cognitive or behavioral disabilities may require individualized assessment and accommodations. Courts and juvenile justice professionals commonly assess a youth's competence, mental health status, and developmental capacity as part of determining appropriate dispositions, rehabilitation plans, and whether diversion or alternative programs are more suitable than formal adjudication. The protections granted by the Individuals with Disabilities Education Improvement Act of 2004^[12] (20 U.S.C. § 1400 et seq.), including individualized education plans and related services, continue through juvenile detention and community placements, highlighting the legal obligation to address disability-related needs even when justice involvement occurs (Burrell & Warbys, 2000)^[6].

In Singapore, while the Children and Young Persons Act (1993)^[9] governs how juveniles are dealt with in youth courts, there is increasing recognition that young offenders with mental health conditions and disabilities need tailored support across the justice process. The youth court system already takes into account a young person's age and maturity when deciding dispositional orders, and recent initiatives, such as the *Appropriate Adult Scheme* (AAS; Singapore Legal Advice, 2024)^[25] that provides trained support during police interviews, reflect an awareness of the need to support vulnerable youths, including those with special needs. Moreover, ongoing policy efforts by task forces reviewing inclusive justice suggest that future reforms may further strengthen accommodations for persons with mental health conditions and disabilities within the criminal justice process (Attorney-General's Chambers of Singapore, 2026).

Across jurisdictions, the principle remains the same: Juveniles with special needs fall under the same juvenile justice laws that apply to all minors, but the legal system is expected to consider their disability-related characteristics when determining procedural accommodations, treatment plans, and rehabilitative measures to ensure fairness, equity, and meaningful access to justice.

Disability-Mediated Offending (DMO)

Within the context of educational therapy, which is the author's professional field of practice, having encountered JD cases in his work, he proposed that JD committed by children and adolescents with special needs should be treated differently from those who are neurotypical. The term *Disability-Mediated Offending* (DMO) has been coined to substitute *Juvenile Delinquency* (JD). The author has defined DMO as unlawful or rule-violating behaviors committed by children and/or adolescents in which neurodevelopmental, intellectual, or cognitive disabilities substantially mediate the behavior, particularly through impairments in awareness, intent (*mens rea*), judgment, or behavioral self-regulation. The DMO term is intentionally neutral and mechanism-focused, avoiding assumptions of

criminal propensity while highlighting the role of disability-related functional limitations in shaping behavior. This framing is consistent with developmental psychopathology models emphasizing that behavior emerges from interactions between individual neurocognitive vulnerabilities and environmental demands rather than from deliberate antisocial intent alone (Guina *et al.*, 2022)^[10].

The concept of DMO aligns closely with contemporary research on neurodevelopmental disorders, including intellectual and developmental disability (IDD) and autism spectrum disorder (ASD), which demonstrates frequent deficits in executive functioning, social cognition, language comprehension, and consequence anticipation. These deficits can significantly limit a child's or an adolescent's capacity to appreciate the wrongfulness of an act or to foresee its legal and social consequences, even when surface behavior resembles delinquent conduct (American Psychiatric Association [APA], 2022; Guina *et al.*, 2022)^[1-10]. As such, DMO can provide a framework for understanding behaviors that technically violate the law but are developmentally and cognitively constrained, rather than intentionally criminal.

From a legal standpoint, the concept of DMO is compatible with doctrines of diminished responsibility and developmental mitigation, without collapsing into the narrow and often inapplicable categories of insanity or automatism (Math, Kumar, & Moirangthem, 2015)^[18]. Legal scholarship has long recognized that criminal responsibility is contingent on capacities for rational understanding and behavioral control, capacities that are still developing in adolescents and may be further compromised by neurodevelopmental disability (MacKay & Brookbanks, 2023; Scott & Steinberg, 2010)^[16, 23]. DMO reflects this graded view of culpability by acknowledging partial or compromised awareness rather than assuming either full responsibility or total incapacity.

Crucially, the term DMO also addresses limitations in the traditional classification of juvenile delinquency, which is behavior-based rather than intent-based. Adolescents with special needs or disabilities are disproportionately represented in juvenile justice systems, not necessarily due to higher criminal intent, but because their impairments increase vulnerability to rule violations, misinterpretation of social situations, and noncompliance with authority expectations (Burrell & Warboys, 2000)^[6]. By distinguishing DMO from typical juvenile delinquency (JD), professionals can better justify diversion, competency evaluation, and individualized rehabilitative responses rather than default punitive measures.

Finally, DMO supports a rights-based and rehabilitative orientation, consistent with modern juvenile justice principles and disability advocacy frameworks. Framing offending behavior as disability-mediated legitimizes interventions focused on environmental modification, skill development, and therapeutic support, while reducing the risk of stigmatization or inappropriate punishment (The Arc, 2015). The term DMO is also quite adaptable; clinicians and courts may specify subtypes (e.g., DMO associated with executive dysfunction or DMO associated with impaired social cognition), allowing precision without sacrificing ethical sensitivity. In this way, Disability-Mediated Offending functions as a unifying construct bridging developmental science, legal reasoning, and inclusive practice.

Conceptual Framework of Disability-Mediated Offending (DMO)

The concept of Disability-Mediated Offending (DMO) is proposed by this author as a plausible framework to explain how disabling conditions can mediate risks of offending (see Figure 1 below). As mentioned earlier, the idea of DMO refers to how an individual's impairment, combined with social, systemic, and environmental factors, can transform potential vulnerabilities into pathways toward offending behaviors. The 'mediation' here is not simply a direct causal link between disability and crime, but rather an interaction where disability intersects with contextual stressors, capabilities, and justice system responses to produce different offending patterns. For instance, research (e.g., Hays, 2022; Martinez, 2024; Zhang & Shi, 2024)^[11, 17, 34] consistently shows that people with intellectual disability or cognitive and psychosocial conditions can face challenges with risk recognition, impulse control, and social communication, which may increase involvement in offending behaviors that might not occur in contexts with adequate support and accommodation (e.g., difficulty understanding social rules, failing to perceive risk).

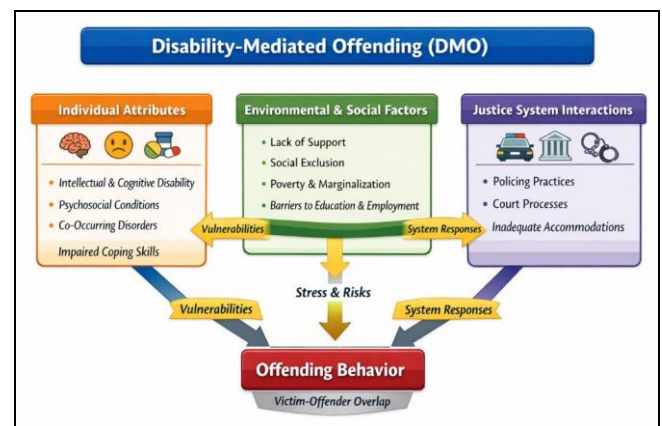


Fig 1: the Three Components of DMO

As shown in Figure 1 above, DMO would typically include three key components: (1) Individual Attributes, e.g., types of impairment (intellectual, cognitive, psychosocial, co-occurring conditions, and personal coping capacities); (2) Environmental and Social Factors, which include the lack of supports, marginalization, barriers to education and employment, and inadequate access to tailored services; and (3) Justice System Interactions, which cover policing, court processes, and sentencing practices that may not account for disability-specific needs. The name 'mediated' implies that disability does not directly cause offending but works through these contextual factors. For example, individuals with IDD often experience higher rates of both victimization and offending relative to the general population precisely because of interactions between their impairment and environmental pressures (Starke, Larsson, & Punzi, 2025)^[27], e.g., limited social support and increased exposure to risk situations, not because the disability alone causes criminality.

In empirical studies (e.g., Anstis & Thomas, 2022; TenEyck & Barnes, 2017; Venkatesan, 2025)^[2, 28, 30], researchers have uncovered patterns consistent with this mediated view: i.e., individuals with intellectual disabilities show different patterns of offending and victim-offender overlap, where cognitive and social vulnerabilities interact with situational

exposure (e.g., living arrangements, social inclusion) to produce justice contact. For example, the victim-offender overlap, where the same individuals are both victims and perpetrators, has been documented among people with intellectual disability, reinforcing that interacting risks rather than disability per se contribute to offending patterns (Beckley *et al.*, 2018)^[4].

Contemporary criminological scholarship also emphasizes that social and structural factors mediate how disability influences involvement with crime. It highlights that systemic inequalities, including ableism in criminal justice, insufficient support services, and socioeconomic disadvantage, shape opportunities for offending or pathways into crime (e.g., by limiting access to diversion and support). Thus, the conceptual DMO figure would visually connect the following:

- Disability/Impairment Characteristics → influencing Vulnerabilities (e.g., risk perception, social isolation)
- Social and Systemic Barriers → including exclusion, discrimination, and lack of supports
- Justice System Responses → which often fail to accommodate disability, producing higher rates of formal contact and differential outcomes

Conclusion

This paper has examined the legal and conceptual foundations of juvenile delinquency, emphasizing how juvenile justice systems distinguish youthful offending from adult criminality by prioritizing developmental considerations, rehabilitation, and reintegration. Across jurisdictions, juvenile delinquency (JD) is consistently defined as unlawful or antisocial conduct committed by individuals below the age of legal adulthood, although the precise age thresholds and legal responses vary. Importantly, the analysis demonstrates that juveniles with special needs remain subject to the same juvenile justice laws as their neurotypical peers, but with an increasing expectation that their disability-related characteristics be taken into account through procedural accommodations, individualized assessments, and tailored interventions.

The introduction of Disability-Mediated Offending (DMO) offers a conceptual advancement beyond traditional behavior-based classifications of juvenile delinquency. By foregrounding the mediating role of neurodevelopmental and cognitive impairments, especially in relation to intent, judgment, and self-regulation, DMO gives a more precise and ethically sensitive framework for understanding youth offending among children and adolescents with disabilities. Rather than attributing such behavior to criminal propensity, DMO also situates offending within a broader interaction of individual vulnerabilities, environmental pressures, and justice system responses.

Ultimately, adopting a DMO-informed perspective reinforces contemporary juvenile justice principles that emphasize proportionality, diminished culpability, and rehabilitation over punishment. It supports the use of diversion, restorative justice, and disability-responsive interventions while safeguarding the rights and dignity of vulnerable youth. By bridging legal doctrine, developmental science, and inclusive practice, the DMO framework contributes to a more just and effective response to juvenile offending, ensuring that accountability is balanced with compassion, support, and the long-term goal of meaningful social reintegration.

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