



MEMORANDUM OF SUPPORT

A.5851 (Reyes) / S.2737 (Salazar)

AN ACT to amend the family court act, in relation to eliminating the use of the term incorrigible.

Girls for Gender Equity asks State Lawmakers to enact A.5851/S.2737, amending the Family Court Act to remove reference to the word “incorrigible.” By removing this outdated term – a word meaning “unable to be reformed” – New York State can move forward progressive reforms to the youth justice system through a gender and racial justice lens.

“Incorrigible” was a term used one hundred years ago to categorize young girls who were incarcerated at the first “Training School for Girls,” a prison for girls in Hudson, New York. Now, in the wake of landmark Raise the Age legislation, “incorrigible” is a stain on the state as it continues to label young girls, overwhelmingly girls of color, facilitating their entry into the court system through persons in need of supervision (PINS) petitions. The problem of gender discrimination and arbitrary standards of appropriate girlhood is particularly profound for girls of color. From January to September 2020, girls represented 71% of all [PINS pre-dispositional placements](#) (PDPs), with youth of color representing 95% of PINS PDPs in all of New York State, and 100% of all PINS PDPs in New York City.

Legally and socially constructed definitions of childhood and girlhood have and continue to shape the treatment of young people. By changing what words we use, we are changing the culture of how we think about young girls and their strengths.

In the midst of national uprisings for racial justice this July, [a case came to mainstream attention](#) where a 15-year-old Black girl in Michigan faced incarceration during the coronavirus pandemic after a judge ruled that not completing her schoolwork violated her probation. Grace’s entry into the legal system, a court diversion program, was for “incorrigibility.” During and in the aftermath of this pandemic and fiscal crisis, New York State must take common-sense action and shift away from pushing girls of color into the court system for “incorrigibility” and instead seek to meet their real material needs.

Girls for Gender Equity (GGE) is a Brooklyn-based intergenerational advocacy organization, engaging cisgender and transgender girls of color and gender non-conforming youth of color. GGE centers Black girls in the movement to achieve gender and racial equity. Since 2001, GGE has committed to the optimal development of our communities through a combination of direct service, policy change, community organizing, and culture change work.