

# Juvenile Status Offenses: Treatment and Early Intervention

by Jessica R. Kendall

Edited by Catherine Hawke

## What Is a Status Offense?

Each year thousands of youth enter or are at risk of entering the delinquency and criminal justice systems because of noncriminal misbehaviors. These misbehaviors are commonly referred to as “status offenses.” A status offense is conduct by a minor that is unlawful because of the youth’s age. In other words, an adult may legally engage in the same acts that are considered status offenses if performed by a minor. Common examples of status offenses include running away from home, chronic truancy, alleged out-of-control or incorrigible behavior, underage alcohol possession, and curfew violations.

More status offenders have been entering the court system recently. A 2007 briefing paper released by the U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention (OJJDP) entitled *Trends in Justice System’s Response to Status Offending: OJJDP Briefing Paper* estimated that between 1985 and 2004, the number of court petitioned juvenile status offenses cases more than doubled. In addition, a 1999 report by OJJDP, *Juvenile Offender and Victims*, estimated that 162,000 status offense cases were formally processed by courts in 1996. Of that number, 39,300 were truancy cases; 25,800 were runaway cases; and 20,100 were ungovernability or incorrigibility cases.

---

*Jessica R. Kendall is an Assistant Staff Director with the American Bar Association’s Center on Children and the Law.*

Current trends indicate that arrest rates for status offenses differ between the genders. Although generally male status offenders outnumber their female counterparts, females seem to be catching up in numbers. OJJDP’s 2006 report, *Juvenile Offenders and Victims*, shows that an increasing number of status offenders are female. Juvenile arrest rates for girls increased approximately 35% between 1980 and 2000. Within status offense categories, females account for 61% of petitioned runaway cases annually. Nevertheless, with the exception of prostitution, among all status and delinquency offense categories, running away is the only instance in which the percentage of female offenders currently outnumbers the percentage of male offenders.

## Long History of Detaining of Status Offenders

Historically, the juvenile delinquency system handled youth who committed status offenses. Courts placed chronically truant or runaway youth in the same secure detention facilities as violent repeat juvenile offenders. Concerned about the short- and long-term effects of placing status offenders in secure detention, several states enacted legislation replacing the status offender label with new terms, such as children in need of services (CHINS), and creating new social services or probation services for these children.

In 1974, Congress enacted the Juvenile Justice and Delinquency Prevention Act (JJDP), which provides states with federal funds if they prohibit contact between juvenile and criminal offenders and bar the placement of status offenders in physically secure institutions. Some judges felt that this deinstitutionalization mandate provided them with few dispositional options for troubled youth in need of services. At that time, few states had implemented intervention programs for judicial referral, and courts were prohibited from compelling obedience by placing youth in detention. As a result, some courts began to “bootstrap” status offenders into the delinquency system if they violated a court order. This practice resulted in the Valid Court Order amendment to JJDP in 1980, which allows courts to place status offenders in secure confinement if they violate a court order.

## Status Offenses Today

### Various States, Various Approaches

Today, juvenile status offense laws vary greatly in how they respond to adolescent noncriminal misbehavior. Some states require alleged juvenile status offenders and their families to receive pre-court intervention and diversion services intended to increase family functioning and avoid court involvement. Others permit such services,

while still others do not provide any pre-court interventions. Some states prohibit the placement of youth in secure facilities under any circumstances; others allow and use frequently the court’s contempt powers to place youth in secure confinement. Some states have chosen not to receive full JJDP funding and place *alleged* and *adjudicated* juvenile status offenders in secure institutions.

Even the definitions used by states to classify a status offense can vary in important ways. The majority define these court-involved youth in the context of a *distinct legislative category of status offenses*. How these youth are labeled varies from state to state, such as child in need of services (CHINS), juvenile in need of services (JINS), child in need of assistance (CINA), families in need of services (FINS), and so on. These states place status offenders in a discrete statutory category recognizing the unique aspects of status offenses as compared to other child-related legal proceedings. A minority of states classify some or all of these behaviors as a *child protective services issue*—meaning the youth is neglected or abused by virtue of his behavior(s). Lastly, a few states continue to classify some of these behaviors as *juvenile delinquent offenses*.

Thus, depending on the state, a youth who is truant may enter the court system as a status offender, dependent child, or delinquent. How juvenile status offenders are legislatively labeled affects which services they receive to resolve the issues that brought them to the attention of the court systems. Labeling them “delinquent” or “status offenders” increases the possibility of their engaging in additional antisocial behavior, while also limiting their access to interventions. Moreover, the punitive features of the delinquency system imply some wrongdoing on the part of the youth. On the other hand, a youth adjudged delinquent carries the stigma of being a “bad seed.” A youth adjudicated as a “status offender” may be viewed or treated as a “pre-delinquent.” Some may view this youth as that much closer to committing a criminal act. These simple differences in labeling can have long-term implications on the likelihood of treatment success and possibility of re-offending.



Chair, Standing Committee on Public Education: Dwight L. Smith  
Director, Division for Public Education: Mabel C. McKinney-Browning  
© 2007 American Bar Association

PC # 497-0125                      ISSN: 1-59031-855-2                      ISSN: 978-1-59031-855-3

This is one in a series of technical assistance bulletins on law-related education published by the American Bar Association Division for Public Education, 321 N. Clark Street, Chicago, IL 60610-4714; (312) 988-5735, FAX (312) 988-5494.  
www.abanet.org/publiced                      E-mail: abapubed@abanet.org

General permission to photocopy or otherwise reproduce, and/or to republish, for non-profit educational purposes, all or part of the material in this booklet is granted, provided that reference is made to this publication, its date or issue, and that reproduction and/or reprinting privileges were granted by permission of the American Bar Association on behalf of its Division for Public Education.

This publication was prepared under Grant # 2006-JL-FX-K001 from the Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, U.S. Department of Justice; we are grateful for the support. The points of view or opinions expressed in this publication are those of the authors and do not necessarily represent the official position of the U.S. Department of Justice.

Funding has also been provided by the American Bar Association Fund for Justice and Education; we are grateful for their support. The views expressed in this publication have not been approved by the House of Delegates or the Board of Governors of the American Bar Association and, accordingly, should not be construed as representing the policy of the American Bar Association, the Fund for Justice and Education, nor the Standing Committee on Public Education.

FOR CUSTOMER SERVICE, CALL (800) 285-2221.

All rights reserved. Printed in the United States of America.

Printed on recycled paper.

Produced by Creative Services Associates, Inc.

The American Bar Association is a not-for-profit corporation.



## What Causes Youth To Offend?

### A Look at Truancy and Running Away

#### *Truancy*

OJJDP and the National Center for School Engagement (NCSE) state that truancy is a problem in school districts nationwide, and that in some urban areas thousands of youth are absent from school on any given day. Research shows that students are truant for a variety of reasons that primarily stem from (1) school; (2) family and community; and (3) student characteristics. Based on research and the experiences of those working in the education field, OJJDP and NCSE have enumerated the following factors as causes of truant behavior:

#### *School Factors*

- Inconsistent and ineffective school attendance policies
- Poor record keeping
- Not notifying parents/guardians of absences
- Unsafe school environment
- Poor school climate
- Inadequate identification of special education needs

#### *Family and Community Factors*

- Negative peer influences, such as other truant youth
- Financial, social, medical, or other problems that pressure students to stay home to help family
- Child abuse and neglect
- Family disorganization
- Teen pregnancy or parenthood
- Lack of family support for educational and other goals
- Violence in or near the home or school

#### *Student Characteristics*

- Lack of personal and educational ambition
- Poor academic performance
- Lack of self-esteem
- Unmet mental health needs
- Alcohol and drug use and abuse

When looking at the causes of truancy, it is also important to consider the possible impact truancy may have on other aspects of the youth's life. Research shows that truancy is a significant risk factor for additional problems including other delinquent behavior. Studies show that truancy is an early warning sign for educational failure by suspension, expulsion, or dropping out; substance abuse; teen pregnancy; and unemployment.

#### *Running Away*

The most recent estimates on runaway children show that thousands of youth run away each year, many of whom may enter the status offense system. The National Incidence Studies of Missing, Abducted, Runaway and Thrownaway Children (NISMAART series) estimated in 2002 that more than 123,000 children annually runaway or are forced out of their homes for between one and six months at a time. This statistic includes a large number of youth who are "thrown away"—that is, their parent(s) have asked or forced them to leave home and have not allowed them to return.

More shockingly, NISMAART found that in 1999, approximately 1.7 million youth had a runaway/thrown away episode in which the child or youth leaves home for at least one night without permission or is forced out of the home for the same amount of time. Further, the National Alliance to End Homelessness estimates that between 1 and 1.6 million youth are currently living on the streets or are homeless.

Sadly, in a large percentage of cases, running away is not the first trauma these youth experience. Many children who run away or are unaccompanied and homeless faced other problems at home that preceded their flight or forced removal. In 2002, NISMAART estimates show that many of these children or youth experience numerous endangering factors. NISMAART studies estimate that approximately 350,000 of these youth were either physically or sexually abused in the year prior to their running away or were afraid that if they returned home, they would be abused. This number accounts for more than 21% of the estimated runaway/thrown away youth population. This abuse or threat of abuse was the most common factor attributed to youth and children who run away or are thrown away. Other factors include the following:

- The youth was substance dependent—a factor in 19% of the runaway/thrown away youth incidents.
- The youth was in the company of someone known to be using drugs during the period of time away from home—a factor in 18% of the runaway/thrown away youth incidents.
- The youth had previously attempted suicide—a factor in 4% of the runaway/thrown away youth incidents.
- The youth missed at least five days of school immediately before running away—a factor in 4% of the runaway/thrown away youth incidents.

However, it isn't just the risks that these runaway/thrown away youth face at home that are problematic. The dangers youth face once they are on the street are also numerous, including further victimization and maltreatment, substance abuse, involvement in the justice system, and poor health conditions. Chronic untreated health problems are common among homeless youth, including higher incidences of asthma, high blood pressure, diabetes, and hepatitis. The incidence of mental health problems among unaccompanied youth is also higher than for youth living at home. A significant percentage of homeless youth cope with a myriad of adjustment issues. Studies show a high incidence of depression, post-traumatic stress disorder, and conduct disorders among homeless youth. Research also shows that attempted suicide rates for homeless youth are higher than for other populations of youth.

### **Effect on Families and the Community**

Many intrafamily stressors plague youth who are alleged or who have committed status offenses. Many are victims of maltreatment, as mentioned above, this is the case particularly for youth who run away from home. Some live in chaotic and disorganized homes that may not promote school and community involvement.

Communities are also effected by such behaviors and can serve as important tools to help alleged status offenders. Many communities face increasing numbers of youth who enter court systems because of status offenses. Yet, few have established pre-court intervention programs for youth and families who may not require judicial intervention. These communities, with the support of policymakers, should develop and implement family-focused programs to meet youth's and families' wide range of needs. Early intervention, prevention, and/or diversion legislation and policies are initially proving successful in this area. These systemwide efforts reduce costs associated with youth placed in out-of-home settings, strengthen the family unit, and decrease the possibility that youth will engage in future risky and possibly criminal behavior.

## **Helping Before Court: Pre-Court Prevention and Diversion**

### **What Happens Now**

A critical stage of a status offense case is the point at which a decision is made to pursue a status offense court petition. State statutes dictate when a status offense petition may be filed. In some states, these statutes serve a gatekeeping role by limiting or expanding when and by whom the court case may be brought. States that restrict court involvement in status offense cases by requiring state agencies to offer families pre-court diversion ser-

VICES before filing a court petition will likely be more successful in decreasing recidivism rates, providing needed services to families, and reducing costs. Just as states vary greatly in how they name and define status offenses, states differ on how they currently handle youth when they first come into contact with court systems.

### **Pre-Court**

Of the states that have a distinct legislative category for youth who commit status offenses, most allow courts to assume jurisdiction over youth under 18 who commit one of several status offenses, such as running away without good cause for at least 24 hours or being beyond parental control. In many jurisdictions, the first responder to a status offense referral is law enforcement. Many state laws allow law enforcement officers to take youth who are alleged status offenders into limited custodial protection. During this period, the child cannot be commingled with adult offenders or held in a secure adult facility. To receive federal monies under JJDPA, states may only detain accused status offender in secure *juvenile* detention facilities for up to 24 hours, exclusive of weekends and holidays, prior to an initial court appearance and for an additional 24 hours following that appearance.

Although states may vary in how they handle the initial custody of a status offender, many states laws mirror the federal JJDPA requirements. These statutes often require law enforcement officers to notify the youth's parent or guardian that the youth has been taken into limited custody. Usually if the officer determines that continued custody is unnecessary, he or she must release the youth to the parent or guardian. If the youth is not released, the officer will often contact the court or other entity to request a court petition or informal services. If the youth is not released, the officer may take the youth to court or juvenile detention. Some statutes also encourage or require law enforcement officers to contact the agency designated to provide services to status offenders immediately after taking a youth into custody. This provides an important and immediate first link between the youth and service provider. When youth are held in custody, courts often hold an initial hearing within 24 hours to determine where the youth should be placed until the next hearing.

Some states do not allow secure confinement of accused status offenders for any period of time before or after an initial court appearance and limit initial placement options to parents, relatives, or shelter care. Shelter care may include foster homes, group homes, or staff-secure shelters.

## Concerns with Arrest Procedures and Secure Facilities

Most states allow law enforcement to hold youth in limited custody, this possibility raises important concerns. Holding an accused status offender in limited custody should never mirror the arrest of an adult or a youth for criminal or delinquent conduct. Status offenses, which constitute *noncriminal* misconduct, do not sufficiently raise societal protection concerns that would warrant typical arrest procedures. Moreover, the secure detention of accused status offenders, even for 24 hours pre-court, is an extreme and restrictive response to a nonoffending act. States should require the exhaustion of the less restrictive placement alternatives listed above before a 24-hour hold in juvenile detention is permitted. In addition, in many states, the transition from limited custodial protection to court petitioning includes little more than a preliminary investigation to determine if court involvement is appropriate. Policymakers should reconsider at what point it best serves alleged status offenders and their families to enter the court systems and explore whether providing a series of pre-court services would result in better outcomes for families in conflict.

## Filing a Court Petition

Once youth has been taken into limited custody, states differ on when and how they permit status offense petitions to be filed. Many states allow courts to assume jurisdiction merely after a court-designated officer conducts a preliminary investigation and determines if the parties and public would be best served by court involvement. On the other hand, some states offer the family an informal “adjustment.” In these instances, if the officer determines that a petition is not warranted, and the parties agree, the officer will help the family prepare an agreement that specifies what is required of the youth to avoid court involvement. The officer in some cases may refer the youth and family to available community services. These services are intended to increase the likelihood that the youth will comply with the agreement’s terms.

## Families Are Important

In addition to, or perhaps in lieu of, holding youth in custody and starting the court process, states should respond to alleged status offenders by addressing their problems within the construct of the family. They should require initial responses that prevent and divert youth from being petitioned to court as status offenders. Through legislation, states can offer family-focused community programs that enable the family to handle future parent-teen conflicts without public intervention or court involvement. These statutory mandates should identify which agencies have responsibility for respond-

ing to status offenses and how they are to respond. Two states, New York and Florida, have enacted such statutes and are currently promoting these principles in their pre-court services for alleged status offenders.

## Promising Practices

### New York’s Approach: Services First

New York’s status offense law requires the state to focus first on family services. New York law requires every county designate “either the local social services district or the probation department as lead agency” to provide diversion services to persons at risk of being subject to Persons in Need of Supervision (PINS) jurisdiction.

The designated lead agency must offer these services to alleged status offenders or PINS, and the court cannot accept a PINS petition unless the petitioner has already participated in them. The New York statute further requires that diversion services include *documented* agency efforts to enroll the youth and the family in appropriate, individualized community services. These documented efforts must include:

- providing the family with information on local services that will alleviate the need to file a petition, including short-term respite care, family crisis counseling, or other dispute resolution programs;
- holding at least one conference with the youth and the family to discuss alternatives to filing a petition;
- assessing whether the youth would benefit from residential respite care, which can last for up to 21 days; and
- recording and analyzing whether diversion services are needed and whether they should be offered on an ongoing basis.

Diversion services may continue as long as needed to preserve the family and prevent the youth from engaging in risky behaviors. Diversion services may also continue even if a PINS petition is filed to help prevent an out-of-home placement for the youth. If the designated agency ends its diversion effort, it must notify the state and indicate whether the services were successful. A successful result will constitute presumptive evidence that the conditions underlying the status offense allegations are resolved and that a PINS petition cannot be filed. An unsuccessful indication will likely result in a PINS petition. In fact, a petition can be filed only if the lead agency indicates that it terminated diversion services because there was “no substantial likelihood that the youth and his or her family will benefit from further attempts.”

In December 2005, the Vera Institute of Justice released a study of New York City's the PINS diversion system, the Family Assessment Program (FAP). The initial results were positive. The Vera Institute found that since the implementation of FAP, the number of PINS cases filed with the New York City Department of Probation has dropped by 79%.

Time Period	Number of PINS Cases Opened by the New York City Department of Probation
Pre-FAP (1/1/02–1/30/04)	3,345
Post-FAP (1/1/04–6/30/04)	697
Overall Change	79% reduction

The Vera Institute also found that the number of court referrals dropped by 55%, and the number of court-ordered out-of-home placements decreased by 21%.

Time Period	Number of PINS Cases Referred to New York City Family Court	Number of Out-of-Home Placement Orders for PINS Youth
Pre-FAP (1/1/02–1/30/04)	1,043	343
Post-FAP (1/1/04–6/30/04)	474	272
Overall Change	55% reduction	21% reduction

These early assessments positively indicate that such programs can result in fewer children becoming court involved and more children remaining at home.

### Florida's Approach: Start with the Family

Florida's system for dealing with alleged status offenders provides another example of the positive effects of early intervention services. Similar to New York's requirements for pre-court diversion services, Florida's statute requires that status offenders or "children and families in need of services" (CINS/FINS) receive services on a "continuum of increasing intensity" that encourages participation by the family. Further, the statute allows court involvement only "after all available less restrictive resources have been exhausted."

Florida's statute includes a two-phase approach to CINS/FINS cases. During the first phase, "families in need of services" (FINS) are referred to voluntary diversion services that can include respite care, family and individual counseling, assessments, and community-

based referrals. Only after FINS services are offered may the parties contemplate whether a "child in need of services" (CINS) petition may be filed. If a family refuses to participate in FINS services, or the family and/or child disagrees with the services, the Florida Department of Juvenile Justice (DJJ) or its agent may request a "case staffing." The case staffing is a multidisciplinary meeting with the child and family to create a service plan targeted at addressing the issues that brought the youth and family into the system initially. If the family accepts the plan, a case manager will be assigned to assist them. If the family refuses services offered at intake and later at the case staffing, or if the family was not successful in solving the issues that brought it to the attention of DJJ, only then can a CINS petition be filed.

The Florida DJJ's 2006 Outcome Evaluation Report analyzed the success of all FINS and CINS prevention programs during fiscal year 2003–2004. The Florida Network of Youth and Family Services (Florida Network) provides all CINS/FINS services through DJJ. The following outlines how the Florida Network fared during this time period according to DJJ assessments:

*Percentage of Youth Who Completed the CINS/FINS Service Program:*

- 77%

*Average Length of Stay for Youth Released from CINS/FINS Residential Programs:*

- 11 days

*Percentage of Youth Who Committed Another Offense During CINS/FINS Service Programs:*

- 5% of those youth in residential services
- 6% of those youth in nonresidential services

*Percentage of Youth to Re-Offend Within the Juvenile or Adult System Within Six Months of Completing CINS/FINS Service Programs:*

- 15% of those youth in residential services
- 7% of those youth in nonresidential services

By keeping recidivism rates low and preventing youth from committing other offenses during treatment, the Florida Network has shown success in its implementation of the CINS/FINS program. However, simple success rates are obviously not the only concern that states have when deciding whether to implement such systems. Money matters.

In 2001, Florida Tax Watch compared the annual costs per child served by the Florida Network's CINS/FINS programs with the costs of placing children in the juvenile justice system. Florida Tax Watch's report found that although it was difficult to measure the differing costs, the "documented costs borne by the Network and fund-

ed by the state . . . are considerably less than more intensive governmental intervention . . . .” The report also assessed money the state saved when different percentages of youth were prevented from committing a delinquent act because of the Florida Network’s services. The report found that if only 10% of highly at-risk youth served annually by the Florida Network were prevented from committing a delinquent act for six months, the state would save more than \$5 million or \$10 million over 12 months.

New York and Florida are among a handful of states that require the provision of pre-court diversion and prevention services for alleged status offenders and their families. These statutes describe in detail the services that must be offered to families before a status offense petition may be filed and in effect limit court involvement to only those cases in which voluntary services were exhausted and unsuccessful. In so doing, these states have experienced reductions in costs and court petitions and increases in services to families in need of immediate assistance.

The availability of pre-court diversion services is critical to promoting positive outcomes for youth and families at risk of entering the status offense system. These are often families in crisis who would benefit from public social services assistance, yet only a handful of states require social service responses up front. As they are uniquely positioned to do so, state legislatures should create task forces and working groups to review how their status offense systems operate and effect systemwide changes mandating pre-court prevention services for youth and families at risk.

## **Helping After Court: Disposition— Alternatives to Detention and Out-of-Home Placement**

### **What Happens Now**

Another critical stage of a status offense case is disposition. After a court finds that a youth is a status offender, it must determine how to “dispose” of the case. State statutes dictate what dispositional tools a court may use to curb a youth’s misbehaviors and ensure positive outcomes for the youth and his or her family. Research shows that placing a youth out of home or in detention may increase the likelihood that the youth will continue the behaviors that triggered the court system’s attention. States should try to enumerate disposition options that do not simply mirror those available to courts in delinquency cases but instead are tailored to the unique posture of status offense cases.

Federal legislation and policy encourage the deinstitutionalization of status offenders so that they are not housed in juvenile detention facilities with delinquent youth. However, federal legislation allows states to place status offenders in juvenile detention facilities if they violate a valid order of the court.

Nevertheless, many state laws require or suggest disposition options for status offenders that are similar to disposition alternatives for delinquent youth. For example, in 2006, the National Center for Juvenile Justice (NCJJ), the research division of the National Council for Juvenile and Family Court Judges, conducted a state legislative survey on probation as a disposition option for adjudicated status offenders. NCJJ’s report found that a majority of states permit courts to place status offenders on probation. NCJJ noted that this is a disposition option commonly used for delinquents and could lead to more severe consequences. However, NCJJ concludes that although most states permit or require probation as a disposition option, most also restrict the use of harsher penalties if a status offender violates probation. Nevertheless, many states permit other dispositions for status offenders that mirror those used for delinquent youth. These options include:

- performing community service;
- making restitution payments;
- suspending or revoking the youth’s driver’s license; or
- placing the youth out of home (which may include shelters or group homes that house both delinquent youth and status offenders).

### **Social Services**

Another common disposition alternative for status offenders is to compel the youth to engage in social services, such as drug treatment, mental health examinations, or counseling. A few states also allow courts to assume jurisdiction over parents and require that they participate in relevant social services. Generally, these parent-oriented services serve to educate parents and improve relations between parent and child through services such as parenting classes or family counseling.

### **Placement Out of Home**

Another disposition option available in many states is to remove the youth from their home for a period of time. This option, in most states, includes placement with relatives or placements through child-serving agencies in foster or host homes, group homes, or staff-secure shelters. This placement alternative may create undesirable results for many families. Parents who file a status offense petition may seek the court’s assistance to con-

trol their status offending youth but may not need or want the youth to be removed from their care. Once the youth is adjudicated a status offender, however, most state laws allow courts to place youth in nonrelative care without any accounting in the statute for the parents' or youth's placement preference.

Most states also allow courts to place adjudicated status offenders out of home without making additional findings on the least restrictive alternatives or the appropriateness of removing the youth from home. This can result in situations in which the courts have unlimited discretion to place a youth in state care without taking into account the wishes of the child or the parents.

### **Effects of Disposition Options**

Unfortunately, there is a dearth of research on case outcomes for status offenders placed out of home after adjudication versus those who remain at home with services. More research is needed in this area to support what many programs have found anecdotally about the benefits of in-home family-focused services for alleged and adjudicated status offenders. In addition, more research is needed on the effects and case outcomes for status offenders who are committed to physically secure facilities because they violated a valid court order. However, the little research that does exist supports what common sense would indicate: status offenders do better when they receive needed services in their homes and communities.

### **Secure Facilities**

Existing research on placement in secure settings for delinquent offenders, including status offenders, shows that these placements are ineffective in rehabilitating youth and decreasing recidivism. Punitive programs that remove youth from family and community make it harder to resolve their problems in the long term. Studies also show high recidivism rates among youth placed in large secure facilities. For example, various studies from 2005, 1997, and 1996 show that between 50% and 70% of youth in large secure detention facilities are rearrested within two years of release. This research shows a need to reconsider the use of these secure facilities because if youth are re-offending, then these facilities are clearly not providing the desired benefit to them, their families, or the communities at large.

### **Girls and Secure Facilities**

Just as the overall number of girls alleged to be committing status offenses is increasing, so too is the number of girls being detained in secure facilities. In 2001, the American Bar Association in *Justice by Gender: The Lack of Appropriate Prevention, Diversion and Treatment Alternatives for Girls in the Justice System*

noted that girls are more frequently detained for status offenses, petty offenses, and probation and contempt violations than boys. The increased use of detention for girls, however, results in strained and fewer educational, physical, and mental health services that these female youth require.

### **Nonsecure Facilities**

When youth are removed from home and placed in nonsecure or staff-secure shelters, the conflicts with their families that brought them to the court's attention may worsen. In 2002, the Vera Institute of Justice in *Respite Care: A Promising Response to State Offenders at Risk of Court-Ordered Placements* stated that placing these youth in nonsecure shelters, foster or group homes may temporarily diffuse family crises, but over time the removal and separation of the youth from family and community may only exacerbate the family conflict. The Vera Institute calls for increased use of respite care services that offer families a brief cooling off period for no more than a few weeks rather than months or even years. While in respite care, the family receives immediate counseling and treatment services to address the larger issues that caused the conflict.

### **Looking Forward: Recommendations for Disposition Alternatives**

Despite a lack of empirical support for the efficacy of detention or even out-of-home placement as a deterrent for status-offending behavior, a 2001 study found that approximately one-third of youth held in juvenile detention centers were held for technical probation violations or status offenses. Nevertheless, clinical experts question whether secure confinement is *ever* appropriate for status offenders or those charged with similar offenses. These questions are bolstered by studies that have found that community-based rehabilitative interventions, if done properly, are more effective in reducing recidivism, cost significantly less, and better promote maintaining the family unit. Studies show that the most successful interventions include rehabilitative treatment that is intense and sustainable over time. It is imperative, therefore, that policymakers revisit the appropriateness of placing status offenders in secure facilities.

Policymakers should assess the disposition options currently available and determine if they adequately address the needs of adjudicated status offenders and their parents. So many disposition options available to courts in status offense cases simply mirror disposition options available in delinquent cases. However, the child who commits 9 status offenses is not necessarily the same child who commits delinquent acts. By limiting the disposition alternatives available, courts are not able to tailor their dispositional alternatives to address the family



conflicts that beset so many of these status offenders. For example, instead of requiring a youth to pay restitution or threatening to suspend his or her driver's license, a court may achieve better results when the youth and parents are provided court-directed intensive family-counseling services, respite care, or anger management classes for the youth and/or parents.

## The Future of Our Youth and Status Offenses

It has been decades since any national attention has been paid to families on the brink of entering judicial systems because their children are at great risk of harming themselves or others by skipping school, running away, or being beyond their parents' control. It is imperative that legislatures and policymakers ensure that these youth and families receive the appropriate social service responses to limit court system involvement. Criminalizing status offenses has a deleterious effect on youth and families and increases the likelihood that youth will later enter the court system.

It is important that policymakers understand the context and causes of juvenile status offense behaviors. This understanding is necessary if policymakers hope to respond to this population through tailored and successful policy and legislation. Youth who enter juvenile status offense systems are often in extreme conflict with their parent(s) that cannot be resolved privately without some intervention. These are youth who often fall between the "cracks" of two bureaucratic legal systems—one designed to respond to maltreatment of young children and the other focused on youthful offenders who present a risk to society. They are nonoffending youth who need protective interventions and whose families require noncoercive, family-focused approaches that may help deter future delinquency. Many have been abused or neglected; are dealing with domestic violence within their families; come from poor and violent neighborhoods; suffer from serious unmet mental health needs, learning disabilities, and emotional or behavioral problems; and lack adequate educational and career opportunities. These are teens and families at risk and in great need of assistance.

### What Can Be Done To Help?

To reorganize the status offense system in a way that will help protect youth rather than punish them and ensure that they do not simply get pushed into the delinquency or criminal systems, the legal, juvenile justice, social service, education, research, and advocacy communities should work together to promote:

- *Research*—empirical research on (1) the effectiveness of programs that provide pre-court diversion services to decrease recidivism rates and costs and increase the level of services available to families in crisis; (2) case outcomes for status offenders placed out of home or in secure detention compared with those who receive in-home family services.
- *Pre-Court Intervention Services*—laws and policies that offer youth and families pre-court services that engage them in immediate treatment and/or interventions that are tailored to youths and families' needs, including gender-responsive services. These services should attempt to prevent the removal of the juvenile from his or her family and to emphasize use of community-based service models that have proven successful.
- *Pre-Court Procedures for Designated Agencies*—laws or policies that enumerate the key components of pre-court processes, such as (1) how and when designated status offense agencies should be linked to families in crisis; (2) what the designated agency must do upon receiving a status offense referral, including conducting an intake and assessing the family's immediate needs; and (3) what ongoing responsibilities the designated agency has on behalf of the family regarding the delivery of social services pre-court.
- *Pre-Court Procedures for Law Enforcement*—laws and policies that ensure that alleged status offenders are not subject to criminal arrest procedures, but if picked up by law enforcement, are only held in protective custody until a parent can resume custody or the designated status offense or other appropriate social service agency can retrieve them.
- *Determination to Petition Court*—laws and policies that limit court involvement until after the designated agency offers pre-court intervention services to youth and families that aim to divert them from the court system.
- *Alternative Dispositions*—laws and policies that offer judges disposition options that are best tailored to meet the unique needs of status offenders and their families, including gender-responsive services, family counseling, treatment, and respite care options and that do not simply mirror disposition options available for delinquent youth.
- *Alternatives to Detention*—laws and policies that promote alternatives to detention and incarceration for status offenders and increase awareness of the harms associated with detention.

- *Funding*—laws and policies that ensure that status offense reforms, including pre-court diversion and alternatives to disposition, are adequately funded.
- *Monitoring and Evaluation*—laws and policies that ensure that the appropriate benchmark outcomes are met by requiring frequent evaluation and monitoring of the services offered to status offenders and their families.

## Resources

### *Addressing the Needs of Juvenile Status Offenders.*

Videoconference by the Office of Juvenile Justice and Delinquency Prevention, the American Bar Association Commission on Youth at Risk, and U.S. Department of Health and Human Services' Family and Youth Services Bureau, January 2007.  
<http://ncjrs.gov/App/Publications/AlphaList.aspx>

### *Families in Need of Critical Assistance: Legislation and Policy Aiding Youth Who Engage in Noncriminal Misbehavior*

Jessica R. Kendall, J.D., 2007  
 The American Bar Association Center on Children and the Law  
[www.abanet.org/abastore/index.cfm?fm=Product.AddToCart&pid=5490443](http://www.abanet.org/abastore/index.cfm?fm=Product.AddToCart&pid=5490443)

## Glossary

**Disposition** – Final settlement or determination of a case.

**FAP** – “Family Assessment Program” – New York City’s PIN diversion program FAP has shown initial success by reducing the number of cases that are being petitioned to court.

**Petition** – A status offense petition is a formal request to a court to assume status offense jurisdiction over a child and/or family.

**Respite Care** – A social service that provides families with short-term, out-of-home child care.

**Shelter Care** – Out-of-home placement for youth that may include foster homes, group homes, and staff-secure shelters.

**Status Offense** – Conduct by a minor that is unlawful because of the minor’s age. Common examples include running away from home, chronic truancy, alleged out-of-control or incorrigible behavior, underage alcohol possession, and curfew violations. May be referred to as Child In Need of Assistance (CINA), Child In Need of Services (CHINS), Family In Need of Services (FINS), Juvenile in Need of Services (JINS), or Person in Need of Supervision (PINS).

## Technical Assistance Bulletin Series

Technical Assistance Bulletins (TABs) are developed and published by the American Bar Association Division for Public Education. Other publications in this series provide concise information on specific topics of interest to law-related educators, school administrators, teachers, law enforcement, and delinquency prevention professionals. Each bulletin may be downloaded from the ABA Web site as a .pdf. ([www.abanet.org/publiced/tabs.html](http://www.abanet.org/publiced/tabs.html)).

### Available titles include:

**TAB 1:** Bar Associations Share Their Tips for Working with the Schools

**TAB 2:** Selected Background Readings on Law-Related Education (LRE)

**TAB 3:** Mobilizing Community Groups for Law-Related Education

**TAB 4:** A Review of Innovative Approaches to LRE

**TAB 5:** Confronting the Crisis in the Criminal Justice System

**TAB 6:** Combating Drug Abuse

**TAB 7:** Juvenile Correction Education: A Review of Current Literature

**TAB 8:** LRE Research: A Status Report

**TAB 9:** Strengthening Minority Involvement in Law-Related Education

**TAB 10:** Bar Association Database Continues to Grow

**TAB 11:** Metropolitan Nashville Public Schools: An LRE Laboratory

**TAB 12:** Planting International Seeds

**TAB 13:** From Risk to Resilience: The Role of Law-Related Education

**TAB 14:** Youth Summits: Youth and Adults as Partners in Violence Prevention

**TAB 15:** Law Magnet Programs

**TAB 16:** Vicarious Violence on the Screen: A Challenge to Educators and Families

**TAB 17:** Youth Court: A National Movement

**TAB 18:** Youth Summits: Engaging Young People in Violence Prevention

**TAB 19:** The Promise of Law-Related Education as Delinquency Prevention

**TAB 21:** Police Officers and Law-Related Education: Building a Winning Strategy for Youth Education Programs

**TAB 22:** The Role of the Resource Person in Law-Related Education

**TAB 23:** Whose Values? A Rationale for Linking Law-Related Education and Character Education

**TAB 24:** Designing Websites for LRE Centers

**TAB 25:** Making Youth Court as Effective as Possible

**TAB 26:** Youth Court Training for Results

**TAB 27:** Evaluating Youth Court Training

**TAB 28:** Sentencing Alternatives for Youth Courts: The Restorative Justice Approach

**TAB 29:** Juvenile Status Offenses: Treatment and Early Intervention



## *Youth for Justice*

To learn more about Youth for Justice, the national coordinated law-related education program, its efforts to incorporate effective delinquency prevention strategies in LRE programs, and its work with law enforcement personnel as resource persons, contact the individual consortium member listed below or visit [www.youthforjustice.org](http://www.youthforjustice.org).

### **American Bar Association**

Division for Public Education  
Mabel C. McKinney-Browning, Director  
Craig W. Johnson, Program Manager  
321 N. Clark Street, 20th Floor  
Chicago, IL 60610-4714  
Tel: 312-988-5735  
Fax: 312-988-5494  
E-mail: [abapubed@abanet.org](mailto:abapubed@abanet.org)  
Web: [www.abanet.org/publiced/](http://www.abanet.org/publiced/)

### **Center for Civic Education**

Dick Kean, Director of Justice  
Education Programs  
Norma Wright, Senior Consultant  
5145 Douglas Fir Road  
Calabasas, CA 91302  
Tel: 800-350-4223  
Fax: 818-591-9330  
E-mail: [youthforjustive@civiced.org](mailto:youthforjustive@civiced.org)  
Web: [www.civiced.org](http://www.civiced.org)

### **Constitutional Rights Foundation**

Todd Clark, Executive Director  
601 S. Kingsley Drive  
Los Angeles, CA 90005  
Tel: 213-487-5590  
Fax: 213-386-0459  
E-mail: [todd@crf-usa.org](mailto:todd@crf-usa.org)  
Web: [www.crf-usa.org](http://www.crf-usa.org)

### **Constitutional Rights Foundation Chicago**

Carolyn Pereira, Executive Director  
E-mail: [pereira@crfc.org](mailto:pereira@crfc.org)  
Nisan Chavkin, Associate Director  
E-mail: [chavkin@crfc.org](mailto:chavkin@crfc.org)  
407 S. Dearborn, Suite 1700  
Chicago, IL 60605  
Tel: 312-663-9057  
Fax: 312-663-4321  
Web: [www.crfc.org](http://www.crfc.org)

### **Phi Alpha Delta Law Fraternity, International**

Carole Collins, Executive Director, Public Service Center  
345 N. Charles Street  
Baltimore, MD 21201  
Tel: 410-347-3118  
Fax: 410-347-3119  
E-mail: [psc@pad.org](mailto:psc@pad.org)  
Web: [www.pad.org](http://www.pad.org)

### **Street Law, Inc.**

Lee Arbetman, Director of U.S. Programs  
1010 Wayne Avenue  
Suite 870  
Silver Spring, MD 20910  
Tel: 301-589-1130  
Fax: 301-589-1131  
E-mail: [larbetman@streetlaw.org](mailto:larbetman@streetlaw.org)  
Web: [www.streetlaw.org](http://www.streetlaw.org)



### **AMERICAN BAR ASSOCIATION**

321 N. Clark Street  
Chicago, IL 60610-4714  
<http://www.abanet.org/publiced>  
(312) 988-5735  
E-mail: [abapubed@abanet.org](mailto:abapubed@abanet.org)