

Families in Need of Critical Assistance

Legislation and Policy Aiding Youth Who Engage in Noncriminal Misbehavior

by:

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INTRODUCTION

This report is about juvenile status offenders, children and youth who run away from home, are in conflict with their parents, or skip school repeatedly. A status offense is conduct by a minor that is unlawful because of the minor's age. An adult may legally engage in the same acts that are considered a public offense if performed by a minor. Common examples of status offenses include running away from home, chronic truancy, alleged out-of-control or incorrigible behavior, alcohol possession, or curfew violations.

This report shows that, absent safety issues, if youth and families resolve their problems within the family and community instead of courts, they will achieve better outcomes and cost states less.

Increasing community interventions and limiting access to court may require new laws, policies, and funding streams. This report challenges policymakers to pass laws, implement policies, and identify funding. It is a big challenge. One new statute, one new community diversion program, or one new grant may not, by itself, rework a patchwork status offense system.

This report offers recommendations and examples of how select public systems of care are responding to juvenile status offenders. Trying to implement all of these recommendations at once would be an immense undertaking. However, approaching one issue at a time makes change probable. Look to states that have crafted legislation or designed programs that change how they respond to juvenile status offenders. Use this report as a springboard to address a piece of your state's or locality's status offender puzzle and begin a dialogue about how you may adapt this report's recommendations to your area.

Status Offense Systems

In 2004, over 400,000 youth were arrested or held in limited custody by police because of a status offense. This number represented approximately 18% of all juvenile arrests that year.¹ The most recent national estimates regarding all status offense court petitions were collected in the mid-1990s. In 1996, 162,000 status offense cases were formally processed. Of that number, 25,800 were runaway cases and 20,100 were ungovernability or incorrigibility cases.² From 1987 to 1996, the total number of court petitioned juvenile status offense cases increased 101%.³

Until the mid-1970's, the juvenile delinquency system handled youth who committed status offenses. As a consequence, this population was subject to all dispositional or probationary options applied to delinquents. A court could place a chronically truant youth in the same secure detention facility as a violent repeat juvenile offender. Concerned about the short and long-term effects of placing youth engaged in noncriminal status behaviors into secure detention, several states enacted legislation replacing the status offender label with more innocuous terms like "child in need of services" and implementing initial social service responses. Other states, such as Pennsylvania, altered their definitions of child neglect or dependency to include youth who engage in status offenses.

In 1974, Congress reacted to and further encouraged the states' trend of decriminalizing status offenses by enacting the *Juvenile Justice and Delinquency Prevention Act* (JJDP). Under JJDP, to receive

federal money, states were prohibited from, among other things: (1) placing noncriminal status offenders in secure facilities; and (2) allowing contact between juvenile and adult criminal offenders.

Three years after Congress passed the JJDPa, the Institute of Judicial Administration—American Bar Association (IJA-ABA) Joint Commission on Juvenile Justice Standards also relabeled status offenses as “noncriminal misbehaviors.” The IJA-ABA Standards on noncriminal misbehavior, which were never adopted by the American Bar Association House of Delegates, concluded that such misbehaviors should not be subject to juvenile court jurisdiction. Rather, a broad spectrum of crisis-intervention and continuing services should be available to youth and their families to resolve conflicts in the home. Moreover, courts would not force youth to engage in these services; they could volunteer to participate.

Judge Justine Wise Polier wrote the lone dissent at the conclusion of the IJA-ABA Standards. Judge Polier, while agreeing with the basic tenets of the IJA-ABA Standards, warned that their lofty goals were not matched by concrete plans or requirements for identifying who was responsible for *developing*, *funding*, and *evaluating* alternative interventions.

Many judges felt that the federal deinstitutionalization mandate left them with few dispositional options for youth in need of services. 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. These concerns and practices resulted in the Valid Court Order amendment to JJDPa in 1980, which allowed courts to place status offenders in secure confinement if they violated a court order.

About 30 years have passed since the JJDPa was first enacted and the draft IJA-ABA Standards on noncriminal misbehavior were created. Today, surveying the national landscape of status offense systems is not easy. How different jurisdictions address the needs of status offenders and their families varies greatly and is complex from state to state and county to county.⁴

Child Welfare Systems

Some jurisdictions respond to juvenile status offenders by labeling them dependent or neglected children because of their behaviors. Although national statistics regarding child maltreatment and foster care entries are available, there is little national data about youth who become the responsibility of child welfare agencies because of their behaviors.

Over half of the 872,000 identified victims of child maltreatment in 2004 were victims of neglect.⁵ Approximately 130,000 (15%) of these children and youth were classified as victims of maltreatment but were placed in a catchall category referred to as “other,” which accounts for variation between state definitions of abuse and/or neglect.⁶ Many of these 130,000 children and youth became the responsibility of government child protection agencies when they were teenagers for reasons other than “traditional” abuse or neglect.

In addition, over 220,000 youth between ages 12 and 17 were victims of maltreatment in 2004.⁷ Preliminary estimates for 2004 show that 50% of children and youth placed in out-of-home care by child protection agencies were 11 or older.⁸ Among this population, as well as youth not counted in this statistic, a large number became the responsibility of child protection systems because they were allegedly “out of control,” ran away from home, were thrown away (forced out of their home) or homeless, deemed “incorrigible,” or experienced serious conflict within their home (possibly involving abusive behavior by

the teen towards a parent). They are teens experiencing many stressors, which they externalize through behaviors that their parents cannot or will not address. This leads them to the doorstep of the child welfare agency.

Despite these statistics, few early intervention or diversion policies exist to meet the needs of youth and their families when the youth first enters the child welfare system. Even fewer early interventions exist for youth who enter this system because conflicts in their home do not rise to the level of traditional abuse or neglect. More attention is given to helping older youth transition from the child welfare system to life on their own. Policies and laws are being modified to more fully meet the educational, mental health, medical, and vocational needs of teenagers who become adults while under the care or supervision of child protective services. Unfortunately, there is little law, policy, and services for teens and their families when they first come to the attention of child protective services.

Report in Brief

Juvenile status offenders often fall between the “cracks” of two legal systems—the child welfare system which responds to child abuse, neglect, and abandonment, and the juvenile delinquency system which focuses on youthful offenders who are a risk to society. These youth and their families need protective interventions and noncoercive, family-focused approaches to deter future delinquency and court involvement.

Several states have made legislative changes promoting pre-court diversion, early intervention, and prevention services for youth who engage in noncriminal misbehavior. In addition, some states passed laws addressing special groups of high-risk youth, such as runaways and girls. Likewise, a handful of child welfare agencies are addressing the needs of these youth and their families by changing protocols, policies, or procedures.

Purpose

This report educates policymakers on legislative and policy reforms that are successfully diverting this population and their families from court systems. The report also describes community-based supports that equip youth and families with tools to resolve family conflicts. It provides concrete recommendations to policymakers about amending their jurisdiction’s laws to better aid families, reduce costs, and recidivism rates.

Scope

This report highlights these legislative and policy changes.

Chapter One:

- Describes causes and effects of noncriminal misbehaviors; and
- Reviews how states approach the needs of these youth through dependency, delinquency, or status offense systems.

Chapter Two:

- Reviews status offense legislation that mandates precourt services and interventions; and
- Discusses how legislative and policy reform can promote positive outcomes for youth through prevention and diversion in a status offense system.

Chapter Three:

- Describes legislative and policy reforms that affect youth who enter the child welfare system because of noncriminal misbehaviors; and
- Discusses how reform may prevent and intervene early with youth and families on the verge of entering the child welfare system for reasons other than traditional abuse or neglect.

Chapter Four:

- Assesses legislation relating to specific categories of teens, including girls, runaway and/or throwaway youth.

This report is not exhaustive. It does not outline the efforts of every state legislature, child welfare agency, or juvenile justice agency addressing the needs of at risk youth. It does provide a sense of the scope of legislative and policy reform in effect throughout the country.

Audience

This report is written for: state legislators and juvenile justice and child welfare agency administrators interested in legislative and policy reforms that prevent, intervene early, and divert youth and families in need of assistance from judicial (status offense or child welfare) systems.

Endnotes

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3. *Ibid.* On January 16, 2007, the National Center for Juvenile Justice released an OJJDP briefing paper that found that the number of court petitioned juvenile status offenses cases more than doubled between 1985 and 2004. The briefing paper did not include an estimate of the total number of court cases petitioned for any year after 1996. Puzzanchera, Charles. *Trends in Justice System's Response to Status Offending: OJJDP Briefing Paper*. Pittsburg, PA: National Center for Juvenile Justice, 2007 (prepared for the U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention).
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7. *Ibid.* (In 2004, 15.4 youth between the ages of 12 and 17 out of 1,000 in the same age group in the United States were victims of maltreatment. The youngest age group, ages zero to three, were victimized at a rate of 16.1 per 1,000 children in the population of the same age group).
8. *Adoption and Foster Care Analysis and Reporting System (AFCARS) Report—Preliminary FY 2004 Estimates as of June 2006*. Washington, DC: U.S. Department of Health and Human Services. Administration for Children and Families, Administration on Children, Youth and Families, Children's Bureau, 2006. <http://www.acf.hhs.gov/programs/cb/stats_research/afcars/tar/report11.htm>.

CHAPTER 1

PATHS TO COURT INVOLVEMENT: CONTEXT AND CAUSES OF NONCRIMINAL MISBEHAVIORS

OVERVIEW

Purpose

Recommend legislative and policy changes that meet the social service and treatment needs of youth who engage in noncriminal misbehavior.

Audience

Policymakers and advocates in child welfare, status offense, and juvenile justice systems.

Summary Points

- ◆ Often the causes of noncriminal misbehavior are rooted in family dysfunction, disorganization, and child maltreatment.
- ◆ How states designate noncriminal misbehavior affects the treatment, services, and assistance these youth and their families receive.
- ◆ Research supports moving status offenders out of the juvenile justice or other court systems and into community-based, family-focused programs that meet their many needs.

JEREMY

Facts

. . . is 15 years old. When Jeremy runs from home he usually leaves school and instead of taking the bus home, he spends several nights away. He does not tell his parents where he goes, but they suspect that he stays with a new friend from school. Since Jeremy started high school, his grades have dropped from Bs and Cs to mostly Ds. He started to spend time with a new group of teens, whom his parents believe are a “bad influence.” When Jeremy’s grades began to drop his parents did not let him go out with friends and enrolled him in a tutoring program. Jeremy began to run away more frequently.

Interventions

Concerned over Jeremy’s safety and the increase in drug violence in their neighborhood, Jeremy’s parents went to the Family Court building in their county. An officer at Family Court gave Jeremy’s parents a blank status offense petition form and explained what may happen if they chose to file. When Jeremy ran away again, his parents filed a petition at Family Court requesting that the court take jurisdiction over Jeremy as a status offender. Jeremy’s parents did not know where else to turn.

Outcomes

At the initial hearing, the judge ordered Jeremy to attend school everyday, unless he had an excused absence, and not to run away. This time, when Jeremy ran the judge held him in contempt and sent him to a three-month, state-run boot camp for “troubled youth.” He returned to his family with failing grades, a hardened affect, and strong feelings of abandonment. He ran away a week after his return home.

PATHS TO COURT INVOLVEMENT: CONTEXT AND CAUSES OF NONCRIMINAL MISBEHAVIORS

Policymakers need to understand the context and causes of juvenile noncriminal misbehaviors to inform how they respond to them through policy and legislation. Often family dysfunction, disorganization, and child maltreatment causes these behaviors. In addition, each state classifies status offenses differently, which affects how government systems respond to youth with troubling behaviors.¹ The court process, services, and treatment available to youth differs in jurisdictions that define these behaviors as delinquent versus those that define the youth as dependent or neglected. The “dependent” runaway may be treated as a victim whereas, the “delinquent” runaway will be treated as an offender and will be less likely to receive treatment and services.

Causes and Effects of Select Noncriminal Misbehaviors

Little research focuses on the causes of some noncriminal misbehaviors, such as ‘ungovernability,’ or ‘incorrigibility.’ However, there is research on the causes of others, such as truancy and running away.

Truancy

The Department of Justice, Office of Juvenile Justice and Delinquency Prevention (OJJDP) and the National Center for School Engagement (NCSE) state that truancy is a problem in school districts nationwide. In some urban areas, thousands of youth are absent from school on any given day. Research shows that students are truant for several reasons that stem from: (1) school; (2) family and community; and (3) student characteristics. OJJDP and NCSE list the following causes of truant behavior, which are supported by research and educator’s experiences:

School Factors

- inconsistent and ineffective school attendance policies;
- poor record keeping;
- not notifying parents/guardians of absences;
- unsafe school environment;
- poor school climate; and
- 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; and
- violence in or near the home or school.

Student Characteristics

- a lack of personal and educational ambition;
- poor academic performance;
- lack of self-esteem;
- unmet mental health needs; and
- alcohol and drug use and abuse.

Research also shows that truancy is a risk factor for other problems, including delinquent behavior. Studies show that truancy is an early warning sign for: (1) potential delinquent activity; (2) educational failure by suspension, expulsion, or dropping out; (3) substance abuse; (4) teen pregnancy; and (5) unemployment.²

Running Away

The National Incidence Studies of Missing, Abducted, Runaway and Thrownaway Children (NISMAART series) estimate that in 1999 approximately 1.7 million youth had a runaway/throw away episode where the child or youth left home for at least one night without permission or was forced out of the home for the same time. Many of these children and youth, approximately 350,000, were either physically or sexually abused in the year before the episode or feared abuse if they returned home. Abuse or a threat of maltreatment was the most common danger factor attributed to youth and children who ran away or were thrown away. NISMAART listed 17 danger factors affecting runaway and throw away youth, several of which are excerpted below:³

Characteristic of Episode	Estimate	Percent (<i>n</i> = 1,682,900)
Child had been physically or sexually abused at home in the year prior to the episode or was afraid of abuse upon return	350,400	21
Child was substance dependent	317,800	19
Child was 13 years old or younger	305,300	18
Child was in the company of someone known to be abusing drugs	302,100	18
Child was using hard drugs	292,000	17
Child spent time in a place where criminal activity was known to occur	256,900	12

The dangers youth face once they are on the street include further victimization and maltreatment, substance abuse, justice system involvement, and poor health conditions.⁴ Chronic untreated health problems are common among homeless youth, including higher incidence of asthma, high blood pressure, diabetes, and hepatitis.⁵

The incidence of mental health problems among this population is also higher than for youth living at home. Studies show a high incidence of depression, post-traumatic stress disorder, and conduct disorders among homeless youth.⁶ Research also shows that attempted suicide rates for homeless youth are higher than for other youth.⁷

Many intra-familial stressors plague youth who engage in noncriminal misbehavior. Many are victims of maltreatment, particularly runaway youth. Some live in chaotic and disorganized homes that may not promote school and community involvement. Many communities face increases in youth who enter status offense or dependency court systems because of these misbehaviors and few have established pre-court intervention programs for families who may not require judicial intervention. These communities, with support of policymakers, should develop and implement family-focused programs to meet the many needs of these youth and families. Early intervention, prevention, and/or diversion legislation and policies are proving successful in this area. These system-wide efforts, reduce costs of placing youth in out-of-home care, strengthen family ties, and decrease the possibility that the youth will engage in future risky and possibly criminal behavior.

Legal Context of Noncriminal Misbehaviors

State laws may classify noncriminal misbehaviors in these ways:⁸

- Approximately 40 states define some or all of these youth in the context of a *separate 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), etc.;
- Approximately nine states classify some or all of these behaviors as a *dependency issue*—meaning the youth is neglected or abused by virtue of his behavior(s); and
- A few states classify some of these behaviors as *juvenile delinquent offenses*.

How each state designates each behavior shows how it views and responds to these youth. Although the delinquency system has made strides towards promoting rehabilitation, institutional responses to delinquent youth remain largely punitive. In contrast, the child protective system is more victim and family-focused. The values reflected in states' varied responses play a role in their response to these behaviors.

Sample Status Offense Systems

Most states have a category separate from the dependency and delinquency systems for status offenses. These states label and respond to status offenses quite differently.

In the past, most states referred to certain behaviors as “status offenses.” Recently, many states have begun to characterize these youth as “children in need of services.” Several states also have a new category called “families in need of services.” By adopting the latter, many states recognize that a youth's acts are closely linked to his environment and family situation. **Florida** refers to a “child in need of services,”⁹ as does **Massachusetts**¹⁰ and **Oklahoma**.¹¹ The term “family in need of services” or “family with service needs” is used by **Arkansas**,¹² **Connecticut**,¹³ **Florida**,¹⁴ and **New Mexico**.¹⁵

Although most state status offense laws intend to keep the public safe, provide services to youth, and maintain families, they vary in how they achieve these goals.¹⁶ For example, **Ohio's** status offense statute intends to provide care and protection to children, whenever possible, in the family environment. This purpose is realized by permitting courts to pause initial court proceedings while families receive informal social services. In Ohio, if a sworn complaint is filed with the juvenile court alleging a juvenile is a status offender or “unruly,” the court “may hold the complaint in abeyance pending the child’s successful completion of actions that constitute a method to divert the child from the juvenile court system.” If the child completes the program successfully, the court may dismiss the complaint.¹⁷

Massachusetts' statute, like Ohio, allows for informal assistance after court proceedings begin. A parent, legal guardian, school official, or police officer may apply for a petition alleging a “child is need of services.”¹⁸ If the child is not brought to court on an arrest, the court clerk will set a hearing date and ask the probation office to assess whether it is in the child’s best interest to issue a petition. At the court hearing, the probation officer will make his recommendation and the court may decline the petition because the interest of the child would be best served by informal assistance.¹⁹ If the minor is brought to the court on arrest, the court will immediately issue a child in need of services petition and ask a probation officer to inquire whether it is in the child’s best interests to start with the court process or defer the child to informal interventions.²⁰

In contrast, **South Carolina** allows its courts to respond informally to status offense cases before court proceedings begin. Before authorizing a status offense petition, the court must make a preliminary inquiry to determine if “the interests of the public or of the child requires . . . further action be taken.” After this inquiry, the court may allow an “informal adjustment” or issue a court petition.²¹

Sample Dependency and Delinquency Systems

Several states explicitly include some or all noncriminal misbehaviors in their dependency statutes—placing the responsibility over these youth with the child welfare agency. Of the states that include some noncriminal misbehaviors in their definition of a neglected or abused child, several maintain a separate status offense category. Although only a few states integrate all status offenses into their dependency statutes, almost all dependency statutes include some definitions of a neglected child that implicitly include this population. Thus, while only a few states clearly identify the child welfare agency as the ‘system’ responsible for these youth, child welfare agencies in many states become responsible for teens due to noncriminal misbehaviors.

For example, **Pennsylvania** includes all noncriminal misbehaviors in its dependency statute. Pennsylvania defines a “dependent child” as one who is without proper parental care or control, is habitually truant, or is ungovernable.²² **Colorado's** neglect statute also integrates several noncriminal misbehaviors into its dependency system, including youth who run away or who are beyond parental control.²³

Some states include one or some status offenses in their dependency statutes. Other statutes define dependency to include conditions that may have resulted from the youth’s status offense behavior. For example, **Delaware** defines a dependent child as one whose parent or custodian is “unable to provide adequate care for the child, whether or not caused by the child’s behavior”²⁴ or who is “homeless or destitute.”²⁵ Likewise, **Ohio** defines a dependent child as one “who is homeless or destitute or without adequate parental care, through no fault of the child’s parents, guardian or custodian.”²⁶ **South Dakota** and **Utah** use similar language to designate homeless youth as neglected children under their dependency statutes.²⁷ Invariably, there is some overlap between runaway youth and homeless youth,

thus a percentage of the runaway homeless youth population may easily become the responsibility of the child welfare system.

In addition, the federal *Child Abuse Prevention and Treatment Act* (CAPTA) includes minimum standards for state legislative definitions of abuse and neglect. The definitions of abuse or neglect must minimally contain an “act or failure to act on the part of a parent or caretaker, which . . . presents an imminent risk of serious harm.”²⁸ Neglect is addressed in all state statutes²⁹ and is often defined as a failure to provide proper parental care, control, adequate food, clothing, shelter, or medical care.³⁰ Arguably, this definition encompasses thousands of teens who become the responsibility of the child protection system because they are homeless and run away from or are thrown out of the house by their parents. To what extent will a child welfare agency become involved with a youth who is “without proper parental control” when the youth is, in effect, out of his parent’s control?

Most states only include offenses in their delinquency statute that would be criminal behavior if committed by an adult. However, a few states include some status offenses in their delinquency statutes. These states may lose federal JJDPAs if they place status offenders in secure facilities and criminalize their behavior. In **Indiana**, a child commits a delinquent act if he:³¹

- leaves home (1) without reasonable cause; and (2) without permission of the parent, guardian, or custodian, who requests the child’s return;
- violates compulsory school attendance laws; or
- disobeys the reasonable and lawful commands of the child’s parent, guardian, or custodian.

In comparison, **Minnesota’s** statute includes some status offenses in its delinquency statute and others in its dependency statute. In Minnesota, a “juvenile petty offender” includes any juvenile who violates “a local ordinance, which by its terms prohibits conduct by a child under the age of 18 years which would be lawful conduct if committed by an adult.”³² The “juvenile petty offender” is subject to many of the dispositional options available to the court for delinquent youth. However, Minnesota’s statute, defines a “child in need of protection or services” as one who is abandoned, neglected, runs away, or is truant.³³ In **Ohio**, most status offenders are defined as “unruly;” however, a habitually truant youth can be considered delinquent if he “previously has been adjudicated an unruly child for being a habitual truant” or is chronically truant.³⁴

In addition, although few states label status offenders as delinquent many allow courts to treat status offenders like delinquents, in certain circumstances. Under the JJDPAs, states may place status offenders in secure facilities if they violate a valid court order. Many states follow the federal law and allow courts to treat status offenders as delinquents if they are in contempt of court.³⁵ Many states then permit courts to place these status offenders in secure facilities with delinquent youth.

Justifications for Pre-Court Diversion and Treatment

Efforts must focus on moving status offenders out of the juvenile justice or other court systems and into community-based, family-focused programs that meet the needs of youth and their families.³⁶ Early intervention, prevention, and/or diversion legislation and related policies are proving successful in several jurisdictions. These systemwide legislative efforts reduce costs of placing youth in out-of-home settings, strengthen families, and decrease the chance youth will engage in future risky and possibly criminal behaviors.³⁷ Several reasons support pre-court diversion and treatment:

Punitive Approaches are Ineffective

The punitive features of the delinquency system imply some wrongdoing on the youth's part. A delinquent youth carries the stigma of being a "bad seed." A dependent youth however, is considered a victim. Likewise, a youth adjudicated a "status offender" may be viewed or treated as a "pre-delinquent." In turn, some may view this youth as that much closer to committing a criminal act.³⁸

How these youth are labeled affects which services they receive to resolve the issues that brought them into public systems. Labeling runaway or truant youth "delinquent" or "status offenders," increases the possibility of their engaging in antisocial behavior, while also limiting their access to interventions.³⁹

In addition, studies on adolescent competency and decision-making indirectly support the need for more family and community-centered interventions.⁴⁰ These studies show that teenagers, more than any other age group, typically engage in risk-taking and boundary-testing behaviors. They are more likely to be influenced by peers in how they assess their behavior and mimic their friends.⁴¹ A youth's competency to understand appropriate boundary testing is linked to the level his parent(s) support him and are involved in his life.⁴²

Secure Confinement is Inappropriate

In addition, placing these youth in out-of-home secure settings as a part of the status or delinquency system is ineffective. Research shows that punitive programs that remove a youth from his community and family make it harder to resolve his problems in the long term.⁴³ Studies also show high recidivism rates among youth placed in large secure facilities. In fact, studies from 2005, 1997, and 1996 show that between 50% and 70% of youth in large secure detention facilities are re-arrested within two years of release.⁴⁴

Moreover, despite a lack of empirical support showing detention deters juvenile crime or status offending behavior, a 2001 study found approximately one-third of youth held in juvenile detention centers were held for technical probation violations or status offenses.⁴⁵ Nevertheless, clinical experts question whether secure confinement is ever appropriate for status offenders or those charged with nonserious offenses.⁴⁶ These questions are also bolstered by studies that have found 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 the most successful interventions include rehabilitative treatment that is intensive and sustainable over time.⁴⁷

Detention Facilities are Expensive

Maintaining youth in these facilities is also costly. For example, **Ohio's** 2004 average daily population in juvenile facilities was 1,778. Offending youth who were housed in juvenile facilities remained there for, on average, 10 months with an average daily cost of \$158.46.⁴⁸ Therefore, if one youth remained in an Ohio juvenile facility for 10 months, it would cost the state about \$47,538. In turn, to house 1,778 youth for 10 months would cost the state about \$84 million. Ohio statistics show that approximately 36%, or 640, of these youth would recidivate within six months of their release.⁴⁹

In 1995, **Washington** state passed the "Becca Bill," which allowed state officials to place alleged status offenders in secure or semi-secure facilities for treatment or detention.⁵⁰ "Within available funds,"

the bill supported establishing crisis residential centers (CRCs).⁵¹ However, several years after the bill passed, Washington counties struggled to fund CRCs to respond to the increased number of status offense petitions. A comparison of pre and post Becca bill detention rates shows the number of youth placed in detention skyrocketed from 233 in 1994 to 2,085 in 1997—an increase of 835%.⁵² With minimum financial support from the state, counties were spending thousands of dollars to process status offense petitions and assure bed space for youth. Plus, with an average cost of \$100 per day per youth in detention, in fiscal year 1997-1998, it was estimated that taxpayers spent \$11 million to ensure bed space at CRCs.⁵³ Without state support, counties were forced to reallocate funds to comply with the bill; some counties began to send bills to the state and several other counties filed suit demanding reimbursement from the state.⁵⁴

STATUTES AT A GLANCE

Status Offense Systems

Labels

West's Florida Statutes Annotated § 984.03
Massachusetts General Laws Annotated, Chapter 119 § 21
Oklahoma Statutes Annotated, Title 10 § 7301-1.3
705 West's Smith-Hurd Illinois Compiled Statutes Annotated
405/3-3
Connecticut General Statutes Annotated § 46b-120
New Mexico Statutes Annotated § 32A-3A-2

Sample System Responses

South Carolina Code Annotated § 20-7-7205 *et. seq.*
Massachusetts General Laws Annotated, Chapter 119
§ 39D *et. seq.*
Baldwin's Ohio Revised Code Annotated § 2151.022
et. seq.

STATUTES AT A GLANCE

Dependency and Delinquency

Dependency

West's Colorado Revised Statutes Annotated § 19-3-102
42 Pennsylvania Consolidated Statutes Annotated Judiciary
and Judicial Procedures § 6302
31 Delaware Code Annotated § 301
Minnesota Statutes Annotated § 260C.007
Baldwin's Ohio Revised Code Annotated § 2151.04
South Dakota Codified Laws § 26-8A-2
West's Utah Code Annotated § 62A-4a-101

Delinquency

West's Annotated Indiana Code § 31-37-2-1, *et. seq.*
Minnesota Statutes Annotated § 260B.0007
Baldwin's Ohio Revised Code Annotated § 2152.02

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8. See Appendix B, Juvenile Status Offense Legislative Chart; see also Maxson, Cheryl L., and Malcolm W. Klein. *Responding to Troubled Youth*. New York, NY: Oxford University Press, 1997, 59-68.
9. Fla. Stat. Ann. § 984.03 (9) (West 2006).
10. Mass. Gen. Laws. Ann. ch. 119 § 21 (West 2006).
11. Okla. Stat. Ann. tit. 10 § 7301-1.3 (6) (West 2006).
12. Ark. Code Ann. § 9-27-303 (24) (West 2006).
13. Conn. Gen. Stat. Ann. § 46b-120 (8) (West 2006).
14. Fla. Stat. Ann. § 984.03 (25) (West 2006).
15. N.M. Stat. Ann. § 32A-3A-2 (Michie 2006).
16. See, e.g., Wash. Rev. Code Ann. § 13.32A.010 (West 2006); Ky. Rev. Stat. Ann. § 630.010 (Baldwin 2005); La. Rev. Stat. Ann. § 726 (West 2006).
17. Ohio Rev. Code Ann. § 2151.27 (F) (West 2006).
18. Mass. Gen. Laws. Ann. ch. 119 § 39E (West 2006).
19. *Ibid.*
20. *Ibid.*
21. S.C. Code Ann. § 20-7-7415 (A) (West 2006).
22. 42 Pa. Cons. Stat. Ann. §§ 6302 (1), (5), (6) (West 2006).
23. Colo. Rev. Stat. Ann. §§ 19-3-102 (1) (e), (f) (West 2005).
24. Del. Code Ann. tit. 10 § 901 (8) (2005).
25. Del. Code Ann. tit. 31 § 301 (2) (2005).
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31. Ind. Code Ann. §§ 31-37-2-2, 31-37-2-3, 31-37-19-1 (West 2005).
32. Minn. Stat. Ann. § 260B.007 (West 2005).
33. *Ibid.*, § 260C.007.
34. Ohio Rev. Code Ann. § 2152.02 (West 2006).
35. Juvenile Justice and Delinquency Prevention Act of 1974, 42 U.S.C. § 5633 (12) (A) (West 2006); see also, S.C.

Code Ann. § 20-7-7210(E) (2005), R.I. Gen. Laws §§ 14-1-36, 14-6.1-10 (West 2006). In comparison, several states prohibit courts from securely detaining any status offenders. *See, e.g.*, Neb. Rev. Stat. § 43-286 (West 2006), Mass. Gen. Laws. Ann. ch. 119, § 39G (West 2006).

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37. These approaches also result in fewer status offense court petitions. Status offenders test judge's limits and their failure to comply with court orders may be perceived as an affront to judicial power. Providing diversion services that are family-focused helps avoid power struggles between youth and courts, where the latter may use graduated sanctions which are punitive and often ineffective.

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49. *Ibid.*

50. Wash. Rev. Code §§ 13.32A.010, 13.32A.050 (West 2006).

51. *Ibid.*, § 13.32A.010.

52. Pitman, Mistee. "The Becca Bill: A Step Towards Helping Washington Families." *Gonzaga Law Review* 34, 1998-1999, 385, 405.

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54. *Ibid.*, 387; *see also* Burley, Mason and Jim Mayfield. *At-Risk and Runaway Youth in Washington State: Outcomes for Youth Admitted to Secure Crisis Residential Centers and Mandatory Dependency Treatment*. Olympia, WA: Washington State Institute for Public Policy, 2001. <<http://www.wsipp.wa.gov/rptfiles/AtRiskRunawayYouthWA.pdf>>; Aos, Steve. *Costs and Benefits of Prevention and Early Intervention Programs for At-Risk Youth: Interim Report*. Olympia, WA: Washington State Institute for Public Policy, 2003. <<http://www.wsipp.wa.gov/rptfiles/ARYinterim.pdf>>.

CHAPTER 2

LEGISLATION AND POLICY IN STATUS OFFENSE SYSTEMS

OVERVIEW

Purpose

Recommend key elements of status offense laws that require pre-court early intervention and diversion services for youth and families at risk of entering the status offense system.

Audience

Policymakers and advocates in jurisdictions with or considering a distinct legislative category for status offenders.

Summary Points

- ◆ Providing pre-court diversion services and intensive crisis intervention services to youth at risk of entering the status offense system reduces the number of petitioned status offense cases, saves money, and prevents recidivism.
- ◆ Status offense systems should require a designated government entity to offer families and youth pre-petition or pre-court services that engage the family and youth in treatment and/or interventions. This system should include a procedure for offering pre-court services that are appropriately funded.

TONY

Facts

. . . just turned 16. Tony lives with his mother, younger sister and cousin in a two- bedroom apartment. Tony shares a bedroom with the other children in the home and sometimes prefers to sleep on the couch. Tony craves privacy and does not like to share such little space with so many people. Tony's mother has two jobs and expects Tony to help with household chores, babysit, and prepare meals. Being asked to do these tasks makes Tony angry because he would rather spend time with friends and play basketball.

Over the last year, Tony and his mother have started getting into yelling matches when Tony refuses his mother's requests. During a recent fight Tony broke several dishes, took some money from his mother's wallet, ran out of the house, and did not return until that evening. Tony's mother responds to this behavior by threatening to put Tony in a foster home. She is very frustrated with Tony and believes she would not have lost her evening job if Tony had been willing to pick up his sister from school as he was asked.

Interventions

After Tony's mother lost her job, Tony threatened to “whack” her and she again threatened to kick him out of the house. A neighbor called the police. The police took Tony into limited custody and, as required by statute, called the agency designated to respond to status offense referrals. The agency discussed options with Tony and his mother and the family agreed to have Tony return home and accept assistance from the agency.

Outcomes

For several weeks, an agency counselor met with Tony and his mother to provide family counseling and help them identify new ways to resolve conflicts. The counselor also referred Tony to a basketball recreation program and Tony's mother to vocational training that would assist her in getting a better-paying job. After 60 days, Tony and his mother are communicating better; they have created a system for Tony to help around the house and participate in recreational activities that he enjoys.

LEGISLATION AND POLICY IN STATUS OFFENSE SYSTEMS

Approximately 40 states have a separate legislative system for status offenses. These states address the issues faced by juvenile status offenders and their families through an administrative and/or judicial process that is separate from dependency or delinquency systems.

Laws in **Florida**, **Illinois**, **New Jersey**, and **New York** are among the few that require pre-court diversion services for status offenders and their families. These statutory mandates are unique because they emphasize programs that prevent youth from being placed out-of-home and offer family-focused, strength-based services that enable families to handle future parent-teen conflicts without public intervention. They also identify which agency must respond to status offenses, how they are to respond, who will pay, and/or who will evaluate the process to assure positive and cost-effective outcomes. Although the statutes vary, a common theme resonates in their implementation: when safety is not at issue, *helping families resolve their problems internally creates better outcomes for teens and parents.*

Legislative Reforms that Require Pre-Court Diversion Services for Status Offenders

The following recommendations identify key elements of legislation aimed at offering status offenders pre-court diversion services. They are supported by successful laws in **Florida**, **Illinois**, **New Jersey**, and **New York**. A critical stage of a status offense case is when the decision is made to pursue a status offense court petition. States that restrict court involvement in these cases by requiring status offense agencies to offer families pre-court diversion services are more successful in decreasing recidivism rates, providing needed services to families, and reducing costs.

Recommendation #1: Identify a single gatekeeper agency to respond to status offense referrals.

Policymakers can help families in crises by clearly identifying which agencies are responsible for handling status offense cases and requiring law enforcement to contact them when they take youth into custody. Legislation may identify a statewide agency responsible for responding to status offense cases or direct counties to identify an agency as lead responder.

Many state laws allow law enforcement officers to take alleged status offenders into limited custodial protection. During this period, the child cannot be co-mingled with adult offenders and cannot be held in a secure adult facility. To receive federal monies under JJDP, states may only detain accused status offenders in secure *juvenile* detention facilities for up to 24 hours, excluding weekends and holidays, prior to an initial court appearance. Many state laws mirror these federal 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 and release the youth to them, if the officer determines that continued custody is unnecessary. If the youth is not released, the officer must contact the court or other entity to petition the case to court. In some instances, law enforcement or the other entity may refer the family to informal services.

In contrast, some statutes require law enforcement officers to contact the agency that provides 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. For example, **New York** requires every county to 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.¹ If a law enforcement officer takes a youth into custody because he is at risk of entering the

PINS system, the officer must transport the youth to the lead agency or release the youth to his parents, on the condition that the parent bring the youth to the lead agency.²

Similarly, **New Jersey** allows law enforcement to take juveniles into limited custody, but requires them to contact a court intake service, called a “juvenile-family crisis intervention unit” (FCIU) to review and screen the youth for juvenile-family crisis services.³ A youth, parent, teacher, or other interested individual may also contact an FCIU for intervention services.

In addition, legislatures may divide responsibility for different types of status offenses among agencies. For example, it may make sense to designate the department of education to respond to truancy matters and a social service agency to respond to other status offenses, such as ungovernability or running away.⁴

Recommendation #2: Require that pre-court diversion services be provided and design a procedure for offering them.

State statutes should respond to alleged status offenders by requiring initial responses that prevent and divert youth from being petitioned to court as status offenders. Legislation in states like **Florida** and **New York** show that offering family-focused community services enables families to handle conflicts without court involvement.

In **Florida**, the Department of Juvenile Justice (DJJ) is required to offer “families in need of services” (FINS) and “children in need of services” (CINS) a “continuum of increasing intensity” services that encourage participation by the family.⁵ DJJ or its agent must conduct an intake of all FINS complaints or referrals. A department representative determines if the family and youth should receive voluntary treatment and services. If the department representative determines services are needed, but the family refuses to participate, the family and/or child disagrees with the services or the representative requests help creating a service plan, the department can request a “case staffing.” The case staffing is a multidisciplinary meeting with the family and child to create a service plan. The staffing must include a representative from the child’s school district and a DJJ representative. The staffing may include other individuals from other service provider agencies (e.g., mental health, health, substance abuse) and any one else recommended by the family. 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 did not solve the issues that brought it to the attention of DJJ, only then may a CINS petition be filed.⁶

New York’s statute also outlines the procedural prerequisites for court involvement. In New York, the lead agency must offer diversion services to youth at risk of entering the PINS system except when a warrant is requested in a runaway case. The court cannot accept a PINS petition unless the petitioner already participated in diversion services. New York requires the lead PINS agency to:

- convene a conference with the individual(s) seeking to file a PINS petition to discuss providing diversion services before filing;
- assess whether the minor would benefit from residential respite care, which may last for up to 21 days;
- record and analyze whether diversion services are needed on an ongoing basis or whether the family may not benefit from such services; and
- document attempts to engage the family in targeted community-based services.

If the lead agency ends its diversion effort, it must notify the potential petitioner and say whether the agency deemed its efforts successful. Successful efforts constitute presumptive evidence that the conditions underlying the allegations are resolved and a PINS petition cannot be filed. In fact, a petition can *only* be filed if the lead agency states it terminated diversion services because there was “no substantial likelihood that the youth and his or her family will benefit from further attempts . . .” In New York, a PINS petition cannot be filed because a parent or youth refused to participate or consent to diversion services.⁷

Florida’s and New York’s statutory mandates are successful, in part, because they:

- require the designated agency to offer pre-court diversion services to alleged status offenders;
- outline what the designated agency must do when they receive a referral, including offering immediate crisis intervention services and conducting an initial intake and assessment of the family to identify and resolve crises;
- list the ongoing responsibilities of the designated agency, including pre-court case management services; and
- state that a status offense petition cannot be filed until after diversion services are offered and refused or after the designated agency finds diversion services will not succeed.

Recommendation #3: Identify a minimum level of service the designated agency must provide either directly or through referrals.

Creating a legislative mandate for services may be difficult because of funding limitations. Legislatively requiring certain services may also make it difficult for agencies to tailor treatment and service plans for families with many needs. However, stating a minimum level of services that should be available through the designated agency ensures the services available to families and youth are delivered in an organized way and are uniform across counties.⁸ Common services included in the **Florida**, **Illinois**, **New Jersey**, and **New York** statutes are: alternative dispute resolution programs, short-term immediate crisis services (some are available 24-hours a day), and counseling (crisis, individual, family and/or group).⁹

For example, **Florida** law states that the following services *may* be offered to FINS through a voluntary agreement:

- homemaker or parent aid services;
- intensive crisis counseling;
- parent training;
- individual, group, or family counseling;
- community mental health services;
- prevention and diversion services;
- services provided by voluntary or community agencies;
- runaway center services;
- housekeeper services;
- special educational, tutorial, or remedial services;
- vocational, job training, or employment services;
- recreational services; and/or
- assessment.¹⁰

The **Illinois** status offender or minor requiring authoritative intervention (MRAI) statute refers to “interim crisis intervention services,” but does not require specific services. The statute, however, does require the crisis intervention worker to inform the family about medical, psychological, psychiatric or other social services, he deems necessary or beneficial.¹¹ In addition, the enabling statute for the Illinois Department of Human Services, which houses the Comprehensive Community Based Youth Services Program (CCBYS) for MRAI, requires a community service system for MRAI. Under this system, local service agencies must offer: client advocacy, family counseling, employment and educational assistance, emergency services, (including 24-hour crisis intervention) and mental health services.¹²

Recommendation #4: Require monitoring and evaluation of the pre-court services offered to status offenders.

Frequent assessments ensure that statutory goals are met and available pre-court services respond adequately to youth and families at risk of entering the status offense system. Several states require their designated status offense agencies to evaluate their services. Each agency’s enabling statute sets forth this requirement.

For example, Florida’s DJJ is charged with planning and coordinating FINS and CINS programs. Florida DJJ contracts these duties to the Florida Network of Youth and Family Services (Florida Network), which reviews, monitors, and provides technical assistance to all local CINS-FINS programs. The DJJ Secretary, through the Florida Network, engages in program research and development and oversees programs that prevent minors from becoming CINS.¹³ The DJJ Secretary and the Florida Network must also assess the following outcome measures:

- number of youth served by state-funded CINS-FINS programs;
- number of youth who complete state-funded CINS-FINS programs;
- number and percentage of youth who are referred for delinquency while participating in CINS-FINS state-funded programs; and
- number and percentage of youth who are referred for delinquency within six months of completing CINS-FINS state-funded programs.¹⁴

New Jersey’s juvenile-family crisis statute grants the New Jersey Supreme Court authority to issue rules governing court intake services and requires it to evaluate all intake services at least once a year.¹⁵

The **Illinois** legislature required the Department of Human Services to create the CCBYS program, which must “monitor and provide technical assistance” to local service systems, develop minimum standards to maintain a statewide system, and test alternatives for services delivery.¹⁶

Case Studies: Legislatively Driven Policies that Successfully Divert Youth from Court

Several states and communities have worked within their statutory mandates to create successful early intervention or prevention policies for status offenders. This section details how community-based programs in **Illinois** and **New York** conduct intake and process status offense cases before court involvement. *Case studies for programs in Florida and New Jersey are available at Appendix C.*

Illinois' Comprehensive Community Based Youth Services Program (CCBYS)

When **Illinois** passed the MRAI law, it enacted legislation requiring the Illinois Department of Children and Family Services (DCFS) (currently the Department of Human Services (DHS)) to create a “youth and community services program.”¹⁷ DCFS was required to develop regulations establishing local boards or community service systems responsible for the “development or coordination of more comprehensive and integrated community-based youth services.”¹⁸ DCFS created the CCBYS program, which requires contracted community agencies to provide case management and community and diversion services.¹⁹

DHS expanded on the legislature’s mandate and created the following CCBYS policy and procedural requirements:

Statutory Requirement	CCBYS Policy Requirement	CCBYS Procedural Requirements
<p>Any minor referred as an MRAI may receive crisis intervention services that must include an investigation of the circumstances and referrals to appropriate services, if requested.</p>	<p>Crisis intervention services <i>must</i> be provided to all self-referred youth and youth held in limited custody, who cannot be returned to their family.²⁰</p>	<p>Crisis intervention workers must respond to referrals by arriving on site within 90 minutes in rural areas and 60 minutes in urban or suburban areas.²¹</p>
<p>CCBYS local agencies must provide 24-hour crisis intervention, emergency services.</p>	<p>Same as statute.</p>	<p>Emergency intake is done on a “no decline” basis, unless the family or minor do not meet statutory criteria. Once a case is accepted, the intervention worker must:</p> <ul style="list-style-type: none"> • accompany the youth and family to court appearances; • provide family reunification counseling; • provide individual counseling; and • coordinate other services.²²
<p>CCBYS local agencies must provide case management services.</p>	<p>Each youth and family must have a written client service plan established between the local agency provider and the youth and family.²³</p>	<p>The service plan must be completed within 10 days of first contact and must be updated as the situation changes. Each service plan must include: problems to overcome, permanency goals, and objectives.²⁴ CCBYS crisis intervention counselors have case management duties and must attempt to de-escalate crises and provide families with service and support linkage.²⁵</p>
<p>“Interim” crisis intervention services may be provided to youth at risk of entering the MRAI court system.</p>	<p>Services funded through the CCBYS program are time limited.²⁶</p>	<p>Respite care crisis intervention services may be offered for 21 days.²⁷ If a youth cannot be reunited with his family after 21 days, the CCBYS agency <i>may</i> file an MRAI petition. Overall, crisis intervention services are typically available for 30 days, but may be provided for 60 days.²⁸</p>

Cook County, Illinois

Youth Outreach Services, Inc. (YOS) is a community affiliate program that provides CCBYS services to several Cook County, Illinois communities.²⁹ YOS serves youth ages 11 to 17 and their families at risk of entering the MRAI court system.³⁰ YOS' crisis intervention program offers 24-hour crisis response services to youth who run away, are involved in family conflicts or who are "thrown away" by family.³¹ Crisis intervention services include temporary placement, family and individual counseling, substance abuse intervention, and conflict mediation. A youth may also be linked to in-house academic support counselors, if the youth has truancy issues, has been suspended, or expelled.

YOS's Melrose Park office, which handles a large percentage of YOS's crisis intervention referrals, employs four crisis intervention counselors (CICs). CICs must have at least a B.A. in a social service or related field. Each CIC is on-call once a week or more, so that YOS's crisis intervention hotline is always available. Crisis intervention referrals to YOS often come from the police, but youth and families also contact YOS directly. YOS's CICs must comply with the following timeline of service delivery:

Within 15 Minutes	Respond to referral by phone and fill out a crisis prescreening data form.
Within 60 to 90 Minutes	Respond to referral in person, meet with youth and parent or guardian (if present).
Within 6 Hours	A youth may only be held at the police station for 6 hours. During this time, if the CIC cannot return the youth to his home, the CIC must obtain limited custody of the youth and identify a temporary placement. The CIC must also complete YOS's client health questionnaire, intake demographic forms, and a prescreen assessment.
Within 48 Hours	YOS may only have limited custody of a youth for 48 hours. During this period, the CIC must make every attempt to contact the parent or guardian to attempt reunification, identify another family-generated placement, or obtain permission to place the youth in respite care. If the CIC cannot reach the caretaker or the caretaker refuses to resume custody, the CIC will call the child welfare agency.
Within 21 Days	YOS may place a youth in respite care for up to 21 days. ³²
Within 60 Days	YOS may provide crisis intervention services to a youth and family for up to 60 days.

DHS requires all CCBYS agencies, including YOS, to use the same statewide screening and assessment tool. YOS CICs use the Youth Assessment Screening Instrument (YASI) during their first in-person meeting with the youth and family to determine their immediate needs. While providing services, the CIC attempts to conduct family team meetings and engage in wraparound service planning. CICs may transport youth to and from school (if he is in respite care), provide links to needed services for the youth and family, and use conflict resolution techniques with the youth and parent or guardian. CICs only handle a few cases at a time. After closing a case, the CIC must conduct a follow-up interview to assess family functioning.

In almost all cases, CICs immediately refer the youth and family to attend counseling, offered by YOS. If a family or youth begins therapy through YOS, the case transfers from the CIC to a treatment therapist who provides therapy and some case management services. There is no time limit on the availability of counseling services through YOS.

New York City's Family Assessment Program (FAP) Erie County, New York's Family Services Team (FST) Program

New York, New York

After **New York** increased the age limit for youth entering the PINS system from 16 to 18 in 2000, New York City's Department of Probation and Administration of Children's Services (ACS) developed FAP to provide immediate prevention services to families in crisis to avoid the potential onslaught of PINS petitions. Before the FAP, the Department of Probation was responsible for all PINS cases. Probation officers conducted intake appointments and determined if the family should receive diversion services or if a PINS petition should be filed. Probation officers carried large caseloads and families in crisis often waited a long time before intake appointments were scheduled or they received assistance.³³

On the day a PINS referral is made, a family assessment specialist and ACS master's level social worker interview the parent(s) and youth together and separately. Based on this initial intake, the family assessment specialist has numerous referral options:³⁴

- The family may be directed towards ACS-contracted or other community-based services that meet the family's immediate needs (e.g., counseling, anger management, substance abuse programs, etc.);
- If the family requires another assessment, it may be referred to a designated assessment service, which is a nonprofit social service agency that can more fully assess the family's needs and refer it to appropriate services;
- If a youth has run away, the family assessment specialist can refer the family to the probation department so a warrant will issue to locate the youth;
- If the family refuses to participate in FAP services, the family assessment specialist, with a probation representative, will hold a case conference to encourage the family to use FAP services, short of beginning a formal court process. Only after this meeting may a court petition or more formal involvement with probation be pursued; and/or
- If during the initial intake the family assessment specialist discovers the youth is already involved in the ACS system or has been the victim of abuse or neglect, FAP will refer the case to ACS.

Since the FAP started, PINS court cases have decreased. In turn, the number of youth placed in costly out-of-home placements has decreased. The success of FAP and similar programs in other New York counties led New York to amend its PINS law in 2005 and incorporate several key aspects of FAP, including identifying a lead agency to respond to referrals and providing immediate crisis interventions upon referral.

Erie County, New York

Since the 2005 law passed, New York counties have been reassessing and rewriting their PINS policies to conform to the new legislation. For example, Erie County's (Buffalo) Family Court immediately coordinated an interdisciplinary team to meet weekly as the court and social services began overhauling the county's response to PINS cases.³⁵ Early on, the team completed a memorandum of understanding between the Department of Social Services (DSS) and the Probation Department to designate DSS as the

government agency responsible for PINS matters. In October 2005, Erie County's DSS Family Support Team office (FST), located in the courthouse, began acting as lead department responsible for PINS diversion services.³⁶

Before the new law in 2005, Erie County had a PINS diversion program for 16 and 17 year olds called the Early Intervention (EI) program. The new law prompted Erie County to expand this program to youth age 15 and under. Erie County's interdisciplinary team created a two-phase approach incorporating some EI program features.

Initial Assessment and Referral³⁷

The FST office screens PINS referrals from parents or youth during regular business hours. If a parent or youth contacts the local police department, DSS, or the probation department about a PINS matter, they are directed to FST. If a parent or youth calls FST, FST responds within 24 hours, excluding weekends. FST created a standard form in its initial assessment that workers must use to determine where to refer a family. If the situation is "low-risk," the initial assessment worker refers the family to community-based services, which may include counseling, family mediation, and/or parenting classes. If the situation is "medium-risk," the worker registers the parent(s) for a parent orientation. If the situation is "high risk" and there is concern that the youth may harm himself or others, the worker may bypass phase I and refer the matter to phase II.

Phase I: Early Intervention

Phase I services are provided by two agencies contracted with DSS. The Child and Adolescent Treatment Services, Inc. (CATS) program handles PINS referrals for 16 and 17 year olds. New Directions handles referrals for youth 15 and under. To engage phase I services, a parent must attend a two-hour parent-only orientation where a facilitator explains the new PINS process and allows parents to share their experiences.

During orientation, the facilitator must schedule an individual follow-up meeting with the parent and youth in their home within seven days. If parents accept services, the facilitator becomes the family's phase I caseworker. If a parent refuses phase I services, the case is closed and the worker may provide the parent(s) with information about community-based resources. A parent's refusal to participate in phase I services is not a basis for a referral to phase II or court. If a parent believes their situation warrants more intensive services through phase II or court involvement, they must first engage the phase I program.

Phase I services are available from 30 to 90 days. During this time, the worker develops a service plan with the family and refers them to services. Parents must contact referred services and implement them. The phase I worker may close a case if he finds: the family met its service plan objectives, the parent(s) request case closure, or the youth commits a delinquent act.

Case Conferencing

If the phase I worker believes the family has not progressed towards alleviating their problems, he may refer the matter to FST for case conferencing. At the request of a phase I worker, FST conducts a meeting with the service providers and representatives from probation and mental health services. This team determines next steps, which may include a referral back to phase I with instructions to attempt new approaches or a referral to phase II.

Phase II: Probation Services

Once a family is referred to phase II services, a probation officer is assigned to provide more intensive services than those offered in phase I. The probation officer may continue the phase I service plan or attempt other approaches with the youth. The probation officer may also ask the youth to sign an agreement to comply with services. There is no set timeframe for phase II services. At any point, the probation officer may refer the matter to FST, if the officer believes the youth's behavior will not change. FST will then determine whether to file a PINS petition with the family court. Like phase I, parents may end phase II services any time.

Once a PINS petition is filed, the judge may refer the family back to FST for more phase I or phase II services. The judge also may move forward with the PINS case and allow FST services to continue. As of this writing, Erie County is phasing in additional services for the FST program, such as a mobile crisis unit that will be available to families 24 hours a day. In addition, by statute, Erie County recently created a respite care program, which may be used before court involvement if both parents and the youth agree. FST is also creating a standardized risk assessment tool to determine if youth should be detained and is hiring drug and alcohol counselors for youth.

Overall, Erie County intends to achieve the goals of the new law by empowering parents with the skills to parent their youth. Representatives from DSS, probation, and the judiciary hope the new policies will change the community's culture in PINS cases. Government entities hope to send a message to parents that it does not benefit them or their children to enter court on a PINS petition or have a youth placed in out-of-home care. Historically, Erie County removed alleged PINS youth from their parent(s)' care and engaged the court process. Acknowledging this old approach did not decrease the number of PINS court cases or youth who recidivate, the county is actively implementing the new law. Individuals involved in implementing Erie County's new policies suggest the following elements are key to FST's success:

- engage children in the phase I process;
- empower parents to take control of family crises by providing them parenting tools to change troublesome behaviors;
- maintain enough well-trained FST and phase I program staff to respond to cases quickly and appropriately; and
- collaborate with community-based service providers so families may access services quickly.

Outcomes in Status Offense Systems

Measuring the success of status offense diversion programs depends on the programs' desired outcome(s):

- **maintaining family connections**—assess how many youth who receive diversion services are able to remain at home;
- **assuring public safety**—assess the percentage of youth who enter the juvenile justice system after prevention services are complete; and

- **analyzing efficacy**—compare the cost of pre-court intervention services with the costs of court involvement and out-of-home placement.

Each jurisdiction discussed in this chapter assesses outcomes differently, but each succeeded in providing services to families in crises, decreasing court petitions and out-of-home placements, lowering costs, and/or recidivism rates. *Below is a summary of these outcomes. (A detailed account of status offense system outcomes in **Florida, Illinois, New Jersey, and New York** is available at Appendix D.)*

Providing Services to Families in Crisis

A key element to the status offense reforms highlighted in this chapter is providing immediate intervention services for families and youth. By responding to status offense referrals quickly these jurisdictions help diffuse immediate crises that otherwise may grow into dangerous situations for parents and teens. For example, in **Illinois**, Youth Outreach Services (YOS), a CCBYS contract agency in Cook County (Chicago), expects to begin crisis intervention services within 60 minutes of first contact for 95% of all referrals.

These status offense systems also boast high completion rates for youth and families referred to status offense intervention services. For example, in Florida, the **Florida** Network handles FINS and CINS cases and provides services to approximately 20,000 families annually. For fiscal year 2003-2004, 77% of the youth involved in the Florida Network's status offense programs completed prevention and intervention services.

Decreasing Court Petitions and Out-of-Home Placements

When pre-court diversion services were offered, status offense court petitions dropped. **Cook County, Illinois**, YOS has a 100% success rate in keeping youth and families out of the status offense court system for the past four years. **New Jersey's** FCIUs received 7,713 referrals in 2004. Of those, 7,395 cases were disposed of or closed after crisis intervention services were offered. During 2004, only 484 juvenile-family crisis petitions were filed. A 2005 study by the Vera Institute of Justice found that **New York City's** FAP cut the number of PINS court referrals. Comparing the number of PINS cases filed before and after FAP, the number of cases filed post-FAP with the Department of Probation dropped 79% and the number of court referrals dropped 55%.

Providing pre-court diversion services that are family-focused also decreases: (1) the time youth spend in out-of-home care and (2) the number of youth placed out-of-home. In **Florida**, the average stay in an out-of-home setting for a FINS or CINS youth was 11 days in fiscal year 2003-2004. In fiscal year 2005-2006, 74% of youth placed out-of-home by **Cook County, Illinois**' YOS were reunited with family within 14 days of entering care. In addition, during that time, 67% of youth served by YOS did not require out-of-home placement. In **New York City**, the percentage of out-of-home placements for PINS youth dropped 21% after FAP services began.

Lowering Costs

Pre-court diversion services for status offenders saves money by keeping more youth at home or in relative care instead of costlier out-of-home placements. For example, in **Cook County, Illinois**, it costs YOS \$0 when family-generated respite care is used compared to \$180-250/day if a youth is placed in a group home and \$250-350/day if a youth is placed in a residential program.

In addition, if diversion efforts prevent even a small percentage of at-risk youth from entering the delinquency system, states save money. For example, a 2001 study found that if the **Florida** Network prevented only 10% of its most at-risk FINS and CINS youth from committing a delinquent act, the state would save the following amount of money:

Scenario	# of Youth Diverted from Juvenile Justice System	Average Cost for Juvenile Justice System Involvement (6 months)	Florida Average Network Cost	Difference between Juvenile Justice and Florida Network	Cost Savings for Successful Prevention (6 months)	Cost Savings for Successful Prevention (12 months)
10%	895 (of the 8,951 highly at-risk youth served)	\$7,300	\$1,650	\$5,660	\$5,056,750	\$10,113,500

Reducing Recidivism Rates

States that offer pre-court diversion services for status offenders decrease the number of youth who re-enter status offense systems and delinquency or criminal systems. In fiscal year 2003-2004, only 7% of **Florida** FINS and CINS youth who completed nonresidential services and 15% who completed out-of-home services committed a delinquent or criminal offense within six months. In fiscal year 2005-2006, 90% of the youth served by **Cook County, Illinois** YOS temporary shelters did not recidivate. During that time, the percentage of YOS youth who offended in the juvenile justice system dropped 75%.

STATUTES AT A GLANCE

Status Offense Systems

Florida Statutes Annotated § 984.04 *et. seq.*

705 West's Smith-Hurd Illinois Compiled Statutes Annotated 405/3-3 *et. seq.*

New Jersey States Annotated § 2A:4A-22 *et. seq.*

McKinney's Consolidated Laws of New York Annotated Family Court Act § 712 *et. seq.*

POLICIES AT A GLANCE

Status Offense Systems

Florida Network of Youth and Family Services

Illinois Comprehensive Community Based Youth Services Program

Cook County, Illinois Youth Outreach Services

New Jersey Juvenile/Family Crisis Intervention Units

Erie County, New York Family Services Team Program

New York City, New York Family Assessment Program

Endnotes

1. N.Y. Family Court Act § 735 (a) (McKinney 2006).
2. *Ibid.*, 724 (b). Similarly, in Illinois, the first responder to a status offense referral is often a law enforcement officer who, by statute, may take a minor into “limited custody.” While in limited custody, law enforcement may contact a first responder, who provides immediate crisis intervention services. Youth or parents may also contact Illinois’ crisis intervention service providers directly. 705 Ill. Comp. Stat. Ann. 405/3-4 (a), 405/3-5 (a) (West 2005).
3. N.J. Stat. Ann. §§ 2A:4A-31, 2A:4A-70 (a), 2A:4A-76 (West 2006).
4. Many states designate the juvenile justice agency to respond to status offense and juvenile delinquency referrals. This practice raises the question of whether juvenile justice agencies, which are used to responding to criminal or delinquent behavior, are best suited to handle status or noncriminal offenses. Some advocates argue that status offense referrals should be handled either by an agency that specializes in status offenses or by a social service agency that take a less punitive approach. Cf. Chiu, Tina and Sara Mogulescu. *Issues in Brief: Changing the Status Quo for Status Offenders: New York State’s Efforts to Support Troubled Teens*. New York, NY: Vera Institute of Justice, Youth Justice Program, 2004. <http://www.vera.org/publication_pdf/253_496.pdf>.
5. Fla. Stat. Ann. § 984.04 (1) (West 2006).
6. *Ibid.*, §§ 984.10, 984.12, 984.15 (2).
7. N.Y. Family Court Act § 735 (McKinney 2006) (Under New York law, diversion services may continue as long as needed to preserve families and prevent youth from engaging in risky behaviors).
8. Hardin, Mark. *Establishing a Core of Services for Families Subject to State Intervention: A Blueprint for Statutory and Regulatory Action*. Washington, DC: American Bar Association Center on Children and the Law, 1992, 1.
9. See, e.g., Illinois Department of Human Services. *Comprehensive Community Based Youth Services*. Springfield, IL: Department of Human Services, 2002. <<http://www.dhs.state.il.us/chp/op/YSDF/CompCommBasedYouthSvcs.asp>>; N.J. Stat. Ann. § 2A:4A-77 (West 2006) (both require crisis intervention services be available on a 24-hour basis).
10. Fla. Stat. Ann. § 984.011 (West 2006).
11. 705 Ill. Comp. Stat. Ann. 405/3-5 (a) (West 2006).
12. 20 Ill. Comp. Stat. Ann. 505/17a-3 (West 2006).
13. Fla. Stat. Ann. § 20.316 (1) (West 2006).
14. *Ibid.*
15. N.J. Stat. Ann. § 2A:4A-70 (West 2006).
16. 20 Ill. Comp. Stat. Ann. 505/17 (b) (West 2006).
17. *Ibid.*, 505/17, *et. seq.*
18. *Ibid.*, 505/17a-2.
19. *Ibid.*, 505/17a-3.
20. 89 Ill. Adm. Code § 310.13 (b) (West 2006).
21. *Ibid.*, § 310.13 (b) (5).
22. *Ibid.*, § 310.13 (b) (7).
23. *Ibid.*, § 310.15.
24. *Ibid.*
25. Interview with Rick Velasquez, M.S.W., Executive Director, Youth Outreach Services, July 27, 2006.
26. 89 Ill. Adm. Code § 310.16 (West 2006).
27. *Ibid.*; Interview with Rick Velasquez, July 27, 2006.
28. Interview with Rick Velasquez, July 27, 2006.
29. Information about Youth Outreach Service’s (YOS) CCBYS program is based on interviews at a site visit to one of YOS’s Chicago area offices in July 2006. The descriptions of YOS’s crisis intervention programs is a result of conversations with and observations of Rick Velasquez, M.S.W., Executive Director, July 27, 2006, Agnieszka Wysocka, M.Ed., Program Manager, July 27 and July 28, 2006, Moraima Fuentes, Crisis Intervention Counselor, July 27, 2006, Alma Fernandez, Crisis Intervention Counselor, July 27, 2006.
30. YOS also contracts with the Illinois Department of Children and Family Services, to provide child welfare services, including family preservation and independent living programs. YOS also provides juvenile justice programs, including community diversion for juvenile delinquents.
31. YOS also receives referrals from inpatient psychiatric hospitals regarding discharged youth whose parent or guardian refuses to resume custody. In these instances, YOS attempts immediate coordination with the child welfare agency. Although “psychiatric lockout” cases are referred to YOS less frequently than the other types of cases, YOS representatives express concern about the appropriateness of these referrals to crisis intervention services, which are geared towards family conflict matters.
32. If a youth is placed in respite care, YOS attempts placement with a contracted “host” foster family. If there is no room in a host home, YOS coordinates placement with a temporary shelter.
33. Shubik, Claire and Ajay Khashu. *A Study of New York City’s Family Assessment Program*. New York, NY: Vera Institute of Justice, 2005, 3-4. <http://www.vera.org/publication_pdf/323_595.pdf>.

34. *Ibid.*, 4-7; *New York City Family Court, Family Assessment Program*. New York, NY: New York State Unified Court System, 2006. <<http://www.nycourts.gov/courts/nyc/family/familyassessmentprogram.shtml>>.

35. Information about Erie County's Family Support Team (FST) program is based on interviews and a site visit to Erie County's Family Court in April 2006. FST was developed by Tom Lillis, Child Mental Health Director for the Erie County Department of Mental Health. This description of Erie County's program is a result of observing the FST process and interviews with Family Court Judge Paul Buchanan, April 19 and April 20, 2006; 8th District Administrative Judge Sharon Townsend, April 20, 2006; Rachele Cybulski, Probation Supervisor, April 20, 2006; Marie Sly, Clinical Supervisor, April 20, 2006; and Sandra O'Donnell, FST caseworker, April 20, 2006.

36. FST planned to move its offices out of the courthouse and into the DSS child protective services office in 2006.

37. If a parent calls FST and their child has run away for 24 hours or more, FST will refer the family to court so a warrant may issue to retrieve the child. If the child is found, the court may administratively recall the warrant and the child and his parent(s) will be referred to FST for diversion services. If, however, a parent requests that a PINS petition be filed, the judge may move forward with a case or refer the matter to FST. In most instances, the court refers the case to FST for diversion services.

CHAPTER 3

LEGISLATION AND POLICY IN DEPENDENCY SYSTEMS

OVERVIEW

Purpose

Recommend key elements of child welfare laws and policies that provide pre-court and pre-placement interventions to youth at risk of entering the child welfare system because of their behavior.

Audience

Policymakers and child welfare administrators in jurisdictions that:

- ◆ include noncriminal misbehaviors as a basis for dependency court jurisdiction; and/or
- ◆ allow child welfare agencies to accept service for youth because of their behavior.

Summary Points

- ◆ Providing pre-court and pre-placement intervention and crisis intervention services to youth at risk of entering the child welfare system because of behavior reduces the number of youth placed in foster care and reduces costs.
- ◆ Child welfare systems that accept youth because of their behavior should enact legislation or develop policies that offer:
 - ◆ adolescent-specific family preservation and intervention programs; and
 - ◆ specialized “differential responses” to teen-parent conflicts and teen behavioral issues.

DANA

Facts

. . . was 13 years old when she and her mother got into their first of several physical altercations. Dana also began to run away and skip school. Fed up, her mother asked a family friend to take Dana because she “couldn't take it much longer.” When Dana attempted to return to her mother, her mother refused. The family friend, no longer able to care for Dana, called the child welfare agency for help.

Interventions

After an initial investigation, the child welfare agency determined that Dana's mother was an unwilling and therefore neglectful caretaker. Through court intervention, Dana was placed in a group home and allowed supervised visits with her mother and siblings.

Outcomes

Dana is now 17. She lives in an independent living program and is preparing to 'age out' of foster care. She works part-time at a fast food restaurant and attends beauty school part-time. Since entering foster care, Dana has harbored significant anger towards her mother for abandoning her. They have never engaged in family counseling. Dana refuses to rely on her mother for any support, emotional or otherwise. Dana hopes to get her own apartment but is worried about making rent as she only works part-time and for minimum wage. She is contemplating leaving school so that she can earn more money.

LEGISLATION AND POLICY IN DEPENDENCY SYSTEMS

At least nine states explicitly exercise dependency jurisdiction over some or all status offenders.¹ Some child welfare agencies, in states that do not exercise dependency jurisdiction over status offenders, also accept youth because of their behavior. Unfortunately, the extent of this problem is not known beyond anecdotal accounts and informal contacts with state agencies. Many states do not collect data on youth who enter foster care based on behavior or teen-parent conflict.

However, a large percentage, about half, of children in foster care are adolescents.² Also, many jurisdictions have more teens entering their foster systems each year and, in some communities, teens comprise over 50% of the foster population. Child welfare systems should re-evaluate how they first respond to older youth, considering developmental, peer, school, and other family and community influences that affect their behavior. This is especially true when youth are at risk of entering the child welfare system for such behaviors as running away or incorrigibility.

Federal and State Child Welfare Legislative Responses

An underlying principle of this chapter is that although many child welfare agencies accept youth because of their noncriminal misbehaviors, few agencies provide front-end services to them and their families that may avoid court involvement and foster placement. Although there is little federal or state child welfare legislation directly on point, policymakers and child welfare administrators may use the laws described below to promote maintaining the family and providing prevention services to teens and parents in conflict.

Recommendation #1: Use the federal Adoption and Safe Families Act' "reasonable efforts" requirement to tailor agency responses to teen-parent conflicts and youth who engage in noncriminal misbehavior.

Each year, thousands of teens become the responsibility of child welfare agencies because of their behavior or conflicts with parents. The federal *Adoption and Safe Families Act's* (ASFA) framework to determine "reasonable" efforts is not sufficient to assure these teens and parents receive adequate services to prevent a child's removal from home. Child welfare agency administrators and state legislators should reform laws and/or policies to tailor reasonable efforts attempts to avoid unnecessary teen removals.

ASFA was passed in 1997 and updated the *Adoption Assistance and Child Welfare Act* of 1980. The earlier act required states to make "reasonable efforts" to prevent the removal of children from their homes and encouraged reunification of children with biological parents. ASFA shifts the focus from reunification to permanency and provides states financial incentives for promoting adoption as a permanency placement option.³ ASFA requires states to make children's safety and health a primary concern.⁴

ASFA states:⁵

- Reasonable efforts *must* be made to preserve and reunify families *prior to the placement of the child in foster care*, to prevent the need for removal and to make it possible for the child to return home safely.

- Reasonable efforts are not required if a court determines that the parent subjected the child to chronic abuse, committed or conspired to murder another child, or involuntarily terminated his parental rights as to another child.

ASFA's regulations require that a "reasonable efforts" finding be explicitly documented and specific to the case before the court.⁶ While the federal law and its regulations explain when reasonable efforts *should not* be made, state legislators and courts are left to resolve when they *should* be made.

States do not uniformly define what efforts must be made to avoid a child's removal from home. Many state "reasonable efforts" requirements mirror ASFA's language.⁷ Some state legislation specifies what considerations a court must make to determine if efforts were reasonable.⁸ But, generally, state courts are left to decide what standards apply to determine if reasonable efforts were made.

Legislation and policies should better define "reasonable efforts" to prevent unnecessary removals of adolescents who become the responsibility of child welfare agencies because of behaviors or teen-parent conflicts. These legislative or policy reforms may include:

- Using modifying phrases like "due diligence"⁹ and "ordinary diligence and care"¹⁰ to explain the "reasonable efforts" mandate. Courts will then be able to quantify what constitutes a reasonable attempt to prevent removal because the modifying terms are well-defined in case law.¹¹
- Dictating which services may be offered to prevent removal.
- Providing courts with minimum standards to assess the reasonableness of efforts made. For example, the statute could urge courts to ask how long services were offered or whether they were relevant.¹²

Recommendation #2: Use other federal child welfare legislation or support pending legislation to provide front-end services to adolescents who engage in noncriminal misbehaviors.

States should use available federal funds to craft intervention and service programs that prevent the placement of youth who engage in noncriminal misbehavior. States may also use this funding to expand existing family preservation programs to tailor agency responses to teens and parents. Using these funding sources, in addition to state and local resources, allows states to be less reliant on foster care maintenance funds. For example, a state may use funds available under the *Promoting Safe and Stable Families Act* to support family preservation programs that offer family support, preservation, or reunification services.¹³ Under the act, states may receive federal financial support for plans that "assure children's safety within the home and preserve intact families."¹⁴ Specifically, the act promotes "pre-placement preventative services programs, such as intensive family preservation programs."¹⁵

In addition, thousands of youth enter the child welfare system because of behaviors caused by undiagnosed or ill-treated mental health disorders. The proposed *Keeping Families Together Act* begins to lay the groundwork for state child welfare systems to address teens' and families' mental health service needs. It will also increase the availability of home-based mental health services and help decrease the number of teens who enter foster care for reasons other than "traditional" abuse or neglect.

The Keeping Families Together Act was proposed in response to a 2003 U.S. General Accounting Office (GAO) report urging federal agencies to reduce the number of children placed in foster care to

obtain mental health services.¹⁶ The report found approximately 12,700 children—*mostly teens*—were voluntarily placed by parents in the juvenile justice or child welfare systems to receive mental health services.¹⁷ This act would help debunk the notion that child welfare agencies, designed to respond to abuse and neglect, should be repositories for teens with unmet mental health needs by:

- providing six-year family support grants for states to create new statewide mental health systems of care to treat and provide services to eligible children and youth (including youth at-risk of entering foster care to receive mental health services);¹⁸
- creating a federal interagency task force to research, study, and recommend improvements in mental health service delivery in the child welfare and juvenile justice systems;¹⁹ and
- enabling states to use Medicaid home-based service waivers to provide services to children who may otherwise be placed in residential treatment facilities.²⁰

Recommendation #3: Enact state legislation that uses a range of family-based forms of dispute resolution to prevent placement of youth who engage in noncriminal behavior.

For example, Family Group Conferencing (FGC)²¹ is a family empowerment model that emphasizes involving the nuclear and extended family in decision-making and case planning for children in or at risk of entering the child welfare system.²² In practice, FGC has taken various forms and names (e.g., family team meetings, family group decision making), but each promotes family involvement in child welfare decision-making processes.²³ State legislators and child welfare agency administrators should consider using FGC to intervene early in child welfare matters involving teens and parents in conflict or youth who engage in noncriminal misbehavior. Convening an FGC before removal may reduce the number of teens removed from their parent's care.²⁴

FGC and other forms of alternative dispute resolution have been integrated into many aspects of child welfare case planning.²⁵ The National Council of Juvenile and Family Court Judges (NCJFCJ) encourages using mediation and other alternative dispute resolution models to reach productive and joint resolutions that may not be achieved through an adversarial process.²⁶ Several states have enacted legislation encouraging the use of FGCs and numerous communities have integrated some form of FGC into their child welfare cases.²⁷ Other communities such as Lucas County, Ohio and Twin Falls, Idaho (see Appendix E) have pre-court alternative dispute resolution programs that are well-suited for cases involving adolescent noncriminal misbehavior.

Only a few state laws, however, suggest that the FGC process be implemented pre-petition or pre-court. FGC's principles of family empowerment and involvement in case planning can work well for teen-parent conflicts referred to the child welfare system.

The **District of Columbia** and **Hawaii** allow FGC before court; enabling immediate and extended family to participate in case planning from the beginning of the case. However, in D.C. FGC is only used pre-court *after* the child is removed from the home. D.C. allows the child welfare agency to convene a “family team meeting” within the 72-hour period before filing a dependency court petition.²⁸ The purpose of this meeting is to engage the child's family in creating a service plan that addresses the issues that led to the child's removal.²⁹

Hawaii's “ohana conference” is a family-focused meeting run by trained facilitators, which can be used pre-court regardless of whether the child was removed.³⁰ The purpose of this conference is to create

a plan that assures the child's safety and meets his permanency needs. Before filing a dependency court petition, Hawaii's Department of Human Services must create a service plan outlining steps that family must take to: (1) return the child home or (2) maintain the child in the home.³¹ The service plan should also consider using ohana conferences for family decision making.³²

Recommendation #4: Enact state legislation that supports a "differential response" to teen-parent conflicts and youth who engage in noncriminal misbehaviors.

Many child protective service (CPS) agencies refer adolescents to differential response more frequently than younger children. However, most states do not tailor this approach to adolescents and their families. Differential response is a positive step towards reforming child protection responses to meet families' individual needs. However, policymakers should consider:

- creating a separate adolescent-specific differential response track; or
- tailoring aspects of differential response to the families and youth who are most frequently referred to it.

Since the late 1990s, child welfare programs have increasingly focused on keeping children at home. Many states and local child welfare agencies have implemented "differential response" in addition to traditional child protective service investigations.³³ Differential response typically keeps the child in the home, offers the family voluntary services, and does not commence a formal child abuse or neglect investigation.³⁴ The child welfare agency monitors the case and determines if it can close without court involvement. As of 2003, approximately 20 states identified themselves as offering one or more alternatives (differential responses) to the traditional child protective services response.³⁵ Of these 20 states, however, only two offer differential responses to youth and their families because of risky behaviors by the teenager, such as ungovernability, disobedience, or habitual truancy.³⁶

Although states' differential response systems differ, they share common themes.³⁷ Most approaches prohibit differential response for high-risk or egregious abuse cases. Several use a risk and safety assessment tool to determine if a family should be selected for the differential approach. If selected, a family must be offered a minimum level of prevention services. Many statutes describe these services as community-based and tailored to meet the specific needs of each family. Other approaches require the family to help create a plan to mitigate problems. Many differential approaches require services and treatment offered to families be voluntary. However, if the family refuses or does not cooperate, some states allow the child welfare agency to pursue a more formal investigation.³⁸

Only a few states have had differential responses in place long enough to evaluate outcomes.³⁹ Most research on differential responses is limited to individual state analyses.⁴⁰ A federal study, published in summer 2005, is the largest to evaluate differential responses.⁴¹ It concluded:⁴²

- Adolescents are more likely to be selected for a differential response than younger children. (This was also found in analyses conducted by differential response systems in Missouri, Texas, and Washington).
- Differential responses were less likely to be used for families with a prior history of maltreatment or involvement with the child welfare system.

- In-home services are more likely to be provided to differential response participants than families who are the subject of more formal CPS investigations. (This was also found in analyses conducted in Missouri and Virginia).
- Earlier reports found that children's safety is not compromised when a differential response is used instead of a more formal investigation. These reports also concluded that children involved in a differential response are less likely to be subject to later CPS investigations or reports.

Legislators and child welfare agencies should support legislation and policy that creates differential responses for teens who engage in noncriminal misbehavior or are in conflict with their families. This response should:

- Be available to youth who are: (1) 12 or older; (3) referred to the agency because of noncriminal misbehaviors, such as ungovernability; and/or (4) referred to the agency because their parents attempt to voluntarily relinquish custody to obtain services for or assistance with their youth's behaviors.
- Require a minimum level of services or treatment be available. An adolescent-specific differential response may include providing services that have been successful in status offense system diversion programs, such as immediate crisis intervention counseling and teen-parent alternative dispute resolution.
- Employ staff who have experience working with teen-parent conflicts. Caseworkers should have experience working with and resolving parent-teen conflicts and have experience in crisis counseling and service planning.

Child Welfare Policy Reforms that Provide Early Interventions to Youth Who Engage in Noncriminal Misbehavior

The following recommendations identify key elements of child welfare policies that provide youth who engage in noncriminal misbehavior pre-court and pre-placement intervention services. They are supported by policy efforts in **Colorado; Olmsted County, Minnesota; Philadelphia, Pennsylvania; and Vermont**. A critical stage of any child welfare case is when the child welfare agency first responds to a referral and decides whether to remove a child and/or pursue a formal court process. Policies that offer youth who are referred to the child welfare agency because of behavior family-focused intervention services *reduce costs, unnecessary out-of-home placements, and provide needed services to families in crisis*.

Recommendation #1: Establish eligibility criteria for adolescent-specific pre-court intervention programs and services.

Child welfare agencies that provide services to youth who engage in noncriminal misbehavior can help these youth and their families in crisis by developing front-end programs that meet their unique needs. Policies can identify eligibility criteria and assessments for these adolescent-specific interventions that will assure that the most appropriate cases are referred to these services versus other child welfare responses.

For example, in **Colorado** the Department of Human Services states that to be eligible for its Core Services Program (CSP), a child must be in imminent risk of one or more of several situations, including but not limited to: mental illness (parent or child), beyond parental control, and/or the child is a danger to himself or others.⁴³ A youth and family are eligible for CSP services if they fall within one of three program areas, including:⁴⁴

Program Area	CSP Focus Areas	CSP Target Populations
Youth in Conflict <i>(referred to as program area 4)</i>	Reduce intra-family conflicts that affect a youth's well-being and functioning in the community.	Youth who are out of the control of their parents and/or whose behavior may result in harm to themselves or others.

Olmsted County, Minnesota's Adolescent Behavioral Health Unit (ABHU) also accepts youth who are in conflict with their parents or beyond their parents' control. ABHU is a subdivision of the county's Child and Family Services Division and provides services to teens and their parents when they are struggling with intra-family conflicts where the youth exhibits serious behavioral issues, substance abuse or mental health problems, runs away, and/or is truant.⁴⁵ When the Child and Family Service Division receives a case referral from the community, it will assess which program (e.g., child protective services or ABHU) would best respond to the matter.⁴⁶ Referrals to ABHU may also come directly from the school district, youth, families, and child protective services.

Recommendation #2: Implement evidence-based services that target violence prevention and promote family preservation.

Child welfare administrators should seek best practices for youth and families in crisis and implement services that have successfully passed scientific scrutiny. Several communities have identified "evidence-based" practices and used them to intervene with families and youth at risk of entering the child welfare system because of intra-family conflict or the youth's misbehaviors.

"Evidence-based" practice is a relatively new and popular phrase in the child welfare and juvenile justice fields. It relates to treatments, interventions, services, and/or assessments that empirical research shows are effective in addressing certain behaviors or emotional challenges youth face. There is consensus among policymakers and practitioners that services offered to system-involved youth should be subjected to scientific research to prove their validity and effectiveness. This is no different in the realm of youth who engage in noncriminal misbehaviors and are at risk of becoming the responsibility of child welfare systems.⁴⁷

For example, **Colorado's** CSP program requires Colorado counties to offer nine core services that assist children and youth at risk of out-of-home placement.⁴⁸ County child welfare agencies may include a 10th "county-designed service" that is innovative and/or otherwise unavailable in the county and meets the goals of CSP. County-designed services may address the needs of teens by creating programs that are evidence-based, adolescent-focused, and prevent out-of-home placement or aid reunification efforts.⁴⁹

Due to additional state funds, the number of Colorado counties that opted for the 10th core service for adolescent evidence-based services increased from 2002 to 2005, from 21 to 46 of 64 Colorado counties.⁵⁰ Numerous counties implemented or expanded evidence-based services, such as multisystemic therapy (MST), functional family therapy (FFT) and/or adolescent mentoring, intervention, group conferencing, and outreach programs.⁵¹

Multisystemic Therapy:	is a family-focused and home-based intervention that targets adolescent substance abuse and violent and/or antisocial behaviors in youth. It intends to change how troubled youth function in their own environment and is primarily used with violent juvenile offenders and their families to avoid out-of-home placements or incarceration. ⁵²
Functional Family Therapy:	is a family-centered intervention program for troubled adolescents, typically between ages 11 and 18. The program is used to treat adolescents who engage in high risk behaviors and consists of a multi-phased prevention protocol that is typically offered over a three-month period. ⁵³

Philadelphia, Pennsylvania's Teen Placement Diversion Program (TPD) was created to respond to the increasing number of teens who were entering foster care in that city.⁵⁴ A snapshot of foster care placement statistics in January 2006 showed that 50% of children and youth in care in Philadelphia were age 12 or older and 66% of older youth in care were between the ages of 12 and 16.⁵⁵ Also in January 2006, the majority (55%) of 12 to 16 year olds in the system were placed in either foster homes or institutions.⁵⁶ A review of foster care placement histories of these older youth shows:⁵⁷

Placement Type	12 to 16 Years Old	17 Years Old	18 to 21 Years Old
	Median Length of Stay in Months		
Foster Home	41.9	64.5	115.9
Group Home	17.7	31.9	59.9
Independent Living	16.8	53.4	67.5

In response to these numbers, in fall 2006, Philadelphia's Department of Human Services began the TPD program that uses evidence-based practices to avoid out-of-home placements for youth at risk of entering foster care because of their behaviors and/or because their parent's attempt to relinquish custody.⁵⁸ TPD program providers use two clinical models: family team meetings and FFT.

Recommendation #3: Coordinate adolescent-specific intervention services through a system of care approach.

Child welfare agencies should bolster their adolescent-specific early intervention services by coordinating efforts through a system of care approach. Many youth who are referred to the agency may also have mental health or education needs that require other systems' intervention. Child welfare agencies should establish memoranda of understanding (MOU) between the different child-serving systems when youth have needs that cross over different agency responsibilities. The MOU may require the child welfare agency caseworker to assure coordination between systems and encourage or require representatives from other relevant agencies to participate in case planning and team service plan meetings.

For example, **Vermont's** Department of Children and Families (DCF) handles juvenile justice, child protection, and children in need of care or supervision matters. In the mid-1980s, DCF and two other major Vermont child-serving agencies, the Department of Developmental and Mental Health Services (now the Department of Health, Child, Adolescent and Family Mental Health Division) and the Department of Education determined that they were often serving the same families separately; overlapping and fragmenting their service delivery systems.⁵⁹ In 1985, these entities began a grant-funded project to establish a more cohesive care network for children and adolescents who have or are at risk of suffering from a severe emotional disturbance. This network provides community-based prevention and treatment to youth and children at risk of removal from their parents, either through child protective services, juvenile justice, or placement in residential treatment.

After Vermont's system of care was created, the Vermont legislature codified the system in Act 264, which mandates collaboration between the three child-serving systems in Vermont at a state and local level.⁶⁰ This system:⁶¹

- provides child and youth-centered, family-focused services through a partnership between the family and collaborating service providers. This integrated effort will create a service plan that is specific to the needs of the family and child or youth;
- ensures that all eligible families receive support and that once eligible for assistance, unless the family refuses services, continue to provide them no matter whether the youth or family compromises efforts to implement the service plan;
- approaches the family's needs holistically—considering all aspects of their lives (home, community, work, etc.) to assess strengths and supports the family can draw upon in crisis;
- offers a system of care that is culturally appropriate for the family—recognizing and respecting issues related to race, gender, orientation, etc.; and
- offers services within the family environment to meet the teen's needs.

The system of care program is also linked to youth who engage in noncriminal misbehaviors or "children in need of care or supervision" (CHINS). Vermont law requires that if a CHINS petition is filed regarding a youth between the ages of 16 and 17.5, services must be provided to the teen through a coordinated effort between the Agency of Human Services (DCF and Department of Health, Child, Adolescent and Family Mental Health Division), the Department of Education, and community-based interagency teams.⁶² Vermont policy guidance regarding the legislative change further requires that DCF

make “good faith efforts” to identify and implement community resources for the youth before seeking a more formal court response. When youth require a multisystemic response, services must be coordinated through the system of care approach.⁶³

Recommendation #4: Adequately fund adolescent-specific intervention and prevention services.

Each child welfare policy effort discussed in this chapter receives state or county financial support to implement intervention services for youth who engage in noncriminal misbehavior. Some also use federal funds to bolster intervention efforts, such as *Promoting Safe and Stable Families Act* or *Social Security Act* funding. Policymakers and child welfare agencies should think creatively when identifying funding streams to support these adolescent-specific services. It is helpful to support funding requests by showing *projected or actual financial savings when youth receive at-home early intervention services versus more costly out-of-home placements and treatment.*

Colorado’s CSP receives federal funds under Title IV-A of the federal “*Social Security Act*,” i.e. Temporary Assistance for Needy Families (TANF) grants. CSP is also funded by other federal funds, such as *Promoting Safe and Stable Families Act* funds. The state also appropriates funds to support CSP and reallocates monies that would have otherwise been used to support out-of-home placements.⁶⁴ Depending on the core service, some services are funded 100% by federal and state money (e.g., substance abuse and mental health programs) and others are funded at 80% (e.g., the option 10 core service). Emergency assistance services to prevent placements for at-risk families are also funded through a legislatively created “family issues cash fund.”⁶⁵ This fund collects money saved in the general state fund from federal emergency assistance programs. Finally, since fiscal year 2003-2004, the state has earmarked additional funds for CSP to expand its evidence-based services for adolescents to avoid costly and long out-of home placements.⁶⁶

Vermont’s system of care is also funded by multiple sources, including private grants. The program was first implemented through a grant from the National Institute of Mental Health’s Child and Adolescent Service System Program. When the system of care approach was incorporated into the Vermont code, the state was later awarded several federal grants to improve interagency coordination. The system of care also receives money from the state and collaborating agencies (Department of Health, DCF, and Department of Education).⁶⁷

Outcomes in Dependency Systems

Each policy discussed in this chapter successfully provides services to families in crisis, decreases court petitions and out-of-home placements, and lowers costs and/or recidivism rates. *Below is a summary of these outcomes. (A detailed account of dependency system outcomes in **Colorado**; **Olmsted County, Minnesota**; and **Vermont** and projections from **Philadelphia, Pennsylvania** is available at Appendix E)*

Providing Services to Families in Crisis

A key to the success of the dependency system reforms discussed in this chapter is that they offer services tailored to youth’s noncriminal misbehaviors and teen-parent conflicts. For example, most **Colorado** counties provide evidence-based services for adolescents, **Olmsted County, Minnesota** uses MST and **Philadelphia, Pennsylvania** uses FFT.

Offering services that match families' needs increases the likelihood that they will engage in and complete services. **Arapahoe County, Colorado's** "county designed" CSP service is a MST program for adolescents at risk of out-of-home placement because of their risky behaviors. In fiscal year 2004-2005, 77% of the youth referred to the program successfully completed it and 46% of the youths' cases were simultaneously closed. As a result of the program, the number of out-of-home placements in the county dropped by 26%. In **Olmsted County, Minnesota**, 57% of the youth and families who finished ABHU's MST program in 2004 met all of their treatment goals and 37% showed improvement and met some of their treatment goals.

Decreasing Court Petitions and Out-of-Home Placements

When adolescent-specific services were offered to youth and parents in crisis, the number of dependency court petitions and out-of-home placements decreased. For example, **Adams County, Colorado's** "county-designed" CSP service, the Community Family Resource Program, provides in-home services to youth who are at imminent risk of out-of-home placement due to the youth's behaviors. As of May 2006, 83% of youth engaged in the program before a child welfare case opened were successfully diverted from the child welfare system. Sixty-eight percent of youth who engaged the program, but already had an open child welfare case, were diverted from out-of-home placement.

Olmsted County, Minnesota's MST program also decreases out-of-home placements. In 2004, six months before MST, 43% of youth did not require out-of-home placement, compared to 67% six months after MST services. The percentage of families that ABHU diverts from out-of-home placement when the parent requests removal at intake is also high. The following chart shows the percentage of youth who have remained at home because of ABHU services, which include MST, case management, and/or other family-based services.

Year	Number of Placement Requests	Percentage of Cases Diverted from Out-of-Home Placement
2001	116	88%
2002	159	99%
2003	97	100%
2004	62	94%

Vermont's system of care also decreased the number of adolescents who were placed because of their behavior. Between 1995 and 2003, the number of youth under 16 who entered DCF custody because of their "unmanageable" behaviors dropped by 40%. The daily population of youth in DCF custody because of their behaviors decreased from 425 in 1995 to 239 in 2003.

Lowering Costs

Costs associated with adolescent-specific diversion services are less than placing youth out-of-home. In 2004-2005, **Colorado** saved an average of \$1,790 per month per youth that received CSP services and was diverted from out-of-home placement. Similarly, in 2005-2006, CSP estimates a \$1,836 per case savings when children and youth were diverted from out-of-home placement. Likewise, **Philadelphia** expects that the TPD program will cost less than other family preservation programs and some current out-of-home placement options.

Program Type	Cost per Month per Child
Foster Home	\$1,200
TPD Program	\$1,500
Family Preservation Program	\$1,833
Institutional Care	\$4,500

Reducing Recidivism Rates

The likelihood youth will engage in future risky or delinquent behavior drops when they and their families participate in adolescent-specific intervention services. **Olmsted County, Minnesota's** ABHU case management program assesses each youth's level of risk of offending and his level of services needed at initial intake and at case closure. Seventy-five percent of youth whose cases closed in 2004 lowered their total risk score from intake to case closure. The percentage of youth whose delinquency risk level decreased after MST is an additional sign of success. Of those MST cases closed in 2004, 87% of youth decreased their delinquency risk level and 63% decreased their level of risk from very high to high, high to moderate, and so forth.

STATUTES AT A GLANCE

Dependency Systems

Federal

Adoption and Safe Families Act, Pub. L. No. 105-89, 111 Stat. 2115 (1997).
Promoting Safe and Stable Families Act, 42 U.S.C. § 629, *et. seq.* (1997).
Keeping Families Together Act, S. 380, 109th Cong. (2005) and H.R. 823, 109th Cong. (2005).

State

Family Group Conferencing

District of Columbia Code Annotated § 12-2312
Hawaii Revised Statutes Annotated § 587-2, *et. seq.*

Differential Responses⁶⁸

Kentucky Revised Statutes Annotated § 620.040
Vernon's Annotated Missouri Statutes § 210.110, *et. seq.*
West's Annotated Code of Virginia §§ 63.2-1504, 63.2-1506.

PROGRAMS AT A GLANCE

Dependency Systems

Colorado Department of Human Services' Core Services Program, Evidence-Based Adolescent Services

Olmsted County Minnesota Adolescent Behavioral Health Unit

Philadelphia, Pennsylvania's Teen Placement Diversion Program

Vermont's System of Care Plan for Children and Adolescents with Severe Emotional Disturbance and their Families

Endnotes

1. See Appendix B, Juvenile Status Offense Legislative Chart.
2. U.S. Department of Health and Human Services. Administration on Children, Youth and Families. *Child Maltreatment 2004*. Washington, DC: U.S. Government Printing Office, 2006. <<http://www.acf.hhs.gov/programs/cb/pubs/cm04/index.htm>>; *Adoption and Foster Care Analysis and Reporting System (AFCARS) Report—Preliminary FY 2004 Estimates as of June 2006*. Washington, DC: U.S. Department of Health and Human Services. Administration for Children and Families, Administration on Children, Youth and Families Children's Bureau, 2006. <http://www.acf.hhs.gov/programs/cb/stats_research/afcars/tar/report11.htm>.
3. Roberts, Dorothy. "Is there Justice in Children's Rights?: The Critique of Federal Family Preservation Policy." Symposium—Existing and Emerging Constitutional Rights of Children. *University of Pennsylvania Journal of Constitutional Law* 2, 1999, 112, 113.
4. Adoption and Safe Families Act, Pub. L. No. 105-89, 111 Stat. 2115 (codified as amended in scattered sections of 42 U.S.C.).
5. 42 U.S.C.A §§ 671 (a) (15) (B)-(D) (West 2006) (states must also make "reasonable efforts" to finalize a child's permanency plan).
6. 45 C.F.R. §§ 1356.21 (b) (1) (i)-(d) (West 2006).
7. Bean, Kathleen. "Reasonable Efforts: What State Courts Think." *University of Toledo Law Review* 36, 2005, 321, 329-330; Crossley, Will. "Defining Reasonable Efforts: Demystifying the State's Burden Under Federal Child Protection Legislation." *Boston University Public Interest Law Journal* 12, 2003, 259, 293-294; *2003 Child Abuse and Neglect State Statutes Series Statutes-at-a-Glance: Reasonable Efforts to Reunify Families*. Washington, DC: National Clearinghouse on Child Abuse and Neglect Information, National Adoption Information Clearinghouse, 2004. <http://www.childwelfare.gov/systemwide/laws_policies/statutes/reunify.pdf>.
8. Crossley, 2003, 294-295; Bean, 2005, 329-330.
9. N.D. Cent. Code § 27-20-32.2 (2005).
10. Ky. Rev. Stat. Ann. § 620.020 (10) (Banks-Baldwin 2005).
11. Crossley, 2003, 295-296.
12. See, e.g., Minn. Stat. Ann. § 260.012 (West 2006); see also Crossley, 2003, 297.
13. 42 U.S.C.A § 629 (West 2006) (reauthorized in 2006 in the Child and Family Services Improvement Act, S. 3525, 109th Cong. (2006) and H.R. 5640, 109th Cong. (2006)).
14. *Ibid.*, § 629 (b) (2).
15. *Ibid.*, § 629a (a) (1) (B).
16. *Child Welfare and Juvenile Justice: Federal Agencies Could Play a Stronger Role in Helping States Reduce the Number of Children Placed Solely to Obtain Mental Health Services*. Washington, DC: United States General Accounting Office, 2003. (GAO-03-397). <<http://www.gao.gov/new.items/d03397.pdf>>.
17. *Ibid.*, 14.
18. Keeping Families Together Act, H.R. 687, 110th Cong. (2007) at § 597.
19. *Ibid.*, § 597a.
20. *Ibid.*, § 597.
21. The term "family group conferencing" is used broadly to include similar forms of alternative dispute resolution, including family team meetings, family unity meetings, and team decision making.
22. Goodmark, Leigh. *Promoting Community Child Protection: A Legislative Agenda*. Washington, DC: American Bar Association Center on Children and the Law 2002, 17; Mirksy, Laura. "Family Group Conferencing Worldwide: Part One in a Series, International Institute of Restorative Practices." *Restorative Practices E-Forum*, February 20, 2003. <<http://fp.enter.net/restorativepractices/fgcseries01.pdf>>.
23. FGC typically includes four stages. First, the investigative social worker in a child protective services case refers the matter to an FGC coordinator who determines if the case is appropriate for FGC. Second, the FGC coordinator plans and prepares for the meeting. The coordinator will identify and invite family members and find a location for the meeting that is convenient for the family. Third, the FGC coordinator facilitates the meeting. The meeting also consists of four stages, including introductions, information-sharing, the family meeting, and the decision. During the family meeting phase, service providers and non-family members are asked to allow the family to discuss privately how they plan to assure the children's future safety from harm. The family creates a plan of action and presents it to other FGC participants for approval and comments. Once a plan is formulated by the family and professionals, it is implemented, monitored, and reviewed. Merkel-Holguin, Lisa. *What is FGDM?* Denver, CO: American Humane Association, 2001.
24. See, e.g., Merkel-Holguin, Lisa and Leslie Wilmot. "Analyzing Family Involvement Approaches" in *Widening the Circle: The Practice and Evaluation of Family Group Conferencing with Children, Youth, and Their Families*. Edited by Joan Pennell and Gary Anderson. Washington, DC: National Association of Social Workers Press, 2005, 134-36; Lupton, Carol and Paul Nixon. *Empowering in Practice? A Critical Appraisal of the Family Group Conference Approach*. Bristol, UK: Policy Press, 1999.

25. Chandler, Susan and Marilou Giovannucci. "Family Group Conferences: Transforming Traditional Child Welfare Policy and Practice." *Family Court Review* 42, 2004, 216, 217; Lowry, Jolene. "Family Group Conferences as a Form of Court-Approved Alternative Dispute Resolution in Child Abuse and Neglect Cases." *University of Michigan Journal of Law Reform* 31, 1997, 57, 60.
26. *Resource Guidelines: Improving Court Practice in Child Abuse and Neglect Cases*. Reno, NV: National Council of Juvenile and Family Court Judges, 1995, 135, app B.
27. For example, several counties in Colorado and California have implemented some form of family group conferencing without legislative directive.
28. D.C. Code Ann. § 16-2312 (a-1) (1) (2006).
29. *Ibid*; Edwards, Myles and Kathleen Tinworth. *Family Team Meeting Process, Outcome and Impact Evaluation*. Washington, DC: American Humane Association, 2005, 15. <http://www.americanhumane.org/site/DocServer/FTM_Report_111605.pdf?docID=3401>.
30. Haw. Rev. Stat. Ann. § 587-2 (Michie 2006).
31. *Ibid.*, § 587-26 (b).
32. *Ibid.*, § 587-26 (c) (1).
33. Goodmark, 2002, 7-14.
34. "Differential Response" is a term of art in child protective services practice. A recent U.S. Department of Health and Human Services study defined this approach as a "formal response of your agency that assesses the needs of the child or family without requiring a determination that maltreatment has occurred or that the child is at risk of maltreatment." U.S. Department of Health and Human Services, Administration for Children and Families, Children's Bureau and Office of the Assistant Secretary for Planning and Evaluation. *National Study of Child Protective Services Systems and Reform Efforts: Review of State CPS Policy*. Washington, DC: U.S. Government Printing Office, 2003. <<http://aspe.hhs.gov/hsp/cps-status03/state-policy03/>>.
35. *Ibid.*
36. *Ibid.*, Chapter 5, Table 5-A (Pennsylvania and Vermont are the only states that provide differential responses to youth on the verge of entering the child welfare system because of behavior).
37. *See, e.g.*, U.S. Department of Health and Human Services. Administration for Children and Families, Children's Bureau and Office of the Assistant Secretary for Planning and Evaluation. Chapter 4 in *National Study of Child Protective Services Systems and Reform Efforts: Findings on Local CPS Practices*. Washington, DC: U.S. Government Printing Office, 2003. <<http://aspe.hhs.gov/hsp/CPS-status03/CPS-practices03/ch4.htm>>.
38. *See, e.g.*, Ky. Rev. Stat. Ann. § 620.040 (Banks-Baldwin 2006); Mo. Ann. Stat § 210.110 (West 2006); Va. Code Ann. §§ 63.2-1504, 63.2-1506 (West 2006).
39. Shusterman, Gila., et al., *Alternative Responses to Child Maltreatment: Findings from NCANDS*. Washington, DC: Walter R. McDonald & Associates, 2005, 3. (Prepared for Laura Radel, Office of the Assistant Secretary for Planning and Evaluation, U.S. Department of Health and Human Services). <<http://aspe.hhs.gov/hsp/05/child-maltreat-resp/report.pdf>>.
40. *Ibid.*
41. *Ibid.*, 14-20.
42. *Ibid.* (citing Chipley, Mary, et al., *Flexible Response Evaluation, Texas Department of Protective and Regulatory Services*. Austin, TX: Texas Department of Protective and Regulatory Services, 1999; English, Diane et al. "Alternative Responses to Child Protective Service: Emerging Issues and Concerns." *Child Abuse & Neglect* 24(3), 2000, 375-388; Loman, L., Anthony and Gary L. Siegel. *Minnesota Alternative Response Evaluation: Final Report St. Louis, Mo.*. St. Louis, MO: Institute of Applied Research, 2004).
43. *Agency Letter: Documenting Imminent Risk of Out-of-Home Placement in Family Service Plan*. Denver, CO: Colorado Department of Human Services, 2004. <<http://stateboard.cdhs.state.co.us/agency/CW0431A.html>>.
44. 12 Colo. Code Regs. § 2509-3 (sections 7.201, 7.202, 7.203) (West 2006). The other program areas are: "children in need of protection" (referred to as program area 5) and "children in need of specialized services" (referred to as program area 6). The former provides services to children and youth who are at risk of abuse or neglect—including youth under the age of 10 who are abusive towards their parent(s). The latter provides services to children and families in need of subsidized adoption, Medicaid-only services, or for children whose goal is not reunification.
45. Sawyer, Rob et al., *Adolescent Behavioral Health Unit 2004 Annual Report*. Olmsted County, MN: Child and Family Services Division, Adolescent Behavioral Health Unit, 2006; E-mail correspondence with Alan O'Malley-Laursen, Program Manager, Olmsted County, Minnesota, Adolescent Behavioral Health Unit, July 10, 2006.
46. E-mail correspondence with Alan O'Malley-Laursen, July 10, 2006.
47. Hoagwood, Kimberly et al., "Evidence-Based Practice in Child and Adolescent Mental Health Services." Bethesda, MD: *Psychiatric Services* 52, 2001, 1179 (defining "evidence-based" as a base of knowledge created through the application of scientific methods about service practices or the impact of clinical treatments or services).
48. *Family Preservation/Core Services Program Commission Report Fiscal Year 2004-2005*. Denver, CO: Colorado Department of Human Services, Office of Children, Youth and Family Services, 2005, 4-5.
49. *Ibid.*

50. *Ibid.*

51. *Ibid.*, 14.

52. U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration. "Multisystemic Therapy (MST)." Rockville, MD: SAMHSA *Model Programs: Information on Model Programs*. (last updated March 2005). <http://modelprograms.samhsa.gov/template_cf.cfm?page=model&pkProgramID=21>; Multisystemic Therapy Services. *Multisystemic Therapy: Treatment Model*, 1998. <<http://www.mstservices.com/text/treatment.html>>.

53. FFT is a family-focused intervention or prevention program that treats families and youth in crisis when the youth exhibits highly risky behaviors. FFT is typically offered as a short-term intervention or prevention model targeted at youth between the ages of 11 and 18. FFT has three clinical intervention phases, the first of which motivates the family towards positive change by bolstering the family's strengths and reinforcing the belief that FFT can help. The second clinical phase creates and implements short and long-term behavior changes that are specific to the needs and interests of each family member involved. During this stage, clinicians guide family members to change specific behaviors. The last clinical phase helps the family apply changes to family situations. Sexton, Thomas and James Alexander. "Functional Family Therapy." *Juvenile Justice Bulletin*. Washington, DC: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, December 2002. <http://www.ncjrs.gov/html/ojdp/jjbul2000_12_4/contents.html>.

54. Interview with John McGee, Deputy Commissioner, Philadelphia Department of Human Services, March 16, 2006; Interview with Dell Meriwether, Court Administrator, Philadelphia Department of Human Services, March 16, 2006; City of Philadelphia, Department of Human Services. *Request for Qualifications, Teen Placement Diversion Program*, Philadelphia, PA, February 13, 2006, 7 (noting that between September 2001 and April 2005, during each six-month interval assessed, the number of teens entering care steadily increased from approximately 45% to 57%).

55. Philadelphia Department of Human Services. *A Snapshot of Placements with a Focus on Older Youth*. Philadelphia, PA, January 13, 2006 (provided by Thomas Mudrick, Director of Quality Assurance, Philadelphia Department of Human Services).

56. *Ibid.*

57. *Ibid.*; Telephone Interview with Thomas Mudrick, Director of Quality Assurance, Philadelphia Department of Human Services, March 3, 2006.

58. City of Philadelphia, 2006. In addition to the DHS-based TPD Program, Philadelphia Family Court developed and operates the Reasonable Efforts in Assessment, Access and Prevention Unit (REAAP). The court-based REAAP also provides pre-petition intervention and assessment services to alleged status offenders whose parents attempt to file an incorrigibility petition against them. REAAP is working collaboratively with DHS to ensure families receive appropriate and needed services. Telephone interview with Carol Carson, Director of Children and Youth Services, Philadelphia Family Court, January 8, 2007; telephone interview with Andrea Jelin, Former Director of Children and Youth Services, Philadelphia Family Court, January 4, 2007.

59. *Vermont System of Care Plan: For Children and Adolescents with a Severe Emotional Disturbance and Their Families*. Waterbury, VT: Vermont Department of Developmental and Mental Health Services et al., 2001, 6. <<http://healthvermont.gov/mh/docs/cafu/mhkidsinteragencysofpFY02.doc>>.

60. Vt. Stat. Ann. tit. 33 § 4301 *et. seq.* (2006).

61. Vermont System of Care, 2001, 11-13; *see also A User's Guide to The Vermont System of Care: For Children and Adolescents with a Severe Emotional Disturbance and their Families*. Waterbury, VT: Vermont Department of Developmental and Mental Health Services, et al., 2002. <<http://healthvermont.gov/mh/docs/cafu/mhkidsocpFY02usersguide.doc>>; *The Vermont State System of Care Plan for Child, Adolescent and Family Mental Health State Fiscal Years 2005-2007*. Waterbury, VT: Vermont Department of Developmental and Mental Health Services, 2004, 4. <<http://healthvermont.gov/mh/docs/cafu/MHkidsSOC2004.pdf>>.

62. Vt. Stat. Ann. tit. 33 § 5517 (e).

63. *Social Services Policy Manual—Intake and Investigation*. Waterbury, VT: Vermont Department for Children and Families, Family Services Division, 2003, Policy Number 60. <<http://www.state.vt.us/srs/manual/casework/60.html>>.

64. Colo. Rev. Stat. Ann. § 26-5.5-105 (West 2006).

65. *Ibid.*, § 26-5.3-106.

66. Colorado Core Services Program Commission Report, 2005, 13. In addition, Pennsylvania provides financial incentives for counties to keep youth in their home and community. "Under Act 148, the counties pay a larger part of the cost of confining a child to a state institution than previously, encouraging them to develop local programs and services to keep troubled youth at home." The Act also uses a need-based budgeting and planning model, providing counties with flexibility to predict service needs for court-involved youth. Arya, Neelum, et al. "Keystones for Reform: Promising Juvenile Policies and Practices in Pennsylvania." Philadelphia, PA: Youth Law Center, 2005. <<http://www.jlc.org/mfc/keystonesforreform.pdf>>.

67. Vermont Fiscal Years 2005-2007, 2004, 6-7.

68. These statutes were not referenced directly in the text of this chapter, but were used to summarize common themes between differential response approaches.

CHAPTER 4

LEGISLATION AFFECTING GIRLS, RUNAWAYS, AND UNACCOMPANIED HOMELESS YOUTH

OVERVIEW

Purpose

Recommend key elements of laws that address the needs of special groups of youth who are at risk of or engage in noncriminal misbehavior, such as girls, runaway, and homeless youth.

Audience

Policymakers and advocates in child welfare and status offense systems.

Summary Points

- ◆ Many states and counties have gender-responsive programs in the status offense or delinquency systems. However, only three states have legislation that promotes gender-responsive services, treatment, and programs. Of these three states, one offers gender-responsive services for status offenders.
- ◆ Few states have enacted legislation offering programs and services to meet the needs of runaway and homeless youth. Even fewer states have passed laws that provide additional state financial support when federal funds are insufficient.
- ◆ States should enact legislation and establish policies that:
 - ◆ develop, implement, and sustain successful gender-responsive services for status offenders; and
 - ◆ require community services for runaway and homeless youth.

EMILY

Facts

. . . is 17 years old. Emily and her mother used to fight “all the time.” After a fight, Emily would run away and not tell her mother where she was going. During this time, when she had no where else to go, Emily would stay on the street. On one occasion Emily was attacked and her belongings were stolen. Emily's and her mother's fights became so frequent that her mother called the agency responsible for handling status offenses. Emily ran when she heard about the call and was missing for several weeks. During that time, a case manager tried offering Emily's mother and siblings' in-home counseling, but without Emily's involvement or even knowing her whereabouts, the service plan and treatment were not complete. When Emily returned, her mother requested respite care, during which Emily and her mother had one family counseling session. When respite services ceased, Emily returned home and then ran away a few days later.

Interventions

A petition was filed in court alleging that Emily was a child in need of services. Emily was later placed in a nonsecure shelter for 30 days where she continued family and individual counseling. Emily later returned home, but her relationship with her mother began to deteriorate when Emily started to skip school and disobey her mother's requests. Emily was again placed by the court in shelter, but this time for 90 days. Emily has one more month before she is discharged from the shelter, likely for the last time before her 18th birthday.

Outcomes

Unlike her previous out-of-home experiences, Emily reports that she is now more engaged in the services available through the shelter. Emily is in a G.E.D. program and applying to trade schools to become a medical assistant. Emily has also been visiting with her mother and siblings on weekends and engaging in weekly family therapy with her mother. Emily reports that her relationship with her mother has improved during her most recent stay at the shelter. When asked why things have changed this time, Emily responds that her counselors at the shelter have “helped keep me on track” and her judge has been supportive, but also tough. Emily notes, “I don't want to be at the shelter anymore and I realize now what I have to do to make a change.”

LEGISLATION AFFECTING GIRLS, RUNAWAYS, AND UNACCOMPANIED HOMELESS YOUTH

Legislation establishes statewide policy and guidelines affecting youth who are most at-risk of entering juvenile justice systems.¹ Legislation can also allocate funding to groups who may not otherwise receive equal access to services and treatment. Several states have enacted legislation that provides specialized treatment, services, or programs for some of these high risk youth—*girls*, and *runaway* and *unaccompanied homeless youth*.²

Legislative Reforms that Require Gender-Responsive Services for Youth in Status Offense Systems

State legislation can help develop protocols and programs geared towards girls at risk of or already in the status offense system. The following recommendations identify key elements of legislation aimed at offering gender-responsive services for youth in the juvenile justice and status offense systems. They are supported by legislative efforts in **Connecticut**, **Hawaii**, **Minnesota**, and **Oregon**.

Recommendation #1: Offer gender-responsive services to youth who engage in noncriminal misbehavior.

Despite the rise in the number of adjudicated female status offenders, there has been little legislative action to support programs that provide gender-responsive services to these youth. State status offense legislation should promote gender-responsive services for youth and children at risk of entering the status offense system and adjudicated status offenders.³

Girls are one of the fastest growing groups in the juvenile justice system.⁴ Over the last few decades juvenile arrest rates for girls have risen approximately 35%.⁵ The status offense system is seeing similar and alarming rises in the number of girls who are petitioned as status offenders. The most recent statistics on petitioned status offense cases found that 61% of all petitioned runaway cases were female.⁶ Females comprise almost half of other major status offense categories.⁷ Recent statistics also show that female status offenders are held in custody two times longer than male offenders and they are more likely than females accused of delinquent behaviors to be held in custody.⁸

Several states or counties provide gender-responsive programming for females in the status offense or delinquency systems, however, *only three states, Connecticut, Oregon, and Minnesota, have enacted legislation that promotes gender-responsive services, treatment, and programs*. Of these three states, only **Oregon** includes gender-responsive services that may be offered to status offenders. **Oregon's** statute applies to all female youth under age 18 who are placed in a facility and/or are receiving treatment or services through any state agency or state-funded human services or juvenile correction program.⁹

Two states, **Hawaii** and **Connecticut**, have proposed legislation to provide gender-responsive programming or services to female status offenders. **Hawaii's** proposed legislation regarding model gender-responsive programming would apply primarily to adult females in the criminal system and adjudicated female youth in the delinquency system.¹⁰ However, the legislation also provides funds for gender-responsive community-based programs for female status offenders and females adjudicated delinquent for minor violations.

Recommendation #2: Establish minimum service requirements for gender-responsive programs, services, and treatment.

Setting minimum standards and expectations is critical to ensuring continuity of care and a baseline of available services for female youth. Research on girls in the justice and status offense systems shows that many suffer from mental health disorders and have been the victims of maltreatment.¹¹ State legislation regarding gender-responsive services for status offenders should offer treatment and services that address these issues.¹²

The rising number of girls in the justice system prompted greater focus in scholarly journals and research on how justice systems view and respond to female offenders. This literature suggests that the juvenile justice system is not responding to the needs of girls throughout the arrest, detention, court, and disposition process.¹³ Some studies on female offenders estimate that as many as 70% of girls in the juvenile justice system have experienced past sexual abuse.¹⁴ Literature regarding female youth who are “thrown away” or run away from home also shows that children who run away before the age of majority often do so “as a result of intense family conflict or even physical, sexual or psychological abuse.”¹⁵

Research shows that girls who are physically or sexually abused are at higher risk for engaging in risky behaviors that may lead to delinquency.¹⁶ These traumatic events or other family dysfunction negatively impact and may diminish a girl’s healthy development and transition into adulthood. Common experiences between girls who enter the justice or status offense systems include histories of victimization, family turmoil, mental health disorders, and poor school records.¹⁷

However, when girls enter the status offense system due to behavior (such as aggression towards caregivers or running away) resulting from prior abuse, they face a largely paternalistic law enforcement and judicial system. They are detained longer than males who show the same behaviors and even their female counterparts in the delinquency system. In addition, once a girl is adjudicated a status offender, few programs are geared to meet her specific treatment and service needs in disposition, especially regarding prior victimization and trauma.

Only a few states have enacted or proposed laws that include services that respond to these research findings. Common strategies of service requirements are:

- Develop and implement rehabilitative treatment and services specific to females that are customized to the offenses females generally commit;
- Provide services for females that relate to parenting dependent children;
- Offer rehabilitative treatment regarding prior victimization, physical and sexual abuse, and dependency issues (e.g., drug dependency); and
- Help females develop independent life skills.

For example, proposed **Connecticut** House Bill 6355 would extend the requirement for gender-responsive treatment to behavioral health and addiction services for juvenile offenders.¹⁸ Proposed Connecticut House Bill 6359 supports the legislature’s mandate to provide gender-responsive prevention services by requiring:¹⁹

- The Connecticut judicial branch to create community-based programs for females that are trauma-based in philosophy, especially for status offending females;
- The Connecticut judicial branch to develop services and interventions to prevent females from entering the juvenile court system, including mentoring programs and the expansion of community advocates to coordinate existing services; and
- Any program designed by the judicial branch to prevent or reduce delinquency must be gender-specific—meaning that the programs or services are ones that:
 - are community-based and family-centered;
 - comprehensively address the unique needs of a targeted gender group;
 - provide staff training on girls’ needs; and
 - incorporate principles regarding gender, culture, race, and ethnicity and are conscious of the environment where services are offered to assure safety and respect.

Minnesota’s statute lists gender-responsive services that must be offered to juveniles and adults. The statute requires that female offenders (juvenile and adult) be provided “a range and quality of programming that is substantially equivalent to programming offered male persons . . .”²⁰ Listed in order of importance, these programs must:²¹

- respond to female offenders in a way that is rehabilitative and tailored to the type of offenses females generally commit;
- address the problems of female offenders with dependent children;
- promote the importance of establishing independent living skills;
- assist female offenders to overcome dependency; and
- provide assistance to other counties interested in implementing similar programs.

Legislative Reforms that Provide Treatment and Services to Runaway and Unaccompanied Homeless Youth

The federal *Runaway and Homeless Youth Act* (RHYA) assures the safety and welfare of the millions of youth in this country who live on the streets or run away from home with no place to turn. Most state legislatures assume jurisdiction over these youth through ‘offense’ systems—status or delinquency. Through these pathways, youth are often subject to court involvement and dispositional options that may include secure detention, especially if the youth continues to run. Nevertheless, ample research shows these youth are often running from dysfunctional and abusive homes.

State legislation is essential to not only filling the financial and programming gaps offered through the federal RHYA, but also to ensure that each state is accountable to its citizens, including those who are

most vulnerable and most at risk of falling through the cracks. The analysis below recommends key elements of runaway and homeless youth laws. They are supported by statutory efforts in **California**, **Colorado**, **Illinois**, and **New Jersey**.

Recommendation: #1: Enact legislation geared towards runaway and homeless youth.

States have an obligation to ensure the safety and welfare of unaccompanied homeless youth, youth who runaway or are thrown out of their homes—with no place to go. This group presents unique problems that most states do not address legislatively. As a result, existing programs have little guidance from policymakers and the state to resolve gaps in programs and services. State legislation would help resolve these issues and support a web of services for runaway and homeless youth.

In 1974, the federal government responded to the troubles facing runaway and later homeless youth by enacting the RHYA, located in Title III of the *Juvenile Justice and Delinquency Prevention Act* (JJDP).²² The RHYA supports shelters, transitional living services, and street outreach programs. In 1994, the American Bar Association Center on Children and the Law published “Runaway and Homeless Youth: A Survey of State Law.”²³ This publication found that most states had not adopted laws addressing runaway and homeless youth—finding six states that had adopted separate laws for this population, only four of which emphasized service delivery and two that appropriated funds for services.²⁴

In 2003, the National Law Center on Homelessness and Poverty and the National Network for Youth jointly published a state-by-state review of laws affecting unaccompanied minors and found that most states respond to runaway youth in the context of status offense or child in need of services laws.²⁵ The study found that 17 states explicitly and separately define “runaway” through legislation and 14 define “homeless” youth.²⁶ Twenty states provided status offense jurisdiction over a youth by virtue of his running away from home; another 17 states considered status offense jurisdiction for a runaway youth, if his behavior meets certain additional criteria.²⁷ Still other jurisdictions, as discussed earlier, designated runaway and/or homeless youth as dependent or delinquent.

Several states, however, have enacted legislation addressing the service and treatment needs of runaway and homeless youth. For example, **California** passed two bills regarding services for runaway and homeless youth. The *Runaway Youth and Families in Crisis Project* legislation grew from the state’s concern over the large number of youth who commit status offenses and ultimately enter criminal systems because of later delinquent or criminal behavior.²⁸ The law declares that there were approximately 43 emergency shelters available in the state to serve thousands of runaway youth. A conservative projection for the year 2000 showed a deficit of at least 1,222 emergency shelter beds and a 930 deficit for long-term beds across the state.²⁹ The legislation further required four California counties that provided little or no shelter or family crisis services to runaway youth and their families to establish pilot projects that met the legislation’s directives.³⁰

California’s *Homeless Youth Emergency Service Pilot Projects* law assures that unaccompanied youth living on the streets of major urban areas have adequate food, shelter, health care, or financial support.³¹ The law emphasizes that these youth need “specialized services” not only to locate them, but to assist them on a long and short-term basis, with issues they face, including histories of physical and sexual maltreatment and abuse.³² To further the legislation’s purpose, the law supports two homeless youth emergency projects in Los Angeles and San Francisco—California jurisdictions where homelessness problems are most acute.³³

Colorado also has two statutes which address the needs of this population. The *Colorado Homeless Youth Act* defines the duties of homeless youth shelters, provides licensing criteria, and allots funds to support shelters.³⁴ Colorado's *Homeless Youth Services Act* takes a different approach to offering services to homeless youth than California and its companion Colorado statute.³⁵ While the California law stresses providing specific services and developing and implementing programs in particular counties, Colorado's Homeless Youth Services Act focuses on coordinating services between existing public and private child-serving agencies. The legislature found that "because the issues that face homeless youth are so diverse, there is great need for cooperation" between entities to assure effective and collaborative services for homeless youth. To further this end, Colorado's legislation creates an office of homeless youth services to provide resources and coordinate between private and public programs for homeless youth.

Recommendation #2: Establish a core set of community services that must be offered to runaway and homeless youth.

Many runaway or homeless youth have left home to avoid ongoing maltreatment. Studies of homeless youth have found the rates of prior sexual abuse range from 17% to 35% and that physical abuse rates range from 40% to 60%.³⁶ Yet, many state legislatures continue to designate runaway, throwaway, or unaccompanied homeless youth as status offenders. This label may limit the services available to youth due to the public system they have been assigned. Moreover, few states have enacted legislation that provides services for runaway and homeless youth or expends state monies for such programs. Runaway and unaccompanied homeless youth often experience trauma in their family lives that carries over with them to the streets, where they are vulnerable to sexual exploitation, violence, drug activity, and are highly susceptible to mental health and physical disorders. States must ensure that these youth are safe and healthy when their families are unable or unwilling to provide for their basic needs.

For example, **Illinois'** community service program statute requires the Department of Human Services to develop model programs geared towards homeless youth. Funding provisions in Illinois' statutes steer funds to private nonprofits that offer the following services for runaway and homeless youth:³⁷

- temporary shelter;
- food;
- clothing;
- medical care;
- transportation;
- individual and family counseling; and
- other services to reunite youth and families and to provide appropriate temporary and protective care.

Building upon the Federal RHYA, **New Jersey's** *Homeless Youth Act* provides for three primary services: outreach, shelters, and transitional living. Under each program, the New Jersey statute lists core services that must be offered:³⁸

Program Type	Length of Stay	Age Requirement	Core Services Required
Street Outreach	N/A	Under 21 years old.	Assist in finding temporary shelter, food and medical care; offer a clothing allowance; individual and group counseling regarding violence prevention; and referral services.
Basic Center Shelter Program	Up to 30 days.	Under 21 years old.	Family reunification services, counseling, food, clothing, medical and educational assistance, recreational activities, and other referrals and advocacy.
Transitional Living Program	Up to 18 months.	Between 16 and 21 years old.	Educational, life skills, and career planning assistance; job placement, money management; assist in securing housing and accessing other social services.

Recommendation #3: Appropriate state funds and encourage county expenditures to support programs for runaway and homeless youth.

The federal RHYA provides financial support to nonprofit and public community-based programs to implement runaway and homeless youth programs. However, this *federal funding is limited*. With approximately \$40 million allocated for all transitional living programs in the country, many homeless and runaway youth are not provided long-term services to transition successfully to self-sufficiency, when returning home is not an option.³⁹

In addition, even with approximately \$80 million allocated for all temporary shelter programs, many shelters lack sufficient resources to serve youth who seek help. The following chart shows the number of youth turned away from temporary shelters and transitional living program from January 1, 2005 to December 31, 2005:⁴⁰

Program	Number of Youth Turned Away In-Person (Nationally)	Number of Youth Turned Away By Phone (Nationally)
Basic Center Program (Temporary Shelters)	1,357	15,154
Transitional Living Program	2,160	7,132

States, through legislation, must also take responsibility for and address the needs of runaway and homeless youth.

For example, **California's** laws supporting programs for runaway and homeless youth are established through state-run grant programs. California's legislation regarding runaway projects also requires that grantees contribute at least 15% cash or in-kind donations to the project during the grant term. The legislation regarding homeless youth projects does not have a similar requirement.⁴¹ California also supports building and renovating runaway youth shelters through the *California Youth Center and Youth Shelter Bond Act Program*.⁴²

Illinois' statutes allows county or township boards or corporate authorities of municipalities to give funds to private nonprofit organizations to provide services and programs to runaway and homeless youth.⁴³ Similarly, **New Jersey** law allows any county or municipality to use local money to support private, nonprofit organizations that offer services to runaway and/or homeless youth.⁴⁴

STATUTES AT A GLANCE

Legislation Affecting Specific Populations of Youth

Girls

Connecticut General Statutes Annotated §§ 17a-6, 46b-121h, 46b-121k

Minnesota Statutes Annotated § 241.70

Oregon Revised Statutes Annotated § 417.270

An Act Concerning Gender Specific Behavioral Health and Addiction Services, Connecticut H.B. 6355 (2005) (died in committee)

An Act Implementing the Recommendations of the Girls' Services Steering Committee, Connecticut H.B. 6359 (2005) (died in committee)

Female Parity; Corrections; Appropriations, Hawaii S.B. 467/H.B. 245 (2005) (died in committee)

Making an Appropriation to the Second Judicial District Court for the Say No to Abusing Power and Girls Empowerment Programs, New Mexico H.B. 821 (2005) (died in committee)⁴⁵

Runaway and/or Homeless Youth⁴⁶

West's Annotated California Welfare and Institutions Code § 13701, *et. seq.*

West's Annotated California Welfare and Institutions Code § 1787, *et. seq.*

West's Colorado Revised Statutes Annotated § 26-5.7-101, *et. seq.*

West's Colorado Revised Statutes Annotated § 26-5.9-101, *et. seq.*

20 West's Smith-Hurd Illinois Compiled Statutes Annotated 505/17; 55 West's Smith-Hurd Illinois Compiled Statutes Annotated 5/5-1090; 60 West's Smith-Hurd Illinois Compiled Statutes Annotated 1/215-15; 65 West's Smith-Hurd Illinois Compiled Statutes Annotated 5/11-5.2-3.

New Jersey Statutes Annotated § 9:12A-1, *et. seq.*

Endnotes

1. American Bar Association and National Bar Association. *Justice by Gender: The Lack of Appropriate Prevention, Diversion and Treatment Alternatives for Girls in the Justice System*. Washington, DC: ABA and NBA, 2001, 25 <<http://www.abanet.org/crimjust/juvjus/justicebygenderweb.pdf>>; see also Biden, Joseph., Jr. "What About the Girls? The Role of the Federal Government in Addressing The Rise in Female Juvenile Offenders." *Stanford Law and Policy Review* 14, 2003, 29, 30 (arguing that Congress needs to examine how the federal government responds to the increase in female youth entering the justice system by providing adequate support for state gender-responsive programs).
2. There is little state legislation on these groups, yet research shows that they enter child welfare and juvenile systems frequently because of family conflict and maltreatment in the home. This chapter does not address legislation and policy affecting all subgroups of youth who are at risk of becoming the responsibility of child-serving agencies. Many youth enter status offense systems as a result of habitual or chronic truancy. Issues relating to education reform and truancy prevention, although indirectly addressed through this report's more general lens of policy and legislative reform promoting diversion and prevention for status offenders, is not the primary focus of this section or the overall report. Instead, the focus is on status offenses resulting from high conflict between parents and youth, such as ungovernable or runaway behavior.
3. See 42 U.S.C. § 5633(a) (7) (B) (West 2006) (Title II of the JJDPa mandates that states have a plan for "providing needed gender-specific services for the prevention and treatment of juvenile delinquency").
4. *Justice by Gender*, 2002, 1.
5. Snyder, Howard N. "Juvenile Arrests 2000." *Juvenile Justice Bulletin*. Washington, DC: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, November 2002. <http://www.ncjrs.gov/html/ojjdp/jjbul2002_11_1/contents.html>.
6. Snyder, Howard N. and Melissa Sickmund. *Juvenile Offenders and Victims: 2006 National Report*. Washington, DC: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, 2006, 191. <<http://ojjdp.ncjrs.org/ojstatbb/nr2006/index.html>>.
7. *Ibid.*
8. Snyder, 2006, 206-217.
9. Or. Rev. Stat. §§ 417.270 (1), (2) (2006).
10. Hawaii H.B. 245 § 1.
11. *Justice by Gender*, 2002, 3; Greene et al. with the Northwest Regional Education Laboratory. *Guiding Principles for Promising Female Programming: An Inventory of Best Practices*. Washington, DC: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, 1998, Chapter 1. <<http://ojjdp.ncjrs.org/pubs/principles/contents.html>>.
12. For example, many girls who have been the victim of physical or sexual abuse suffer from post-traumatic stress disorder, which may require mental health treatment and therapy.
13. Beyer, Marty, et al., "A Better Way to Spend \$500,000: How the Juvenile Justice System Fails Girls." *Wisconsin Women's Law Journal* 18, 2003, 51, 53-54; *Justice by Gender*, 2002, 15-25; see also Dalby, Cheryl. "Gender Bias Towards Status Offenders: A Paternalistic Agenda Carried Out Through the JJDPa." *Law and Inequality: A Journal of Theory & Practice* 12, 1994, 429.
14. Beyer, 2003, 52.
15. Hammer, Heather, David Finkelhor, and Andrea J. Sedlak. *NISMART: National Incidence Studies of Missing, Abducted, Runaway and Thrownaway Children, Runaway/Thrownaway Children: National Estimates and Characteristics*. Washington, DC: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, 2002. <<http://www.ncjrs.gov/pdffiles1/ojjdp/196469.pdf>>.
16. Greene, 1998, Chapter 1.
17. *Justice by Gender*, 2002, 6-7.
18. An Act Concerning Gender Specific Behavioral Health and Addiction Services, Connecticut H.B. 6355 (2005).
19. An Act Implementing the Recommendations of the Girls Services Steering Committee, Connecticut H.B. 6359 (2005).
20. Minn. Stat. Ann. § 241.70 (West 2006).
21. *Ibid.*
22. 42 U.S.C. § 5701 *et seq.*, 45 C.F.R. Part 1351 (1988).
23. Paradise, Emily and Robert Horowitz. *Runaway and Homeless Youth: A Survey of State Law*. Washington, DC: ABA Center on Children and the Law, 1994.
24. *Ibid.*, 23.
25. National Law Center on Homelessness and Poverty and National Network for Youth. *Alone Without a Home: A State-by-State Review of Laws Affecting Unaccompanied Youth*. Washington, DC, 2003, 17, 25.
26. *Ibid.*, 3.

27. *Ibid.*, 17.
28. Cal. Welf. & Inst. Code § 1787 (a) (West 2006).
29. *Ibid.*, §§ 1787 (d),(f).
30. *Ibid.*, § 1787 (h).
31. *Ibid.*, § 13700 (a).
32. *Ibid.*, §§ 13700 (c), (f).
33. *Ibid.*, § 13700 (g).
34. Colo. Rev. Stat. Ann. § 26-5.7.101, *et. seq.* (West 2006).
35. *Ibid.*, § 26-5.9-102.
36. Robertson, Marjorie and Paul Toro. *Homeless Youth: Research, Intervention and Policy, Practical Lessons: The 1998 Symposium on Homelessness Research*. Washington, DC: U.S. Department of Health and Human Services, 1999, 6 of 29. <<http://aspe.hhs.gov/progsys/homeless/symposium/3-Youth.htm>> (citing Busen, N.H. and B. Beech. "A Collaborative Model for Community Based Health Care Screening of Homeless Adolescents." *Journal of Professional Nursing* 13(5), 1997, 316-324; Robertson, M.J.. *Homeless Youth in Hollywood: Patterns of Alcohol Use. A Report to the National Institute on Alcohol Abuse and Alcoholism* (Report No. C51). Berkeley, CA: Alcohol Research Group, 1989; Rothman, J and T. David. *Status Offenders in Los Angeles County: Focus on Runaway and Homeless Youth*. Bush Program on Child and Family Policy. Los Angeles, CA: University of California, 1985).
37. *See, e.g.*, 60 Ill. Comp. Stat. Ann. 1/215-15 (West 2006).
38. N.J. Stat. Ann. § 9:12A-6 (West 2006) (street outreach program); N.J. Stat. Ann. § 9:12A-7 (West 2006) (basic center shelter program); N.J. Stat. Ann. § 9:12A-8 (West 2006) (transitional living program).
39. *Issue Brief—Runaway and Homeless Youth Act Reauthorization*. Washington, DC: National Alliance to End Homelessness, Child Welfare League of America, Volunteers of America, 2003. <<http://www.endhomelessness.org/pol/papers/RHYbrief.pdf>>; *see also*, Loken, Gregory. "Thrownaway: Children and Throwing Parenthood." *Temple Law Review* 68, 1715, 1749, 1995.
40. U.S. Department of Health and Human Services, Administration for Children and Families. *National Extranet Optimized Runaway and Homeless Youth Management Information System (NEO-RHYMIS)*. <https://extranet.acf.hhs.gov/rhymis/custom_reports.html>. (report run on May 17, 2006).
41. Cal. Welf. & Inst. Code § 1789 (d) (West 2006).
42. *Ibid.*, § 2011.
43. 55 Ill. Comp. Stat. Ann. 5/5-1090 (West 2006) (county boards); 60 Ill. Comp. Stat. Ann. 1/215-15 (West 2006) (township boards); 65 Ill. Comp. Stat. Ann. 5/11-5.2-3 (West 2006) (corporate authorities of municipalities).
44. N.J. Stat. Ann. § 40:5-2.10b (West 2006).
45. New Mexico's proposed bill is not discussed herein, but is another example of how legislatures may support gender-responsive programming for female youth offenders. The bill provides financial support to an already existing girl empowerment program through the Second Judicial District Court for New Mexico. It is a 16-week program offered to girls who are witnesses to, victims, or offenders of violence.
46. Other state statutes that include services for runaway and homeless youth, but are not discussed here, are Alaska, Florida, and New York.

APPENDIX A

GLOSSARY

Crisis Intervention Services: are services that, in the context of this report, provide immediate, short-term, intensive clinical responses to family conflicts and crises involving youth who engage in noncriminal misbehaviors.

Dependent Child: is a child or youth under the age of 18 or 21 (depending on the jurisdiction) who has been adjudicated by the court as abused, abandoned, neglected, and/or maltreated by a parent or caregiver.

Differential Response: is a child welfare agency approach to child protection referrals that assesses the needs of the child and/or family without requiring a formal investigation to determine if maltreatment occurred or if the child is at risk of maltreatment. May also be called alternative response, dual or multi-track response.

Diversion Services or Programs: are services that, in the context of this report, aim to divert or prevent youth from entering the status offense court system or become the responsibility of the child welfare system because of the youth's risky behaviors.

Evidence-Based: are treatments, interventions, services, and/or assessments that are scientifically proven to be effective in addressing certain issues or problems.

Family Group Conferencing: are meetings used in child welfare cases that include a facilitated discussion of family strengths and concerns. During the meeting, the family meets privately to deliberate and make decisions that are presented to other meeting participants for discussion and approval. Other versions of family group conferencing may be called "Family Group Decision-Making," "Family Team Meetings" or "Family Unity Meetings."

Family Preservation Program: are services designed to support families in crisis when children are at imminent risk of foster care placement. Program features typically include intensive, short-term crisis interventions, small caseloads, and increased accessibility to caseworker staff.

Functional Family Therapy: is a family-centered intervention program for troubled adolescents, typically between ages 11 and 18. The program is used to treat adolescents who engage in high-risk behaviors and consists of a multi-phased prevention protocol that is typically offered over a three-month period.

Multisystemic Therapy: is a family-focused and home-based intervention that targets adolescent substance abuse and violent and/or antisocial behaviors in youth. It intends to change how troubled youth function in their own environment and is primarily used with violent juvenile offenders and their families to avoid out-of-home placements or incarceration.

Reasonable Efforts: the federal Adoption and Safe Families Act of 1997 requires courts to determine if child welfare agencies made reasonable efforts to: (1) prevent the removal of alleged abused and/or neglected children from their homes; and (2) establish and finalize permanency plans for dependent children.

Respite Care: provides families with short-term out-of-home child care. In the context of status offense systems, respite care is available to families in several jurisdictions as an optional pre-court diversion service.

Status Offense: is conduct by a minor that is unlawful because of the youth's age. Common examples of status offenses include running away, chronic truancy, out-of-control or incorrigible behavior, underage drinking, and curfew violations. May also be called child in need of services (CHINS), juvenile in need of services (JINS), family in need of services (FINS), person in need of supervision (PINS), etc.

Secure Facility: is a physically restrictive facility that prevents youth from coming and going at will. It is a public or private placement for youth who are accused or convicted of a delinquent act, criminal offense, or violation of a valid court order.

System of Care: is a multi-agency collaborative approach to the delivery of community-based, family-focused services and treatment to families, children, and youth. *See, e.g.,* "Wraparound Services."

Throwaway Youth: are children and youth who are forced out of their home and/or who are not permitted to return home.

Unaccompanied Homeless Youth: are children and youth who are homeless and unaccompanied by an adult, parent, or caregiver.

Wraparound Services: are collaborative service delivery systems for children and families with multiple problems that require assistance from multiple agencies. Wraparound services typically provide family and child-specific community-based services, treatment, and referrals designed to keep children and youth who suffer from emotional disturbances or serious mental illnesses in the family home.

APPENDIX B

JUVENILE STATUS OFFENSE LEGISLATIVE CHART

About this document: This document is for informational purposes only. It provides a flavor for how different states legislatively respond to status offenders. Use it along with one's own primary research and independent reading of the statutes cited. This chart does not represent all language in the statutory sections cited, nor does it represent any state regulations, case law, court rules, and other materials that may affect how each state responds to status offenders. This chart was created from a review of state juvenile delinquency, status offense, and dependency code sections. Readers should also consult their jurisdiction's laws, regulations, case law, policy guidance, and other materials for complete information. A legislative label key is located at the end of this chart, which defines acronyms listed in the "Legislative Label" column.

Legislative Label	Select Eligibility Criteria	Pre-Court Intervention or Diversion Activities	Select Disposition Options	Secure Placement after Court Order Violation	Citation
Alabama					
CHINS	Under 18; truant, beyond parent's control, or other noncriminal act committed by a child.	A probation officer may give advice to parties for purposes of an informal adjustment.	Remain at home, probation, drug tests, placement with relative, or out-of-home placement.	Permitted	Ala. Code § 12-15-1, <i>et. seq.</i>
Alaska					
CINA	Under 18; abused, neglected, abandoned, habitual absence from home or conduct that puts child at risk of harm.	Court must appoint an agency to conduct a preliminary report to help determine appropriateness of court involvement and agency must make reasonable efforts to prevent child's removal from home.	Remain at home, placement with relative, or out-of-home placement.	Permitted	Alaska Stat. § 47.10.011 <i>et. seq.</i>
Arizona					
Incorrigible	Under 18; beyond control, consistently truant, runs away, or commits an act that is an offense for children only.	Not mentioned	Remain at home, probation, monetary restitution, placement with relative, or out-of-home placement.	Not mentioned	Ariz. Rev. Stat. § 8-201, <i>et. seq.</i>

Legislative Label	Select Eligibility Criteria	Pre-Court Intervention or Diversion Activities	Select Disposition Options	Secure Placement after Court Order Violation	Citation
Arkansas					
FINS	Under 18; habitually truant, disobedient, or runs away.	If an intake officer determines diversion is in the child's best interest, the child admits to a FINS act, and the child, parent(s) and petitioner agree, the officer may attempt to divert case.	Remain at home, placement with relative, out-of-home placement, fine, parental responsibility training, family services, or in-home electronic monitoring.	Permitted	Ark. Code. Ann. § 9-27-301
California					
601 Ward	Under 18; habitually out of control, truant, or violates curfew.	Any county may create an early intervention program for at-risk youth.	Probation, remain at home, out-of-home placement if certain conditions are met, or counseling for parent and/or child.	Permitted	Cal. Welf. & Inst. § 601, <i>et. seq.</i>
Colorado					
Dependent or Neglected, Status Offender	Dependent or Neglected: Under 18; runs away, abused, abandoned, or neglected. Status Offender: A child whose conduct would not be a crime if committed by an adult.	The District Attorney may withhold filing a petition of abuse or neglect and divert case to nonjudicial diversion treatment.	Dependent or Neglected: Create treatment plan, remain at home, placement with relative, or out-of-home placement. Status Offender: Not mentioned.	Permitted for status offenders	Colo. Rev. Stat. § 19-1-103; Colo. Rev. Stat. § 19-3-102, <i>et. seq.</i>
Connecticut					
FWSN, Youth in Crisis	FWSN: Under 16; runs away, beyond parent's control, or truant. Youth in Crisis: 16 or 17; within 2 years ran away, beyond parent's control, or truant.	A probation officer may refer a case to court or community-based or other service provider.	FWSN and Youth in Crisis: Remain at home, voluntary services, community service for child, placement with a relative, or out-of-home placement.	Prohibited after October 2007	Conn. Gen. Stat. § 46b-120, <i>et. seq.</i>
Delaware					
Dependent, Truant	Dependent: Homeless or destitute child or without proper support or care through no fault	If an alleged dependent child's custodian cannot be found or refuses to take child back, a court	Remain at home or out-of-home placement.	Prohibited	Del. Code. Ann. tit 31, § 301, <i>et. seq.</i> ; Del Code. Ann. tit. 10, § 1001, <i>et. seq.</i>

Legislative Label	Select Eligibility Criteria	Pre-Court Intervention or Diversion Activities	Select Disposition Options	Secure Placement after Court Order Violation	Citation
Delaware (continued)					
	of the parent. Truant: Youth between grades K and 12 who is absent from school without excuse for 3 or more days.	petition can be filed or the child returned to the custodian.			
District of Columbia					
PINS	Under 18; habitually truant, disobedient or engages in conduct that is only an offense for children and needs rehabilitation or care.	Director of social services must conduct a preliminary inquiry to determine whether the best interests of the child or public require court involvement.	Community service, probation, remain at home, or out-of-home placement through agency that cares for delinquent children.	Permitted	D.C. Code Ann. § 16-2301, <i>et. seq.</i>
Florida					
FINS, CINS	Under 18; persistently running away, habitually truant, or disobedient and beyond parent's reasonable ability to control.	FINS services, treatment, family intervention, and all available less restrictive resources must be exhausted before court involvement.	Remain at home, services and treatment for parents and child, placement at staff-secure shelter, or fine parents.	Permitted	Fla. Stat. Ann. § 984.03, <i>et. seq.</i>
Georgia					
Status Offender, Unruly Child	Under 18; truant, incorrigible or unruly, or runs away.	Authorized court personnel must determine if it is in the child's best interest to file an unruly/status offender petition. Any court may establish an early intervention program to divert unruly children from court.	Any disposition options available to delinquent youth except for commitment to the juvenile justice agency, unless the youth is not amenable to treatment.	Permitted	Ga. Code Ann. § 15-11-2, <i>et. seq.</i>
Hawaii					
YINS, Child	YINS: Under 18; youth who have been arrested, had contact with the police, or who are experiencing social, emotional,	YINS: Legislative intent to provide community services preferably in the youth's home or in the least restrictive environment. Youth	YINS: Not mentioned Child: Remain at home under supervision, out-of-home placement, treatment or care for	YINS: Not mentioned Child: Permitted	Haw. Rev. Stat. § 352D-2, <i>et. seq.</i> ; Haw. Rev. Stat. § 571-11, <i>et. seq.</i>

Legislative Label	Select Eligibility Criteria	Pre-Court Intervention or Diversion Activities	Select Disposition Options	Secure Placement after Court Order Violation	Citation
Hawaii (continued)					
	psychological, educational, moral, physical, or other similar problems. Child: Under 18; neglected, beyond parent's control, violates curfew, or truant.	service centers created to offer prevention programs to YINS. Child: An intake officer may provide child with an "informal adjustment" such as community service, counseling, or nonsecure placement.	child, or monetary restitution from child.		
Idaho					
Status Offender	Under 18; truant, runs away, or beyond parent's control.	Pre-court diversion services available under Juvenile Corrections Act, but unclear if applicable to status offenders.	All options available to delinquent youth except placement in a secure facility.	Unclear: disposition section allows secure placement for habitual status offender, other sections forbid it.	Idaho Code § 20-501, <i>et. seq.</i>
Illinois					
MRAI	Under 18; absent from home without consent, or beyond parent's control.	An MRAI petition cannot be filed unless the child and family are offered interim crisis intervention services and the child still refuses to return home after his/her parents cannot agree to an alternative voluntary residential placement.	Remain at home, out-of-home placement, or suspension of driver's license.	Permitted	705 Ill. Comp. Stat. 405/3-1, <i>et. seq.</i> ; 705 Ill. Comp. Stat. 405/1-1, <i>et. seq.</i>
Indiana					
Delinquent Child	Under 18; leaves home without cause or permission, truant, or habitually disobedient.	Not mentioned	Remain at home, out-of-home placement, treatment for child or family, or partial or complete emancipation.	Permitted	Ind. Code Ann. § 31-37-2-2, <i>et. seq.</i>
Iowa					
FINA, Chronic Runaway	FINA: A breakdown in family relationships requires public agency assistance. Chronic Runaway: Child	FINA: Petition to court must state that the family has already sought services from public or private agencies to maintain	FINA: Counseling services. Court cannot place child on probation, in a foster home, or in a nonsecure facility	Prohibited	Iowa Code Ann. § 232.2, <i>et. seq.</i>

Legislative Label	Select Eligibility Criteria	Pre-Court Intervention or Diversion Activities	Select Disposition Options	Secure Placement after Court Order Violation	Citation
Iowa (continued)					
	runs away more than once in any 30-day period or three or more times in a year.	and improve the family relationship. Chronic Runaway: May be taken into custody by law enforcement and sent to a runaway placement center at which services will be provided to the child and family. If services fail, the center may determine whether a FINA or CINA (abuse, neglect, abandonment) petition should be filed.	unless the child requests and agrees to it. Under no circumstances can the court order the child placed in a secure facility. Chronic Runaway: May be subject to FINA dispositional options, if placed in a runaway placement center.		
Kansas					
CINC	Under 18; abused, abandoned, neglected, truant, in violation of a state law that does not apply to adults, or is absent from home without permission.	Not specified, except that agency must make reasonable efforts to prevent child's removal from home.	Remain at home, out-of-home placement, placement with family, or counseling for parent and/or child.	Permitted	Kan. Stat. Ann. § 38-1502, <i>et. seq.</i>
Kentucky					
Status Offender	Under 18; habitual runaway, truant, or beyond parent's control.	Before filing a court petition, the party seeking court involvement must meet with a court-designated worker to determine if court involvement, a referral to a child welfare agency, or diversion agreement is appropriate.	Remain at home, out-of-home placement, any programs for the child and family that can change behavior.	Permitted	Ky. Rev. Stat. Ann. § 630.020, <i>et. seq.</i>
Louisiana					
FINS	Under 18; runaway, truant, or ungovernable.	Except for emergencies, a court designated officer must convene an informal family service plan conference before or after a petition is filed, but before the	Counseling or services for the child and family, probation for the child, placement with a caretaker, or out-of-home placement, if reasonable efforts were	Permitted	La. Ch. C. Art. § 726, <i>et. seq.</i>

Legislative Label	Select Eligibility Criteria	Pre-Court Intervention or Diversion Activities	Select Disposition Options	Secure Placement after Court Order Violation	Citation
Louisiana (continued)					
		first court appearance. If an agreement is created and implemented the family is discharged from court involvement.	made to prevent placement.		
Maine					
YINS, Habitual Truant	YINS: Under 15; beyond parent's control, without proper care, subsistence or parental control, is in imminent danger of physical or mental injury, or of committing a delinquent offense, abuses alcohol or drugs. Truant: 7 to 17 year old who misses a ½ day of school without an excuse. Habitual truant: 7 to 17 year old who has 10 nonexcused absences or 7 consecutive nonexcused absences in a school year.	YINS: When informed of a case, the agency must conduct a preliminary assessment and create a safety plan for the child and family and arrange for services. Habitual Truant: School must begin informal proceedings with the child and parent to correct truancy. A hearing can be held by the school board if the informal process fails.	YINS: If a court orders a service provider to offer services to the child and family, the court cannot order secure residential placement or inpatient treatment or order a youth to participate in services or enter an order of enforcement or contempt. Truant: A parent with control over an habitually truant youth can be ordered to comply with the statute, undergo counseling, or take specific action to ensure the child's attendance.	YINS: Prohibited Truant: Not mentioned.	Me. Rev. Stat. Ann. tit. 22, § 4099-A, <i>et. seq.</i> ; Me. Rev. Stat. Ann. tit. 20A, § 3271, <i>et. seq.</i> ; Me. Rev. Stat. Ann. tit. 20A, § 5001-A.
Maryland					
CHINS	Under 18; habitually truant, disobedient and beyond parent's control, or endangers self or others.	Pilot program in Baltimore County requires intake officer to refer child and family to designated assessment intervention services before filing a court petition.	Remain at home, out-of-home placement, probation, or family and/or child services.	Prohibited	Md. Cts. & Jud. Proc. Code Ann. § 3-8A-01, <i>et. seq.</i>
Massachusetts					
CHINS	Under 17; persistently runs away, refuses to obey parent's lawful commands or a 6 to 16	If child is not brought into court on arrest, the clerk must set a hearing to determine if	Remain with parents, out-of-home placement, placement with a relative, or participate in services.	Prohibited	Mass. Gen. Laws. Ann. ch. 119, § 21, <i>et. seq.</i>

Legislative Label	Select Eligibility Criteria	Pre-Court Intervention or Diversion Activities	Select Disposition Options	Secure Placement after Court Order Violation	Citation
Massachusetts (continued)					
	year old who is persistently truant.	a petition should issue and must ask the probation officer to conduct a preliminary inquiry to determine if the child's best interests require court involvement. At the hearing the court can refuse to issue a petition due to insufficient evidence or, with family consent, because the interests of the child would best be served by informal assistance. If a child is brought to court on an arrest, a petition automatically issues.			
Michigan					
Juvenile	Under 17; runs away without cause and was placed or refused alternative placement or family counseling has been exhausted, repeatedly disobedient to lawful commands of parents, or repeated truancy and the school and family have met on the child's educational issues and alternative agency assistance has been sought.	A preliminary inquiry may be made to determine whether the interests of the public or the juvenile require court involvement. If the court determines formal jurisdiction should be acquired, the court must authorize a petition be filed.	Remain with parent or relative under probation, issue a warning, foster or institutional placement, community service, or court costs.	Permitted	Mich. Comp. Laws § 712A.2, <i>et. seq.</i>
Minnesota					
CHIPS, Juvenile Petty Offender	CHIPS: Under 18; abused, abandoned or neglected, injurious behaviors to self or others, runaway, or habitually truant. Juvenile Petty Offender: Under 18; violation of	CHIPS: Community-based truancy programs may be established to provide services to families and truant children to integrate them back into school. School officials may also refer	CHIPS: Remain at home, out-of-home placement, under supervision of a probation officer, community service, fines, cancellation of driver's license, or counseling for parents and child.	CHIPS: Not mentioned Juvenile Petty Offender: Prohibited	Minn. Stat. § 260C.007, <i>et. seq.</i> ; Minn. Stat. § 260A.01, <i>et. seq.</i> ; Minn. Stat. Ann. § 260B.007, <i>et. seq.</i>

Legislative Label	Select Eligibility Criteria	Pre-Court Intervention or Diversion Activities	Select Disposition Options	Secure Placement after Court Order Violation	Citation
Minnesota (continued)					
	a local ordinance by a child that would be lawful conduct if committed by an adult.	a truant child to a school review board or mediation program before court referral. Juvenile Petty Offender: Not mentioned.	Juvenile Petty Offender: pay a fine, probation, monetary restitution, drug treatment.		
Mississippi					
CHINS	Between 7 and 18 years old; habitually disobedient, truant, or runs away without good cause or has committed a delinquent act.	Court intake must conduct a preliminary inquiry and may recommend that an informal adjustment and plan for services be made, instead of court involvement.	Remain at home, treatment for child, pay restitution, out-of-home placement, including a wilderness program, or participate in youth work program.	Prohibited (disposition options available at adjudication are the same as those available when child violates disposition order)	Miss. Code. Ann. § 43-21-105, <i>et. seq.</i>
Missouri					
Child	Under 17; Repeatedly absent from school, truant or absent from home, or behavior is injurious to self or others.	The court must make a preliminary inquiry to determine the facts and if the interests of the public or child require further action. Based on this inquiry, the juvenile court may make an informal adjustment without a court petition.	Remain at home, out-of-home placement, treatment, or counseling.	Permitted	Mo. Rev. Stat. § 211.011, <i>et. seq.</i>
Montana					
YINI	Under 18; runs away from home, habitually truant, or beyond parent's control despite reasonable efforts to mediate or resolve the youth's behavior.	A probation officer must conduct a preliminary inquiry and may conduct a multidisciplinary youth assessment. The officer may refer the family to informal adjustment and offer treatment and services to the family without court involvement.	Remain at home, out-of-home placement, restitution payments, community service, counseling for parents or youth, house arrest, or confiscation of driver's license.	Prohibited (disposition options available at adjudication are the same as those available when child violates disposition order)	Mont. Code Ann. § 41-5-103, <i>et. seq.</i>

Legislative Label	Select Eligibility Criteria	Pre-Court Intervention or Diversion Activities	Select Disposition Options	Secure Placement after Court Order Violation	Citation
Nebraska					
Status Offender	Under 18; acts that would not be a crime if committed by an adult, such as habitual truancy, disobedience, or running away.	Not mentioned.	Remain at home, out-of-home placement, or placement with a relative.	Prohibited	Neb. Rev. Stat. § 43-245, <i>et. seq.</i>
Nevada					
CHINS	Under 18; habitually truant, disobedient, or runs away and needs care or rehabilitation.	All complaints must be referred to a probation officer who must make a preliminary inquiry to determine if the child would be better served by informal supervision, which includes creating an agreement that may require the child to participate in services or work restitution.	<p>First Truant Offense: Pay restitution, community service, or driver's license suspension.</p> <p>Second Truant Offense: Higher restitution payments, longer community service, or driver's license suspension.</p> <p>First Other CHINS Offenses: admonish child to obey rules, community service.</p> <p>All children under the juvenile code may remain at home and under electronic supervision or be committed to the child-serving agency.</p>	Unclear (one provision prohibits any placement of CHINS in detention facilities; another provision states that a CHINS can be detained beyond 24 hours, if they violate a court order; still another provision does not allow CHINS to be treated as delinquents)	Nev. Rev. Stat. Ann. § 62A.040 <i>et. seq.</i>
New Hampshire					
CHINS	Under 18; habitually truant, runs away, or is in need of care, supervision, treatment, or rehabilitation.	At any time before or during court involvement a family may be referred to a diversion program or other community resource.	Remain at home subject to conditions, family counseling, placement with a relative or in a foster or group home, pay restitution, or community service.	Prohibited (child in contempt may be placed on home arrest or in a detention facility, but with no contact with delinquent youth and detaining facility cannot be physically secure).	N.H. Rev. Stat. Ann. § 169-D:2, <i>et. seq.</i>
New Jersey					
Juvenile-Family Crisis	Under 18; runs away, serious conflict between	All complaints must be reviewed by court	Family treatment and services, out-of-home	Prohibited	N.J. Stat. Ann. § 2A:4A-20, <i>et. seq.</i>

Legislative Label	Select Eligibility Criteria	Pre-Court Intervention or Diversion Activities	Select Disposition Options	Secure Placement after Court Order Violation	Citation
New Jersey (continued)					
	parents and child, or serious threat to the safety of a child, or repeated absences from school.	intake to determine if diversion is appropriate. Juvenile-Family Crisis unit must offer diversion services, including referrals and creation of a diversion agreement.	placement, if family cannot agree to alternative plan. If placed out of home, the child-serving agency must create a service plan aimed to resolve the family crisis.		
New Mexico					
FINS, FINCOS	FINS: Under 18; child's behaviors endanger his/her well-being, runs away, child refuses to live with family or family refuses to allow child to live with family. FINCOS: same as above, including children who are truant.	FINS: The child-serving agency must, within available resources, create a service referral process for all FINS cases. The duty to file a court petition does not attach unless a child is voluntarily placed for a period of time and the family refuses to take the child back. FINCOS: A petition must allege that the family participated in or refused to participate in a plan for family services and that the department has exhausted appropriate and available services.	Remain at home or out-of-home placement.	Prohibited	N.M. Stat. Ann. § 32A-3A-2, <i>et. seq.</i> ; N.M. Stat. Ann. § 32A-3B-2, <i>et. seq.</i>
New York					
PINS	Under 18; truant, habitually ungovernable, or disobedient.	Each county must offer diversion services to youth and families at risk of PINS court involvement. Services must include holding a conference with the family, offering crisis intervention services, and community referrals.	Discharge with a warning, probation, remain at home, placement with relatives, or out-of-home placement.	Prohibited	N.Y. Family Court Act § 712, <i>et. seq.</i>

Legislative Label	Select Eligibility Criteria	Pre-Court Intervention or Diversion Activities	Select Disposition Options	Secure Placement after Court Order Violation	Citation
North Carolina					
Undisciplined Juvenile	Between 6 and 16; absent from school, regularly disobedient, beyond parent's control, or runs away. Between 16 and 17; regularly disobedient or beyond parent's control, or runs away.	When a complaint is received by the court an intake officer must conduct a preliminary inquiry to determine if diversion services are appropriate. Diversion services may include the creation of a contract, referrals to community services, or teen court.	Remain at home, out-of-home placement, placement with a relative, or probation.	Permitted	N.C. Gen. Stat. § 7B-1501, <i>et. seq.</i>
North Dakota					
Unruly	Under 18; habitually truant, disobedient to lawful parental commands, or one who is willfully in situations that are dangerous to self or others.	Before a court petition is filed, the juvenile court supervisor may counsel and advise the parties through an informal adjustment and impose conditions for the conduct and control of the child, if this course of action is in the best interest of the public and the child.	The court may make any disposition authorized for a delinquent child, except commitment to a secure facility, such as a fine, probation, remain at home, driver's license suspension, or out-of-home placement.	Permitted	N.D. Cent. Code § 27-20-01, <i>et. seq.</i>
Ohio					
Unruly, Delinquent	Unruly: Under 18; habitually disobedient, truant, or who behaves in a manner that endangers self or others. Delinquent: Under 18 and a chronic truant.	Not mentioned except that upon filing a petition, court may hold case in abeyance pending child's completion of diversion services.	Remain at home, community service, suspend driver's license, or out-of-home placement.	Prohibited (however, an unruly child may be found to be a delinquent-misdemeanant, but cannot be placed in a secure facility)	Ohio Rev. Code. Ann. § 2151.022, <i>et. seq.</i> ; Ohio Rev. Code. Ann. § 2152.01, <i>et. seq.</i>
Oklahoma					
CHINS	Under 18; runs away, repeatedly disobeys lawful parental commands, or truant.	The court may provide by rule who will conduct a preliminary inquiry to determine whether a case will be court involved. If the inquirer determines no further court action is	Remain at home, probation, counseling and treatment for child and parent, or out-of-home placement (except truant).	Permitted	Okla. Stat. Ann. tit. 10, § 7301-1.3, <i>et. seq.</i>

Legislative Label	Select Eligibility Criteria	Pre-Court Intervention or Diversion Activities	Select Disposition Options	Secure Placement after Court Order Violation	Citation
Oklahoma (continued)					
		necessary s/he may make an informal adjustment.			
Oregon					
Person	Under 18; beyond parent's control, runs away, is abandoned, neglected, or behavior endangers self or others.	Not mentioned, except that the agency is charged with making reasonable efforts to prevent removal of a child from his/her home.	Remain with parents, placement with relative, or out-of-home placement.	Not mentioned	Or. Rev. Stat. § 419B.100, <i>et. seq.</i>
Pennsylvania					
Dependent child	Under 18; habitually disobedient, truant, abandoned or without proper parental care or control, subsistence, or education.	Before a petition is filed, a probation officer must refer the family and disobedient child to a social service agency for assistance.	Remain with parents subject to conditions, out-of-home placement, or placement with a relative.	Prohibited	42 Pa. Cons. Stat. Ann. § 6302, <i>et. seq.</i>
Rhode Island					
Wayward	Under 18; habitually disobedient, truant, associates with dissolute, vicious persons, leads an immoral life, or deserts home without cause.	A wayward petition regarding disobedient behavior cannot be filed without proof that the child was subjected to a needs assessment and a treatment plan that was unsuccessful. Some communities have additional youth diversion programs for all wayward youth.	Remain at home, probation, out-of-home placement, community restitution, counseling for child and parent, or suspend or revoke child's driver's license.	Permitted	R.I. Gen. Laws § 14-1-3, <i>et. seq.</i>
South Carolina					
Status Offense	Under 18; truant, runs away, beyond parent's control.	The court must preliminarily ask whether the interests of the public or child require court involvement. The court may make an informal adjustment without a court petition.	Remain at home, probation, treatment for the child, out-of-home placement, or participate in community mentor program.	Permitted	S.C. Code Ann. § 20-7-6605, <i>et. seq.</i>

Legislative Label	Select Eligibility Criteria	Pre-Court Intervention or Diversion Activities	Select Disposition Options	Secure Placement after Court Order Violation	Citation
South Dakota					
CHINS	Under 18; runs away, truant, disobedient, behavior endangers self or others.	The state's attorney must make a preliminary investigation and, if practical, refer the matter to a court services officer for an informal adjustment or to a court-approved juvenile diversion program.	Remain with parents, probation, out-of-home placement, monetary restitution, supervised work program for child, or driver's license suspension or revocation.	Permitted	S.D. Codified Laws § 26-8B-2, <i>et. seq.</i> ; S.C. Code Ann. § 20-7-7805, <i>et. seq.</i>
Tennessee					
Unruly	Under 18; habitually truant, disobedient, or runs away.	A probation officer may counsel and advise child and parents, if they consent, to avoid court involvement through an informal adjustment. Informal adjustment may be through a juvenile-family crisis intervention program.	Remain at home, probation if the child violates a court order, assess a fine, community service, or out-of-home placement after unsuccessful involvement in juvenile-family crisis intervention program.	Permitted	Tenn. Code Ann. § 37-1-102, <i>et. seq.</i>
Texas					
Status Offender, CINS	Status Offender or CINS: Under 17; truant or runs away.	If the county juvenile board allows, a law enforcement officer who takes a child into custody may dispose of the case by meeting with the youth and family or referring them to the child-serving agency or a first offender program.	Remain at home, probation, out-of-home placement, monetary restitution, or driver's license suspension.	Permitted	Tex. Fam. Code § 51.02, <i>et. seq.</i>
Utah					
Status Offense	Under 18; violation of the law that would not be a violation but for the age of the offender.	School board must make efforts to resolve truancy issues extra-judicially. These efforts must include at least one meeting with the family, counseling the child, and adjusting the	Remain at home, under court supervision, out-of-home placement, placement with relative, monetary restitution, compensatory services, or mental health treatment.	Not mentioned	Utah Code Ann. § 78-3a-104, <i>et. seq.</i> ; Utah Code Ann. § 62A-4a-101, <i>et. seq.</i> ; Utah Code Ann. § 78-57-102, <i>et. seq.</i>

Legislative Label	Select Eligibility Criteria	Pre-Court Intervention or Diversion Activities	Select Disposition Options	Secure Placement after Court Order Violation	Citation
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Utah (continued)

child's curriculum, if needed. A court petition alleging ungovernability or running away must state efforts made to correct the behavior. Status offense cases may be diverted to youth court.

Vermont

CHINS	Under 18; abandoned, abused, or neglected. Under 16; beyond parental control or truant. Between 16 and 17.5; child is at high risk of serious harm to self or others due to problems such as substance abuse, prostitution, or homelessness.	Not mentioned	Remain at home under court supervision, out-of-home placement, or require parent's assistance in enforcing court orders.	Permitted	Vt. Stat. Ann. tit.33 § 5502, <i>et. seq.</i>
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Virginia

CHINS	Child in Need of Supervision: Under 18; habitually truant where the school system has made a reasonable effort to effect the child's regular attendance without success or a runaway whose conduct presents a danger to the child and who requires court involvement to obtain treatment. Child in Need of Services: Under 18; a child whose behavior, conduct, or condition	A court intake officer may proceed informally without filing a court petition. During this informal adjustment, the officer must develop a restitution plan for the child. The officer cannot file a child in need of supervision petition unless treatment has already been offered to the child and family.	Child in Need of Supervision: probation or the same dispositions for a child in need of services. Child in Need of Services: Remain at home subject to conditions, child and parent to participate in programs, out-of-home placement, or placement with a relative.	Permitted	Va. Code. Ann. § 16.1-228, <i>et. seq.</i>
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Legislative Label	Select Eligibility Criteria	Pre-Court Intervention or Diversion Activities	Select Disposition Options	Secure Placement after Court Order Violation	Citation
Virginia (continued)					
presents or results in a serious threat to the well-being and physical safety of the child and the family needs treatment for which court intervention is essential to provide the needed services.					
Washington					
CHINS, At-Risk Youth	<p>At-Risk Youth: Under 18; ran away for 72 hours, beyond parent's control, or has a substance abuse problem.</p> <p>CHINS: Under 18; beyond parent's control, ran away for 24 hours and has a serious substance abuse problem or is at risk of harm or needs public services to maintain family and prior service attempts were unsuccessful.</p>	<p>Families in crisis may request family reconciliation services from the child-serving agency. The court will not accept a petition filed by a child or parent unless the agency provided assessment services.</p> <p>Law enforcement, however, may place a youth in a secure facility if the youth ran away.</p>	<p>At Risk Youth: Remain at home under conditions such as participating in counseling and attending school, services for parents, or placement in staff-secure shelter.</p> <p>CHINS: placement in staff secure shelter or dismissal of petition in favor of Youth at Risk petition.</p>	Permitted	Wash. Rev. Code Ann. § 13.32A.030, <i>et. seq.</i>
West Virginia					
Status Offender	Under 18; habitually truant, disobeys parents, endangers self or others, or runs away.	<p>Family preservation services must be made available to any "dysfunctional family" where a child is at risk of placement because of the child's emotional or behavioral problems. (Unclear if this applies to status offenders)</p> <p>Before petitioning, the court may refer a matter to probation for informal adjustment services and counseling.</p>	Remain at home, out-of-home placement, or services to family.	Permitted	W. Va. Code § 49-1-4, <i>et. seq.</i>

Legislative Label	Select Eligibility Criteria	Pre-Court Intervention or Diversion Activities	Select Disposition Options	Secure Placement after Court Order Violation	Citation
Wisconsin					
JINPS	Under 18; habitually truant, uncontrollable, or runs away.	A court intake officer must review referrals to determine if a petition should issue and must inform the family that they may request counseling services. The worker may enter into a deferred prosecution agreement with the family.	Remain at home under agency supervision, services for child, including counseling, or out-of-home placement.	Permitted	Wis. Stat. Ann. § 938.13, <i>et. seq.</i>
Wyoming					
CHINS	Under 17; habitually truant, disobeys parents' lawful requests, or runs away.	When determining whether to petition a case, the district attorney should consider the availability of community-based and family preservation services.	Remain at home under supervision, out-of-home placement if a community treatment plan failed or the family failed to comply with a consent decree, community service, treatment, counseling, or driver's license suspension.	Permitted	Wyo. Stat. Ann. § 14-6-402, <i>et. seq.</i>

LEGISLATIVE LABEL KEY	
CINA	Child in Need of Aid or Assistance
CINC	Child in Need of Care
CINS	Child in Need of Services
CHINS	Child in Need of Supervision or Services
CHIPS	Child in Need of Protection or Services
FINA	Family in Need of Assistance
FINCOS	Family in Need of Court-Ordered Services
FINS	Family in Need of Services
FWSN	Family with Service Needs
JINS	Juveniles in Need of Services
JINPS	Juvenile in Need of Protection or Services
MRAI	Minor Requiring Authoritative Intervention
PINS	Persons in Need of Supervision
YINI	Youth in Need of Intervention
YINS	Youth in Need of Services

APPENDIX C

CASE STUDIES IN STATUS OFFENSE SYSTEMS

About this document: This appendix provides an in-depth review of several policy initiatives that implement and build upon the statutory reforms discussed in Chapter 2. It provides a flavor for how select jurisdictions have responded to statutory mandates that require pre-court diversion services for status offenders.

The Florida Network of Youth and Family Services (Florida Network)

The Florida Network is a nonprofit statewide umbrella organization that contracts with the Florida Department of Juvenile Justice (DJJ) to serve “families in need of services” (FINS) and “children in need of services” (CINS). The Florida Network subcontracts with 27 member agencies to provide direct care services to CINS and FINS.

The Florida Network provides the following services to DJJ and its subcontractors:¹

- **Advocacy:** expresses the positions of its subcontractors before government and private agencies.
- **Technical Assistance and Training:** develops and provides training to subcontractors regarding delivery of services to CINS and FINS.
- **Data Collection:** collects and analyzes statewide data from its subcontractors on CINS and FINS matters.

The Florida Network developed an operations manual that establishes minimum standards for its subcontractors. These standards supplement subcontractor policy manuals and flesh out Florida law and DJJ guidelines. For example, the Florida Network manual includes the following benchmarks subcontractors must meet to maintain their contract with the network and state:²

- Provide screening, assessment, and nonresidential and residential services to at least 90% of the contracted number of youth and families;
- 80% of youth served must complete the program;
- 90% of youth served must remain crime free while receiving services;
- At least 70% of all youth served in nonresidential programs must be under 17 and meet three of the four following risk factors:
 - Significant family troubles
 - Significant school troubles
 - Drug/alcohol use
 - Behavioral problems (e.g., runaway, gang involvement, etc.)

In addition, Florida law includes several types of nonresidential services that may be offered to FINS and CINS. The law also requires the development of a centralized intake system. Florida Network’s manual details these areas as follows:

Program Services³

Statutory Requirement	Florida Network Policy Requirement	Florida Network Procedural Requirements
<p>Services offered to FINS and CINS may include intensive crisis counseling, individual, family, or group counseling.</p>	<p>Nonresidential counseling services are therapeutic and community-based and <i>must</i> include crisis intervention, individual, group and/or family counseling.</p>	<p>Each agency providing counseling services must, among other things:</p> <ul style="list-style-type: none"> • document that mental health services are provided by licensed mental health professionals; • maintain individual case files on all clients; • provide nonresidential counseling services for 12 sessions; • continuously assess the youth and family to determine needs and provide outside referrals.
<p>Services and treatment to families must be by voluntary agreement of the parent(s) and child.</p>	<p>A Florida Network subcontractor will develop a written plan with the family and youth, which “identifies needs, measurable goals and outcomes, proposed actions and time frames for completion of actions.”</p>	<p>Each subcontractor must develop agreements with local service providers to ensure the family is linked to the services discussed in the plan. The service plan must be developed with the youth and family within seven working days after completing the assessment and must be reviewed at 30, 60, and 90 days.</p>
<p>If a FINS is referred for a case staffing meeting, a case manager will be assigned and responsible for reviewing the family’s progress towards achieving the objectives outlined in the meeting.</p>	<p>Regardless of whether a family is referred for a case staffing meeting, Florida Network subcontractors provide case management services that include information gathering and advocacy for, monitoring and the coordination of services.</p>	<p>Minimally, each client must be assigned a case manager or counselor who:</p> <ul style="list-style-type: none"> • establishes referral needs and coordinating services; • ensures service plan implementation; • monitors family’s and youth’s progress; • refers family to case staffing committee, if needed.

Centralized Intake

Under Florida law, a DJJ representative (i.e., Florida Network) must assess whether the complainant's report is complete when a FINS referral is made. If the representative determines it would be in the best interest of the family and youth to receive voluntary services, and the family accepts these services, he may refer them to an appropriate service or treatment provider.⁴

Florida Network's policy additionally requires subcontractors to employ trained staff to screen each child and family by completing a preapproved Florida Network form. The required intake steps include:⁵

- **Eligibility Screening:** must be available around the clock and agencies must determine a family's and youth's eligibility within seven days of referral.
- **Suicide Risk Assessments:** is an ongoing subcontractor duty, but begins at the initial assessment phase.
- **Crisis Counseling:** short-term interventions must be available to de-escalate crisis situations.
- **Information and Referral:** subcontractor staff must be available around the clock to provide families with requested services.

Orange County, Florida

Orange County Youth and Family Services Division (OCFL), located in Orlando, Florida is a Florida Network subcontractor for FINS and CINS youth. OCFL offers nonresidential and residential services. OCFL supplements state funds with county funds to assure quality services and outcomes for the Orange County community.⁶ Additional funding has allowed OCFL to hire six FINS counselors, where the state only allots funds for three. Although not required by statute, OCFL hired masters-level staff for all FINS counselor positions, with the additional county support.

FINS counselors meet with the family and youth in their home and community at least once a week to provide counseling, create a service and treatment plan for the family and youth, and make referrals for individualized services. FINS services are usually available for 90 days before OCFL will assess whether a case staffing is necessary. OCFL counselors maintain offices in the areas where their clients reside, either working from home or at a municipal building, such as a local school. Common social service referrals by nonresidential staff for FINS families in Orange County include referrals for alternative schools, medical appointments, drug treatment, parenting skills, and financial assistance.⁷

OCFL FINS counselors received high marks from clients in the Florida Network's Client Service Survey in 2004. On a scale from one (strongly disagree) to four (strongly agree), OCFL received the following marks:⁸

Nonresidential Services		
Question Posed	Statewide Average Rating	OCFL Rating
So far, counseling has helped me and my family	3.3	3.5
Our counselor understood how I felt about things	3.4	3.8
I believe that my family and I are better able to make positive changes in our lives	3.1	3.3
I was able to get services from this program in a reasonable amount of time	3.2	3.4

OCFL also provides respite and residential services for CINS and FINS youth. OCFL's youth shelter has 18 beds, split evenly between the genders. FINS families may use the shelter's respite care services for up to seven days without court involvement. During this time, the family is encouraged to attend family counseling and the youth is offered individual counseling and other services, based on his needs. The shelter also has an alternative school on the grounds.

CINS youth are also placed at the shelter by the courts. CINS youth and their families receive the same services as respite care youth. If the youth is adjudicated by the court as a CINS, the court may keep the child at home with ongoing services or place him at OCFL's staff-secure shelter for up to 35 days. If the youth's behavior does not improve, the court may send the youth back to OCFL's shelter for 90 to 120 days. Judicial reviews are held at least every 45 days while the youth is in shelter placement.⁹

New Jersey's Juvenile Family Crisis Intervention Units (FCIUs)

In June 2005, the New Jersey judiciary approved a new policy and operations manual for FCIUs. Every New Jersey county has an FCIU, which is responsible for providing crisis intervention services on a 24-hour basis for juvenile-family crisis referrals. FCIU entities must:¹⁰

Statutory Requirement	FCIU Policy Requirement	FCIU Procedural Requirements
FCIUs may be located in the courthouse or at an outside agency.	In 2004, the judiciary approved the move of all FCIUs to nonjudiciary entities. The Judiciary, however, will maintain overall responsibility over the FCIU process.	To facilitate this move, the New Jersey Juvenile Justice Commission entered into a memorandum of understanding with Department of Human Services, Office of Children's Services (future agreements will be with the Department of Children and Families) to reallocate funds to support new offsite FCIUs.
FCIU counselors must either have a master's degree in a certain discipline, an associate's degree and at least five years experience working with troubled youth and their families, or a bachelor's degree and two years experience.	FCIU counselors must attend additional training and FCIU administrators must monitor and evaluate counseling activities. In addition, FCIU counselors must implement training programs for law enforcement personnel, as needed.	Training for FCIU counselors includes, but is not limited to the following subjects: <ul style="list-style-type: none"> • juvenile-family crisis statutes; • family court systems; • crisis stabilization techniques and intervention strategies; • normal adolescent development; and • child abuse statutes and procedures.
The FCIUs must provide immediate assistance to juvenile-family crisis referrals. When a crisis is stabilized, the FCIU must conduct a second interview of the family, preferably the day after the initial intervention.	The type of response FCIU uses will be determined by the needs of the individual case.	If an initial telephone intervention does not avert the crisis, a face-to-face counseling session must be scheduled. If the telephone intervention stabilizes the situation, the responding counselor must schedule a follow-up interview to be conducted within 24 hours of the initial referral.
The FCIU must make all reasonable efforts to keep the family intact and avoid formal court involvement.	The FCIU must "exhaust" all appropriate resources before a court petition may be filed.	The term "exhaust" means that the FCIU must have: <ul style="list-style-type: none"> • contacted all related agencies; • explored all admissions criteria; • determined the availability of services; and • facilitated the client's access to such facilities.

In addition, the judiciary strongly encourages FCIUs to collaborate with other child-serving agencies in their communities.¹¹ The FCIU operations manual requires FCIUs to develop written agreements with county departments of human services and court family division intake sections that compliment core service agreements between the New Jersey Department of Human Services (in the future the Department of Children and Families) and the judiciary. The manual also suggests that FCIUs establish formal or informal arrangements with other “major” service providers, such as law enforcement, community mental health centers, and local school systems.

Endnotes

1. Florida Network of Youth and Family Services. *Brochure*. Tallahassee, FL. <<http://www.floridanetwork.org/FNYFS/FNYFSBroch.html>>.
2. Florida Network of Youth and Family Services. *Children in Need of Services/Families in Need of Services (CINS/FINS) Operations Manual*. Tallahassee, FL. 2005, 7. <http://www.floridanetwork.org/Forms/2005_CINSFINS_Ops_Man.pdf>.
3. *Ibid.* at 19-36.
4. Fla. Stat. Ann. § 984.10 (West 2006).
5. CINS/FINS Operations Manual, 2005, 9-19.
6. Interview with Richard Radin, M.S., Sr. Program Manager Youth Services; Michelle Brown, M.A., Acting Program Manager; Harriet Mathis, M.A., Program Manager, Orange County Florida Youth and Family Services Division, May 19, 2006.
7. *Ibid.*
8. Florida Network of Youth and Family Services. *Florida Network of Youth and Family Services Client Service Satisfaction Survey* (completed from July 1, 2004 through December 31, 2004). Tallahassee, FL. <<http://www.floridanetwork.org/Data/CltSat04.pdf>>.
9. Fla. Stat. Ann. §§ 984.225, 984.20 (West 2006).
10. *Juvenile/Family Crisis Operations Manual*. Trenton, NJ: New Jersey Judiciary (Approved by the Judiciary Council on June 29, 2005). <<http://www.judiciary.state.nj.us/family/jfcoopmanual.pdf>>.
11. *Ibid.*, 26-28.

APPENDIX D

OUTCOMES IN STATUS OFFENSE SYSTEMS

About this document: This appendix provides outcomes resulting from status offense legislative reforms that divert youth from court involvement. This appendix supplements the outcomes reviewed in Chapter 2.

Florida’s Network of Youth and Family Services (Florida Network)

Florida Department of Juvenile Justice’s 2006 Outcome Evaluation Report analyzed the success of “family in need of services” (FINS) and “child in need of services” (CINS) prevention programs during fiscal year 2003-2004. The Florida Network is contracted with and funded by the state to provide all FINS and CINS prevention services. They receive approximately 30,000 referrals a year and provide services to 20,000 to 22,000 families annually.¹ The chart below shows how the Florida Network fared in response to DJJ’s outcome assessment measures:²

Performance Measure	Florida Network Number of Youth Released from Services	Percentage of Youth Who Committed an Offense During Service (Adjudicated)
Did the youth commit a criminal or delinquent offense while receiving preventative services?	14,329	5% (residential services) 6% (non-residential services)

Performance Measure	Florida Network	Percentage of Completion
How many youth completed the prevention program?	10,988	77%

Performance Measure	Florida Network (Residential Services) Number of Releases	Average Length of Stay of Youth Released from Residential Services
What is the average length of stay for youth released from all residential prevention programs?	6,793	11 days

Performance Measure	Florida Network (Residential Services) Number of Releases	Average Length of Stay of Youth Released from Residential Services
Within six months of program completion, how many youth offended within the juvenile or adult systems?	10,988	15% (residential services) 7% (non-residential services)

In 2001, Florida Tax Watch compared the annual costs per child served by the Florida Network's CINS and 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 [Florida] Network and funded by the state . . . are considerably less than more intensive governmental intervention . . ." ³ 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, the state would save the following amount of money: ⁴

Scenario	# of Youth Diverted from Juvenile Justice System	Average Cost for Juvenile Justice System Involvement (6 months)	Florida Average Network Cost	Difference between Juvenile Justice and Florida Network	Cost Savings for Successful Prevention (6 months)	Cost Savings for Successful Prevention (12 months)
10%	895 (of the 8,951 highly at-risk youth served)	\$7,300	\$1,650	\$5,660	\$5,056,750	\$10,113,500

Illinois' Comprehensive Community Based Youth Services (CCBYS): Sub-Contractor Youth Outreach Services (YOS)

In **Illinois**, the statewide CCBYS program contracts with community agencies statewide to provide crisis intervention services to at-risk youth. YOS is one of those community agencies, located in Cook County. YOS aims to achieve the following benchmarks:⁵

- 95% of YOS referrals receive crisis intervention services within 60 minutes of first contact;
- 65% of minors referred to YOS reunite with their families without the need for temporary placement;
- 80% of those minors who are placed temporarily return home within 14 days;
- Only 1% of youth served by YOS in temporary placement are the subject of status offense (minor requiring authoritative intervention (MRAI)) petitions;
- Under 10% of youth in temporary placement recidivate; and
- All youth served by YOS receive a written assessment and service plan within 72 hours of referral.

Between April 1, 2005 and March 31, 2006, YOS's CCBYS program (including crisis intervention services) served 416 youth.⁶ 67% of these youth were reunited with family and did not require shelter care and 74% were reunited with family within 14 days of entering shelter care. 45% of cases engaged aftercare services and the recidivism rate of youth requiring temporary shelter care was 10%. During the reporting period the number of youth who re-offended in the juvenile justice system decreased by 75%. Also during this period and in the four years prior, YOS has had a 100% success rate in keeping youth and families out of the MRAI court system.

YOS also saves money by keeping more youth at home or in relative care instead of costlier out-of-home respite placements. The chart below shows these comparative placement costs:

Respite Placement Alternative	Cost
Family Generated	\$0
Foster Home	\$25-50/day
Group Home	\$180-250/day
Residential	\$250-350/day

New Jersey's Juvenile Family Crisis Intervention Units (FCIUs)

The **New Jersey** judiciary through the Administrative Office of the Courts (AOC), Family Practice Division maintains some statistics on the incidence of juvenile-family crisis petitions and the number of cases court crisis intervention units handle per year. With all New Jersey counties reporting, AOC collected the following data for 2004:⁷

Unit Caseloads

Case Type	Number of Cases Referred During 2004
Serious threat to the well-being or safety of the juvenile	572
Serious conflict between parent and juvenile	4,542
Unauthorized absence of juvenile for more than 24 hours	794
Truancy	898
Disorderly/Petty offense	235
Other	672

Case Outcomes

Crisis Intervention Counseling	Number of Cases Closed After Prevention Service Completed
Telephone contact only	2,794
1-2 face-to-face counseling sessions	3,071
3-5 face-to-face counseling sessions	992
6 or more face-to-face counseling sessions	538

Referrals Made to an Outside Agency	Number of Cases Closed After Prevention Service Offered
No family member was referred to an outside agency	2,998
At least one family member was referred to an outside agency	4,397

Crisis Intervention Units and FCIUs in New Jersey received 7,713 referrals in 2004. Of those, 7,395 cases were disposed of or closed after some level of crisis intervention services were offered. During 2004, only 484 juvenile-family crisis petitions and 404 out-of-home petitions were filed.

New York’s Family Assessment Program (FAP)

In 2000, **New York** increased the age limit for youth entering the “persons in need of supervision” (PINS) system from 16 to 18. State officials, especially in New York City, expressed concern that this change would overwhelm already stretched public systems.⁸ New York City’s Administration for Children’s Services and Department of Probation responded by creating FAP. FAP was designed to connect youth and families with immediate community-based referral services before petitioning a PINS case.

In December 2005, the Vera Institute of Justice released a study of the FAP.⁹ The study found that since implementing the FAP, the number of PINS cases filed with the Department of Probation dropped by 79%.¹⁰

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

Likewise, the Vera Institute of Justice also found the number of court referrals dropped by 55% and the number of court-ordered out-of-home placements decreased by 21%.¹¹

Court Referrals

Time Period	Number of PINS Cases Referred to New York City Family Court
Pre-FAP (1/1/02-1/30/04)	1,043
Post-FAP (1/1/04-6/30/04)	474

Out-of-Home Placements

Time Period	Number of Out-of-Home Placement Orders for PINS Youth
Pre-FAP (1/1/02-1/30/04)	343
Post-FAP (1/1/04-6/30/04)	272

In 2005, New York passed the legislation highlighted in Chapter 2, which requires all New York counties to provide pre-petition diversion services. As a result, counties implementing the new law have significantly decreased the number of petitioned PINS cases.¹²

Endnotes

1. See generally, Florida Network of Youth and Family Services. *Data*. Tallahassee, FL. <<http://www.floridanetwork.org/FNYFS/Data.htm>>.
2. Florida Department of Juvenile Justice. *2006 Outcome Evaluation Report*. Tallahassee, FL: Department of Juvenile Justice, 2006, 12-36, Prevention and Victim Services Appendix. <http://www.djj.state.fl.us/Research/OE/2006/2006_OE.pdf>; E-mail correspondence with Mary D. Richter, Executive Director, Florida Network of Youth and Family Services, October 19, 2006.
3. Horkan, Louise. "Assessment of Prevention Services of Florida Network of Youth and Family Services." Tallahassee, FL: Florida Tax Watch, 2001, 29. <<http://www.floridataxwatch.org/resources/pdf/092001assessmentOfPreventionServices.pdf>>.
4. *Ibid.*, 25.
5. Youth Outreach Services. *Youth Outreach Services CCBYS FY2007 Program Plan*. Chicago, IL: Illinois Department of Human Services, Bureau of Youth Services and Delinquency Prevention, 2006; Interview of Rick Velasquez, M.S.W., Executive Director, Youth Outreach Services, July 27, 2006.
6. *Ibid.*
7. New Jersey Administrative Office of the Courts, Family Practice Division. *Crisis Intervention Unit Report—Statewide Total, January 1, 2004—December 31, 2004* (provided by the New Jersey Administrative Office of the Courts, Family Division).
8. Chiu, Tina and Sara Mogulescu. *Issues in Brief: Changing the Status Quo for Status Offenders: New York State's Efforts to Support Troubled Teens*. New York, NY: Vera Institute of Justice, Youth Justice Program, 2004. <http://www.vera.org/publication_pdf/253_496.pdf>.
9. Shubik, Claire and Ajay Khashu. *A Study of New York City's Family Assessment Program*. New York, NY: Vera Institute of Justice, 2005. <http://www.vera.org/publication_pdf/323_595.pdf>.
10. *Ibid.*, 8.
11. *Ibid.*, 10-14.
12. For example, a family court judge in the Eighth Judicial District, Erie County, New York reported that before the change in the law, he had approximately 300 PINS cases open at a time. Six months after the new law was in effect, the judge's PINS calendar was 150 cases. Telephone interview with the Honorable Paul Buchanan, Family Court Judge, 8th Judicial District, Erie County, March 23, 2006.

APPENDIX E

STATUS OFFENSE POLICIES IN JURISDICTIONS WITHOUT A LEGISLATIVE DIRECTIVE

About this document: Several courts, without legislative direction, have changed how they process status offense cases. For example, some jurisdictions developed status offense mediation programs to resolve intra-family conflicts outside court.¹ This appendix discusses such programs. It is not an exhaustive overview, but it is meant to encourage creative thinking about early interventions for status offenders.

Parent-youth mediations have successfully diverted status offenders from formal court processes and decreased status offense court cases.² This decrease alleviates congested family or juvenile court dockets and reduces the number of youth who are removed from their family's care. The value of these programs is also evident in how they approach alleged status offenders. Mediation offers the family and youth an opportunity to mutually identify and agree to resolutions to family problems.³ It seeks to reach an agreement between the youth and his family that encourages harmony and reduces conflict, rather than punishing the youth for misbehaviors that are often rooted in family dysfunction.⁴

Lucas County, Ohio Mediation Program

In Ohio, youth who commit status offenses are labeled “unruly.” Until the early 1990s youth alleged unruly were subject to court jurisdiction and processes that mirrored procedures for juvenile delinquents. In 1991, several factors drove the Lucas County Court of Common Pleas to reassess how it responded to alleged unruly youth. That year, more than 1,000 unruly youth petitions were filed with the court and unruly youth findings comprised one quarter of all court adjudications.⁵ A study also released that year found that mediation was a viable way to reduce status offense cases in the overloaded Lucas County court system.⁶

Lucas County's original 1991 mediation program was only available in unruly youth cases. The program was first funded by a three-year grant administered by the U.S. Department of Justice, Bureau of Justice Assistance.⁷ After this grant ended, the program grew to include other case types (e.g., custody/visitation, child protection) through grants awarded by the Ohio Supreme Court.⁸

Under the Court of Common Pleas' policy, an unruly youth matter may be referred to mediation in two ways: (1) a juvenile and his family may be referred to mediation before filing an unruly youth petition; or (2) if a petition has been filed, the court may order that the family attend mediation.⁹ When an unruly youth matter is referred to the court, an intake officer will meet with the family and youth and use standard assessment tools to determine if the family is appropriate for mediation. The intake officer will consider the youth's age, prior court involvement, and the circumstances that brought him and his family to court.¹⁰ If the family is selected for mediation, the parent(s) and youth are required to attend and attempt to resolve the situation. Neither parent(s) nor youth will be appointed counsel at this juncture.¹¹

In the late 1990s, the mediation program expanded to include mediation opportunities for “family conflict” matters. These may be unruly youth or delinquency cases where high conflict exists between the parents and youth that caused the youth to physically or verbally abuse the parent(s).¹² Procedures for “family conflict” mediations differ from unruly youth mediations. First, “family conflict” mediators must have specialized training in domestic violence and family conflict and have clinical experience working in family violence programs. Second, the family conflict mediator works more as a facilitator than a traditional mediator and does not negotiate the domestic abuse charge. During the facilitated meeting, in addition to creating a service plan for the family and child, the facilitator meets separately with the parent(s) to create a safety plan.¹³

Since its start, the Lucas County program has received critical praise, including being named the “Outstanding Alternative Dispute Resolution Program” by the National College of Juvenile and Family Law (the training arm of the National Council of Juvenile and Family Court Judges).¹⁴ In its first year, the number of petitioned unruly youth cases dropped from 1,000 to 235.¹⁵ The program conducted over 450 mediations its first year, a number that has risen significantly as the program has taken hold.¹⁶

In 2004, the mediation program mediated 1,167 cases and settled 1,027.¹⁷ Of the 1,027, 571 were unruly youth or delinquency cases, 542 of which were settled. This 95% success rate in settlements is higher for unruly youth/delinquency cases than for any other case type for which mediation is used in Lucas County. Approximately five percent of juveniles alleged unruly are adjudicated as such.¹⁸ That same year, the “family conflict” mediation section facilitated 235 cases and settled 184. This 73% success rate was the second highest among cases that are subject to mediation in Lucas County.¹⁹

Twin Falls, Idaho Status Offender Mediation Program

In the late 1990s, Twin Falls, Idaho was awarded a grant from the Idaho Juvenile Justice Commission to create a program that addressed status offense cases. The county court used these funds to create the Twin Falls Status Offender Mediation Program, which provides alternatives to court for youth alleged incorrigible, runaways, truants, or curfew violators.²⁰

The program aims to reduce the number of youth who cross over from the status offense to delinquency or criminal systems.²¹ Seeing the success of the Lucas County, Ohio program, Twin Falls modeled its status offender mediation program after Ohio's. In Twin Falls, when a status offense case is referred to the court, a trained intake officer evaluates the situation and determines whether the family is appropriate for the mediation program. If a family is accepted and participates in mediation, the key components to the meeting include:²²

- **Opening Statements:** parent(s) and youth are encouraged to focus on how they can improve their relationship going forward;
- **Issue Exploration:** participants will identify the conflicts between the parent(s) and youth;
- **Shared Interests:** after identifying problem areas, the mediator will help the family identify common areas of interest and need;
- **Options:** the mediator will then focus the conversation on identifying options to resolve the identified conflicts and needs; and
- **Agreements:** the mediator identifies those options that the parent(s) and youth will agree to implement and records them as part of a memorandum or plan.

When the program began in 1998, it conducted 30 mediations for one-quarter of the new status offense cases referred to the court between January 1, 1998 and August 1, 1998. Of those 30 cases, 23 (73%) were successful. The mediation program defined “successful” as (1) the family signed and agreed to a memorandum of understanding during the mediation; (2) the parent and child completed the terms of the memorandum; (3) the child has not committed another offense in three months since mediation occurred.²³

In 2006, status offender services and mediation programs are used in several other counties in Idaho, including Blaine, Cassia, Gooding, Jerome, and Minidoka.²⁴ In 2005, Twin Falls’ court received 87 status offense referrals. Services offered to these families included, the status offender mediation program, mentor programs, family and drug treatment counseling, anger management classes, and parenting assistance. Twin Falls boasts the following outcome measures for 2005:²⁵

Cooperation of Family with Twin Falls Status Offender Program:	Complete	Hesitant	Uncooperative
	83 of 87	4 of 87	0 of 87

Twin Falls also performed 69 mediations in 2005, 33 of which were family mediations and 36 of which were victim-offender mediations. Recidivism rates for youth and families who completed the status offender programs were low. The most recent data on recidivism rates for 2004 shows that in Twin Falls, 88% of status offense cases were “successful.”²⁶

Total Cases Completed:	43
Cases Where Contact Could Not Be Established:	2
Total Cases Tracked:	41
Re-Offended/Continued Legal Trouble:	5
Cases Where Yearly “Success” Maintained:	36

Between 1997 and June 2006, all Idaho counties that have status offender mediation and service programs received 1,609 referrals. Of the 1,609 referrals 1,443 or 89% of families cooperated fully with the services offered through status offender programs. Nonrecidivism rates tracked from 2001 to 2005 are equally impressive with a 91% success rate:²⁷

Total Cases Completed:	364
Cases Where Contact Could Not Be Established:	27
Total Cases Tracked:	337
Re-Offended/Continued Legal Trouble:	31
Cases Where Yearly "Success" Maintained:	306

Endnotes

1. For example, the following jurisdictions also have established parent-child mediation programs: Licking County, Ohio, Albuquerque, New Mexico and Cambridge, Massachusetts.
2. Ahmed, Shama et al., *A Guide for Courts: Mediating Conflicts Involving Children and Families*. Ohio State University Michael E. Moritz College of Law, 2004, 7-5 (citing W. Patrick Phear. "Parent-Child Mediation: Four States, Four Models." *Mediation Quarterly* 7, 1985, 35).
3. Ahmed et al., 2004, 7-6; National Conference of Juvenile and Family Court Judges. *Court Approved Alternative Dispute Resolution: A Better Way to Resolve Minor Delinquency, Status Offense, and Abuse/Neglect Cases, Report of the Key Issues in Curriculum Enhancement Project, Faculty Consortium*. Reno, NV: NCJFCJ, 1989, 15.
4. Ahmed et al., 2004, 7-8.
5. Baker, Debra. "Juvenile Mediation: Innovative Dispute Resolution or Bad Faith Bargaining?" *University of Toledo Law Review* 27, 1996, 897, 901.
6. *Ibid.*, 900.
7. Hurst, Hunter Jr. "Planning Interventions for Unruly and Truant Youth." *Children, Families and the Courts Ohio Bulletin* 1, 2003, 3, 10.
8. *Ibid.*
9. Baker, 1996, 901-902.
10. *Ibid.*, 902.
11. *Ibid.*
12. Hurst, Hunter, 2003, 11-12.
13. *Ibid.*, 12.
14. Airey, Pamela. "Comment, It's a Natural Fit: Expanding Mediation to Alleviate Congestion in the Troubled Juvenile Court System." *Journal of the American Academy of Matrimonial Lawyers* 16, 1999, 275, 290.
15. Baker, 1996, 903-904.
16. *Ibid.*
17. Juvenile Division of the Lucas County Court of Common Pleas. *2004 Annual Report*. Toledo, OH: Lucas County Court of Common Pleas, 2004, 6. <<http://www.co.lucas.oh.us/Juvenile/AnnualReport04.pdf>>.
18. Hurst, Hunter, 2003, 11.
19. Lucas County Annual Report, 2004, 6.
20. Varin, Honorable John F., et al. "Mediation Between Parents and Children: Part of the Twin Falls County Status Offender Program." *Advocate (Idaho)* 41, November 1998, 10.
21. *Ibid.*, 11.

22. *Ibid.*, 13.
23. *Ibid.*, 10-11.
24. Telephone interview with Sam Sites, Coordinator for the Fifth Judicial District Status Offender Services Program, Twin Falls, Idaho, June 6, 2006; “Status Offender Services-Twin Falls Statistics 2005 Totals, January 1—December 31, 2005.” Provided by Sam Sites on June 21, 2006; “Status Offender Services—All Areas Statistics, Totals From 1997—June 7, 2006.” Provided by Sam Sites on June 21, 2006.
25. Twin Falls Statistics, 2005.
26. *Ibid.*
27. All Areas Statistics, 2005.

APPENDIX F

OUTCOMES IN DEPENDENCY SYSTEMS

About this document: This appendix provides outcomes resulting from dependency system reforms that provide pre-court interventions to youth who engage in noncriminal misbehavior. This appendix supplements the outcomes reviewed in Chapter 3.

Colorado's Core Services Program, Evidence-Based Adolescent Services

Colorado's Core Services Programs (CSP) have increased the number of youth and families served by community-based programs and decreased the number of youth who enter foster care. Below is an overview of how CSP has fared regarding evidence-based adolescent services.¹

Cost Efficiency: All CSP Programs

In 2004-2005, the average monthly cost of providing a CSP program to one family was \$120. In comparison, the monthly cost of placing one child in an out-of-home setting was an average of \$1,910.00 per month. Children and teens diverted from foster care through CSP saved the state \$1,790 per month per child. Similarly, in 2005-2006, CSP estimates a \$1,836 per case savings when children and youth were diverted from out-of-home placement.

County-Designed Programs: Evidenced-Based Adolescent Services

46 Colorado counties offered county-designed programs that served 4,960 children, youth, and families during fiscal year 2004-2005. Counties reported dispositions for 3,561 of those families during that fiscal year. Of that number, 25% met most or all of their family service treatment plan goals. 18% met some of their goals outlined by CSP and 27% of families were assessed and their case closed upon assessment. Of the remaining 30%, five percent of families did not complete CSP services or the child had to be placed out-of-home and the other 25% met less than one-quarter of the goals set for them in their treatment plan. Below are 2004-2005 outcomes specific to the programs offered in several counties that had diversion services for teenagers:

County	Program Type	Projected Outcome	Actual Outcome
Adams²	Community Family Resource Program (In-home service program for youth between the ages of 12 and 18 who are at imminent risk of out-of home placement due to the youth's behaviors).	Provide intervention services for 120 youth and prevent foster care placements for 120 youth.	As of May 2006, of the 53 youth engaged before opening a child welfare case, 44 were successfully diverted from the child welfare system and no case was opened. (83% success rate). Of the 40 youth with already open cases who engaged in the program, 27 were diverted from out-of –home placement. (68% success rate). Finally, of the 15 youth engaged in the program after their return from residential treatment, 11 were prevented from further out-of-home placement (73% success rate).
Arapahoe³	Savio's Direct Link/ Multisystemic therapy (MST) (In-home therapy for youth and families where the youth engages in risky behaviors).	Provide MST services to 33 adolescents and their siblings (66 children and youth total).	The program was able to serve 75 children and youth, 77% of whom successfully completed the program. 46% of the youths' cases were simultaneously closed. The number of out-of-home placements in the county dropped by 26%.
Mesa⁴	Rapid Response Services for Adolescents (Multi-agency crisis response effort for youth up to age 17 who are at risk of out-of-home placement and are or were beyond the control of their parents).	Provide services to 144 youth, 90% of whom will be able to remain home upon discharge from the program.	Despite a 63% increase in the number of referrals and intakes for 'troubled' teens, the percentage of these youth placed out-of-home dropped from 35% to 15% in the last year and a half.

Olmsted County, Minnesota's Adolescent Behavioral Health Unit

Olmsted County, Minnesota maintains outcome measures for each service the Adolescent Behavioral Health Unit (ABHU) offers. Below are statistics provided by Olmsted County's ABHU from 2004:

ABHU Case Management Services: 2004 Case Closing Reasons⁵

Reason for Case Closure	Percentage
Client Moved	6%
Reached Age of Majority	3%
Client Discontinued Service	12%
Agency Discontinued Service	3%
Service Complete <i>(includes referrals to other agencies and successful case closures)</i>	76%

ABHU's case management services assess each youth's level of risk of offending and his level of services needed at initial intake and at case closure. ABHU uses a standardized measuring tool, the Youth Level of Service Inventory (YLSI), to assess these risks. The chart below shows that 75% of youth whose cases closed in 2004 lowered their total risk score from initial intake to case closure. One-third of the youth whose cases closed in 2004 decreased their risk level from high to moderate, moderate to low, or high to low.⁶

ABHU Case Management Services: 2004 Change in Youth's Risk Levels upon Case Closure

Youth Risk Level at Initial Intake	<ul style="list-style-type: none"> • 29% High • 54% Moderate • 17% Low
Youth Risk Level at Case Closure	<ul style="list-style-type: none"> • 17% High • 50% Moderate • 33% Low

To assess the efficacy of ABHU's multisystemic therapy (MST) program, the unit compares whether a youth requires out-of-home placement in the six months prior to MST with whether a youth requires out-of-home placement in the six months after MST services were provided. The chart below shows the reduction in placements after a youth and family engages in MST.⁷

ABHU MST: 2004 Reduction in Placements

Time Frame	Percentage of Youth Who Remained at Home
Six Months <i>Prior</i> to MST	43%
Six Months <i>After</i> MST	67%

The percentage of youth whose risk for delinquency decreases after MST and the percentage of families who successfully complete the MST program are additional signs of the program's success. The information below reflects data provided by ABHU regarding its outcome measures for 2004.⁸ ABHU uses the YLSI measurement tool to assess the level of risk each MST youth has at MST intake and closure. Of those cases closed in 2004, 87% of youth decreased their YLSI score and 63% decreased their level of risk from very high to high, high to moderate, etc.

ABHU MST: 2004 Reduced Risk of Delinquency

Delinquency Risk Level at MST Intake	<ul style="list-style-type: none"> • 20% Very high • 43% High • 37% Moderate
Delinquency Risk Level at MST Program Closure	<ul style="list-style-type: none"> • 23% High • 60% Moderate • 17% Low

ABHU MST: 2004 Overall Treatment Success (Based on MST Worker's Discharge Assessment)

Treatment Outcome	Percentage
Successful: treatment goals were met.	57%
Partially Successful: some treatment goals were met with some improvement, but therapy reached point of diminishing return.	37%
Not Successful: failed to meet goals of treatment; minimal therapeutic change occurred.	7%

Finally, the percentage of families that ABHU diverts from out-of-home placement when the parent or guardian requests removal at intake is also high. The chart below shows the percentage of youth who have remained at home because of ABHU services, which may include MST, case management, and/or other family-based services.⁹

ABHU Diversion from Placement after Placement Request is Made at Initial Intake

Year	Number of Placement Requests	Percentage of Cases Diverted from Out-of-Home Placement
2001	116	88%
2002	159	99%
2003	97	100%
2004	62	94%

Philadelphia, Pennsylvania's Teen Placement Diversion Program

As of this writing, the **Philadelphia** Teen Placement Diversion Program (TPD) is still in its early stages. Philadelphia DHS identified a contract provider to implement the program and it began operating in late 2006.

At the outset, Philadelphia expects that the TPD program will cost less than other family preservation programs and some out-of-home placement options currently available.¹⁰

Program Type	Cost per Month per Child
Foster Home	\$1,200
TPD Program	\$1,500
Family Preservation Program	\$1,833
Institutional Care	\$4,500

According to DHS representatives, elements of the TPD program that increase the likelihood of its success include: (1) a same-day response time to families and youth who need immediate help; (2) use of functional family therapy and family team meeting clinical models; (3) provision of services in the home; and (4) employment of master's level social workers with experience working with parents and teens in conflict.¹¹

Vermont's System of Care

In April 2004, **Vermont's** Department of Developmental and Mental Health Services (currently Department of Health, Child, Adolescent and Family Mental Health Division) issued a report on the system of care plan, its outcome measures, and plan for fiscal years 2005 through 2007.¹² As part of its assessment, the department surveyed parents, youth, and other stakeholders (caseworkers and educators) on how they viewed the system of care approach. Parents and youth gave the highest overall satisfaction ratings, at 81% (parents) and 66% (youth).¹³ The immediate response aspect of the system of care (also referred to as "Families First") has reduced the number of youth taken into DCF custody under a "children in need of care or supervision" petition. Other outcomes include:¹⁴

- Between 1995 and 2003, there was a 40% reduction in the number of youth under 16 who entered DCF custody because of their "unmanageable" behaviors.
- The average daily population of all youth in DCF custody dropped significantly. In 1995, 235 youth entered DCF custody because of their out-of-control behaviors compared with 142 in 2003.
- The daily population of youth in DCF custody because of their behaviors decreased from 425 in 1995 to 239 in 2003.

Endnotes

1. *Family Preservation/Core Services Program Commission Report Fiscal Year 2004-2005*. Denver, CO: Colorado Department of Human Services, Office of Children, Youth and Family Services, 2005, 22-42; *Family Preservation/Core Services Program Commission Report Fiscal Year 2005-2006*. Denver, CO: Colorado Department of Human Services, Office of Children, Youth and Family Services, 2006. In addition, during the 2004-2005 fiscal year, CSP's home-based intervention services served 3,843 families statewide. Of the families served, 2,374 families completed the program by the end of the fiscal year. Of those families, 41% met all or substantially all (85% to 100%) of the goals outlined in their family service treatment plans and another 15% met some of the goals outlined in the treatment plan (25% to 85%). CSP's home-based interventions reported similar numbers for 2005-2006 fiscal year, providing services to 3,650 families, 2,338 of whom completed the program by the end of the reporting period. Of those families, 45% met all or substantially all treatment plan goals and 15% met some. Also, in 2004-2005, 56 counties in Colorado offered intensive family therapy through CSP funds. These services were offered to 3,420 families, 2,099 of whom completed this therapeutic intervention during the fiscal year. Of those who completed the service, 38% percent met all or substantially all of their treatment plan goals and 14% met some of their goals. In 2005-2006, 57 counties offered intensive family therapy to 3,694 families, 2,223 of whom completed the service during the reporting period. Of those families, 37% met all or substantially all of the family service plan treatment goals and 17% met some.
2. Telephone Interview with Ann Carter, Core Services Administrator for Adams County, Colorado, May 24, 2006.
3. Telephone Interview with Laurie Carelson, Core Services Administrator for Arapahoe County, Colorado, June 1, 2006.
4. Telephone Interview with Mark Neujahr, Mesa County Colorado Core Services Program Administrator, June 22, 2006.
5. Sawyer, Rob et al., *Adolescent Behavioral Health Unit 2004 Annual Report*. Olmsted County, MN: Child and Family Services Division, Adolescent Behavioral Health Unit, 2006.
6. *Ibid.*
7. *Ibid.*
8. *Ibid.*
9. *Ibid.*
10. Telephone Interview with Dell Meriwether, Court Administrator, Philadelphia Department of Human Services, June 9, 2006.
11. E.g., Interview with John McGee, Deputy Commissioner, Philadelphia Department of Human Services, March 16, 2006; Telephone Interview with Joseph Kuna, Director of Behavioral Health and Wellness Center, Philadelphia Department of Human Services, March 7, 2006.
12. *The Vermont State System of Care Plan for Child, Adolescent and Family Mental Health State Fiscal Years 2005-2007*. Waterbury, VT: Vermont Department of Developmental and Mental Health Services, 2004, 6-7.
13. *Ibid.*, 17-18.
14. *Ibid.*, 12; see also *Child Welfare and Youth Justice: Child and Family Service Plan (July 1, 2004—June 30, 2009)*. Waterbury, VT: Vermont Department of Children and Families, Family Services Division, 29-30. <<http://www.dcf.state.vt.us/fsd/pubs&reports/Child%20Family%20Services%20Plan.pdf>>.

