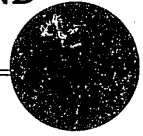


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S. Hrg. 102-285

# STATUS OFFENDERS: RISKS AND REMEDIES

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## HEARING

BEFORE THE  
SUBCOMMITTEE ON JUVENILE JUSTICE  
OF THE  
COMMITTEE ON THE JUDICIARY  
UNITED STATES SENATE  
ONE HUNDRED SECOND CONGRESS

FIRST SESSION

ON

THE IMPLEMENTATION OF THE JUVENILE JUSTICE AND DELINQUENCY  
PREVENTION ACT OF 1974, AND TO EXAMINE CURRENT PREVENTION  
AND TREATMENT STRATEGIES FOR STATUS OFFENDERS

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MAY 22, 1991

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Serial No. J-102-20

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# STATUS OFFENDERS: RISKS AND REMEDIES

WEDNESDAY, MAY 22, 1991

U.S. SENATE,  
SUBCOMMITTEE ON JUVENILE JUSTICE,  
COMMITTEE ON THE JUDICIARY,  
*Washington, DC.*

The subcommittee met, pursuant to notice, at 10:45 a.m., in room SD-226, Dirksen Senate Office Building, Hon. Herb Kohl (chairman of the subcommittee) presiding.

Staff present: Jon Leibowitz, chief counsel; and Marsha Renwanz, Juvenile Justice policy advisor.

## OPENING STATEMENT OF HON. HERBERT KOHL, A U.S. SENATOR FROM THE STATE OF WISCONSIN

Senator KOHL. The hearing will come to order. This hearing is the first to be held by the Senate Subcommittee on Juvenile Justice since the 99th Congress. Reestablished just a few months ago, this subcommittee has had a long and a rich history. I know I speak for my colleagues when I say that we intend to live up to this tradition of accomplishment. Not only do our youth deserve such attention, our national future depends on it.

This hearing is the first in a series examining juvenile justice in America. Over the next year, we will be looking at kids from everywhere who enter the juvenile justice system. We are starting today by looking at status offenders. These are young people caught in a double bind. They commit offenses like running away from home, cutting classes, or drinking—behavior that would not be considered criminal if they were over 18 years old.

One of the key provisions of the Juvenile Justice and Delinquency Prevention Act of 1974 was to help States get status offenders out of institutions. The rationale was clear. Status offenders come from families in trouble, and families who have these problems cannot solve these problems simply by locking kids up.

As the General Accounting Office will testify today, States have made significant progress in removing status offenders from public juvenile correctional institutions. But the Justice Department's Children in Custody Survey tells us that much more remains to be done. On any given day in this country, some 3,000 status offenders and nonoffenders who are just abused or neglected kids are locked up, and most often they are locked up because there is no room in community programs.

As it turns out, locking kids up doesn't make good business sense. It costs over \$80 million a year to put children into custody for offenses that would not be considered criminal for adults. So we

are paying a high price in dollars and cents for this lack of community-based alternatives, but we pay a far higher price in human terms. Status offenders who are locked up with serious juvenile offenders or adults are more likely to suffer physical or sexual assault, attempt suicide, or become delinquents themselves than their counterparts in community programs.

Even when status offenders are not locked up, far too many fail to get services. In Wisconsin, for example, the number of runaways soared some 200 percent between 1979 and 1988, and yet 10 Wisconsin counties have no runaway services whatsoever and the demand for services in the other 62 counties far surpasses the supply.

When we don't supply the right services for these kids and their families, what happens? As our witnesses will tell us today, the results can be frightening. Studies show that between 70 and 85 percent of all runaway and homeless youth say they use illegal drugs or alcohol every day. Homeless girls have the highest pregnancy rate in the Nation, and runaway programs in inner cities report that 15 percent of their clients who have been tested for the AIDS virus are, in fact, infected.

With all these risks, why do the kids run? Well, the answer is simple. They run from family problems they cannot solve by themselves. According to the National Runaway Hotline, two out of three kids claim they fled from family problems, and one out of three identified physical or sexual abuse at home as the reason for running. Girls are especially at risk of sexual abuse.

For these reasons, I am sponsoring amendments to Senator Biden's Violence Against Women bill to strengthen sexual abuse prevention and treatment services for runaway and for homeless girls.

Our witnesses this morning will focus on these and other prevention and treatment strategies. This hearing comes none too soon. Every day in America, over 3,000 children run away from home, close to 2,000 children are abused, and nearly 1,500 children drop out of school. But many of these children can be reclaimed if we simply give them a chance.

Last Friday, the Washington Post ran a front-page story about a status offender. The headline read, "Once Homeless, Student Finds Path to Success." The subject of that story, LaFonda Brown, is here to testify this morning. So we look forward to hearing LaFonda and the other witnesses tell us how we can make the same success story come true for thousands of other runaways, throw-aways, truant and drop-outs.

We have a statement from Senator Biden which we will include in the record at this point.

[The prepared statement of Senator Biden follows:]

**OPENING STATEMENT  
HEARING BEFORE THE JUVENILE JUSTICE SUBCOMMITTEE  
ON STATUS OFFENDERS: RISKS AND REMEDIES  
SENATOR JOSEPH R. BIDEN, JR.  
MAY 22, 1991**

I AM PLEASED TO JOIN MY COLLEAGUES, SENATOR KOHL AND SENATOR BROWN, AS RANKING MEMBER OF THE NEWLY CREATED JUVENILE JUSTICE SUBCOMMITTEE. TODAY'S HEARING MARKS THE FIRST IN A SERIES OF HEARINGS TO BE HELD BY OUR SUBCOMMITTEE, TO INVESTIGATE EVERY ASPECT OF OUR JUVENILE JUSTICE SYSTEM -- SEVENTEEN YEARS AFTER CONGRESS FIRST ENACTED THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT.

I WOULD LIKE TO TAKE A MOMENT TO THANK MY GOOD FRIEND AND FORMER COLLEAGUE SENATOR BIRCH BAYH FOR JOINING US TODAY. AS THE SENATE'S LEADING FIGURE IN THE AREA OF JUVENILE JUSTICE, SENATOR BAYH LED THE FIGHT FOR PASSAGE OF A TRULY LANDMARK PIECE OF LEGISLATION - THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974. IT IS AN HONOR TO HAVE SUCH A DISTINGUISHED INDIVIDUAL BEFORE US TODAY.

BECAUSE THE CREATION OF THIS SUBCOMMITTEE MARKS AN IMPORTANT CHANGE IN THE STRUCTURE OF THE JUDICIARY COMMITTEE, I WOULD LIKE TO BRIEFLY COMMENT ON IT.

ALTHOUGH WE HAD A SUBCOMMITTEE IN THE PAST, WHEN I TOOK OVER AS CHAIRMAN OF THE JUDICIARY COMMITTEE IN 1987, I BELIEVED THE ISSUE TO BE OF SUCH IMPORTANCE THAT I CHOSE TO INCLUDE IT WITHIN THE JURISDICTION OF THE FULL COMMITTEE. AS A RESULT, I HAVE SPENT THE LAST FOUR YEARS INTRODUCING NUMEROUS PIECES OF LEGISLATION TO ADDRESS THE SPECIAL PROBLEMS FACING OUR YOUTH TODAY.

THE COMING CONGRESS HOWEVER, WILL PROVE TO BE A LANDMARK ONE FOR OUR JUVENILE JUSTICE SYSTEM. FOR IT IS THIS CONGRESS THAT MUST REAUTHORIZE THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT. IN ADDITION, I AM PLANNING ON INTRODUCING A SWEEPING BILL TO STEP UP OUR NATION'S ATTACK ON VIOLENT YOUTH GANGS AND YOUTHFUL OFFENDERS.

AS A RESULT, I -- WITH THE SUPPORT OF MY COLLEAGUES -- DECIDED TO CREATE A JUVENILE JUSTICE SUBCOMMITTEE TO DEVOTE IN-DEPTH ATTENTION TO THESE MATTERS. AND I AND MY DEMOCRATIC COLLEAGUES CHOSE SENATOR KOHL TO CHAIR THIS PANEL.

I AM CONFIDENT THAT SENATOR KOHL WILL LEAD THIS SUBCOMMITTEE WITH THE SAME KEEN INTEREST AND COMMITMENT THAT HAS CHARACTERIZED HIS BRIEF TENURE IN



**THE SENATE. AS RANKING MEMBER, I LOOK FORWARD TO WORKING WITH MY COLLEAGUES SENATOR KOHL AND RANKING MINORITY MEMBER, SENATOR BROWN.**

**TODAY'S HEARING FOCUSES ON THE TOPIC OF STATUS OFFENDERS -- THAT IS, CHILDREN CHARGED WITH OFFENSES THAT WOULD NOT BE CONSIDERED A CRIME IF THEY WERE OVER 18. SUCH OFFENSES INCLUDE TRUANCY, RUNNING AWAY, AND POSSESSION OF ALCOHOL.**

**THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT WAS DESIGNED TO PROVIDE EFFECTIVE FEDERAL LEADERSHIP FOR A JUVENILE JUSTICE SYSTEM PLAGUED WITH INADEQUATE RESOURCES, A LACK OF COORDINATION AMONG THE STATES AND FEDERAL GOVERNMENT, AND AN ABSOLUTE VOID IN THE AREA OF DELINQUENCY PREVENTION.**

**TO HELP ACHIEVE THESE ENDS, THE ACT CREATED THE OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION (OJJDP) WITHIN THE DEPARTMENT OF JUSTICE. THE OFFICE, WHICH ADMINISTERED APPROXIMATELY \$48 MILLION IN GRANTS TO THE STATES IN FISCAL YEAR 1990, HELPS TO COORDINATE A TRULY NATIONAL RESPONSE TO DELINQUENCY AND DELINQUENCY PREVENTION.**

**IN ADDITION TO CREATING OJJDP, THE ACT OUTLINED**

**CERTAIN MANDATES FOR STATES TO FOLLOW IN ORDER TO RECEIVE THEIR GRANT MONEY. THE AIM WAS TO ENCOURAGE STATES TO IMPROVE THE QUALITY OF THEIR JUVENILE JUSTICE SYSTEM BY DEVELOPING PROGRAMS TO PREVENT DELINQUENCY, TO REMOVE AS MANY JUVENILES AS POSSIBLE FROM THE JUVENILE JUSTICE SYSTEM, AND TO PROVIDE ALTERNATIVES MEANS OF DETENTION.**

**ONE OF THE MOST BASIC GOALS OF THE MANDATE, THE ONE WE ARE CONCERNED WITH TODAY, WAS THE REMOVAL OF STATUS OFFENDERS FROM SECURE DETENTION FACILITIES OR THE DEINSTITUTIONALIZATION OF STATUS OFFENDERS, AS IT IS REFERRED TO IN THE ACT. TOO MANY STATUS OFFENDERS -- MOST OF WHICH WERE RUNAWAYS -- WERE PLACED IN THESE DETENTION FACILITIES WITH DELINQUENTS WHO COMMITTED CRIMINAL OFFENSES. RATHER THAN RECEIVING THE COUNSELING AND SERVICES THEY REQUIRED, THESE CHILDREN WERE RECEIVING AN EDUCATION IN CRIMINAL BEHAVIOR.**

**I AM PLEASED TO REPORT THAT SINCE 1974, MANY STATES HAVE MADE SIGNIFICANT PROGRESS IN THE AREA OF STATUS OFFENDERS. ACCORDING TO A RECENTLY RELEASED GAO REPORT ON STATUS OFFENDERS, STATES HAVE REDUCED THE NUMBER OF STATUS OFFENDERS DETAINED IN SECURE**

DETENTION FACILITIES FROM APPROXIMATELY 187,000 SINCE THEY JOINED THE PROGRAM TO ABOUT 10,000 IN 1988. MY OWN STATE OF DELAWARE HAS DECREASED THE NUMBER OF STATUS OFFENDER DETENTIONS BY 95% SINCE JOINING THE PROGRAM. AND I AM ALSO PLEASED TO REPORT THAT DELAWARE'S HIGH SUCCESS RATE IS CONSISTENT WITH THE MAJORITY OF STATES IN OUR COUNTRY.

DESPITE THESE ENCOURAGING STATISTICS, ON ANY GIVEN DAY IN THIS COUNTRY THERE ARE STILL THOUSANDS OF CHILDREN LOCKED UP IN SECURE DETENTION FACILITIES WHO SHOULD NOT BE THERE. ALTHOUGH THE ACT WAS DESIGNED TO ENCOURAGE THE DEVELOPMENT OF ALTERNATIVE MEANS OF DETENTION, THERE IS STILL A SERIOUS LACK OF SERVICES TO ADDRESS THE NEEDS OF RUNAWAYS AND OTHER STATUS OFFENDERS. THE LACK OF ALTERNATIVE SERVICES FORCES MANY JUDGES TO SEND THE CHILD BACK TO THE HOME THEY ARE DESPERATE TO ESCAPE FROM. OTHER TIMES, THE JUDGE IS FORCED TO PLACE THE CHILD IN A JUVENILE DETENTION FACILITY THAT IS CLEARLY DESIGNED FOR THE CAREER CRIMINAL.

THERE IS A GLIMMER OF LIGHT HOWEVER, IN THIS BLEAK PICTURE. EXTRAORDINARY PROGRAMS, LIKE BOSTON'S

"BRIDGE OVER TROUBLED WATERS" WHICH IS REPRESENTED HERE TODAY BY THEIR CLINICAL DIRECTOR VIRGINIA PRICE, GIVE TROUBLED CHILDREN THE SERVICES AND ATTENTION THEY DESPERATELY NEED. MOST RUNAWAY AND HOMELESS YOUTH SUFFER FROM A TROUBLED FAMILY LIFE, ALIENATION, STRESS, AND A LACK OF SELF-WORTH. IN MANY CASES, CHILDREN ARE FLEEING FROM SEXUAL OR PHYSICAL ABUSE. THE MAJORITY OF THESE CHILDREN REQUIRE THE SERVICES AND ATTENTION OF TRULY COMPREHENSIVE OUTREACH PROGRAMS.

WE NEED MORE THAN A FEW EXTRAORDINARY PROGRAMS FOR TROUBLED YOUTH. FOR EVERY CHILD THAT IS CRYING OUT FOR HELP, WE NEED TO BE ABLE TO GIVE THEM THE ATTENTION THEY REQUIRE. WE CANNOT CONTINUE TO LOCK THEM IN DETENTION FACILITIES. WE CANNOT CONTINUE TO SEND THEM BACK INTO THE STREETS. IGNORING THE CHILD WHO IS FLEEING FROM SERIOUS, OFTEN LIFE-THREATENING PROBLEMS, IS NOT ONLY INEFFECTIVE, IT IS IMMORAL.

I WELCOME THE OPPORTUNITY TO WORK WITH MY COLLEAGUES SENATOR KOHL AND SENATOR BROWN TO HELP GIVE CHILDREN A VOICE THEY SO DESPERATELY NEED.

Senator KOHL. Our first panel today will give us the young people's perspective on these issues. I would like to call Angela Scepanski, Janna Koschene, and LaFonda Brown up to the witness table right now.

Angela is from my home city of Milwaukee, and she has been participating in a program at the Walker's Point Youth and Family Center. After graduating from Urban Peak Youth Center in Denver, CO, Janna now volunteers some of her time to help other kids. And LaFonda is a graduate of the Independent Living Program at the Sasha Bruce Youth Center here in Washington, DC. She is about to graduate from Eastern High School and enter St. Augustine College on a full scholarship.

We are delighted to have you with us today at our first subcommittee hearing. If we want to design programs and policies that will help young people, we need ideas from you and from your peers.

We would appreciate it very much if you could keep your remarks brief because we have a lot of witnesses here today, and your written statements, in full, will be made part of the record.

Angela, we would like to start with you.

**PANEL CONSISTING OF ANGELA SCEPANSKI, CLIENT, WALKER'S POINT YOUTH AND FAMILY CENTER, MILWAUKEE, WI; JANNA KOSCHENE, CLIENT AND VOLUNTEER, URBAN PEAK YOUTH CENTER, DENVER, CO; AND LaFONDA BROWN, GRADUATE OF INDEPENDENT LIVING PROGRAM, SASHA BRUCE YOUTH CENTER, WASHINGTON, DC**

#### **STATEMENT OF ANGELA SCEPANSKI**

Ms. SCEPANSKI. Hello, Mr. Chairman. My name is Angela Scepanski. I have just turned 16 years old in March and I live in Milwaukee, WI. I am currently a sophomore in high school and I attend Milwaukee Trade and Technical High. Since it is a trade and tech high school, I am majoring in chemistry. I have just recently gotten on the honor roll, with a 3.0 grade point average. This is versus last year when I had a more difficult time struggling with school. I am now active in school with the student council, the pom-pom squad, and I help with the girl's swim team.

I would like to explain that I am not a delinquent, a drug and/or alcohol user. I am not a criminal and have no type of criminal record. I am also not a "bad girl." I am not sexually promiscuous, nor do I vandalize things.

Yes, in fact, I am a runaway. Now, when you think of running away from home, you probably think of hiding out or being far away. Well, not in my case; I was only three houses away at a friend's house. My problems have been building for approximately the past 9 months. The arguments with my parents have mainly stemmed from my relationship with my boyfriend. The problem is he is mulatto and my parents won't accept him for who he is, nor me for caring about him. They think it is unhealthy to have an interracial relationship because they feel I am setting myself up for future problems and heartaches. They want more for me out of my life, which I feel I am already getting.

My parents gave me a choice of either living at home or staying with my boyfriend. I struggled for a long time because I wanted a happy home life and a boyfriend, which I feel is not too much to ask for.

The main conflict spread to other parts of my life, leading up to our everyday problems being blown out of proportion. I attempted to go back home and I was told by my mother that she wasn't letting me in the house for anything. She said if I wanted any of my things, I would have to be escorted in by a police officer. I did that. I called the police. Later, they talked to my mother and stated that she was coming to get me and I would have to go with her.

When she arrived at my friend's house, she took me to Walker's Point Youth and Family Center. I was scared and I didn't want to be there. So, in turn, I called my friend to come and pick me up. I stayed at my friend's house for 1 week. Although my mom knew where I was, I did not have her permission.

Exactly 1 week after this happened, a police officer showed up at the door with my mother. I came outside and we talked. At that point, my mother gave me a choice of either going to Walker's Point and staying there or going to Detention Home. I replied with, Why do I have to go to DT? I am not a criminal; I didn't do anything against the law. I just want more acceptance from my parents about my friends. Why should that cause me to be locked up?

Being at Walker's Point has taught me to deal with my problems and not run away from them through individual, group and family counseling. I have also gained self-confidence and an increase of self-esteem and self-awareness. I would like to add that I feel we need more places like Walker's Point to care for and guide helpless teenagers. More shelters similar to Walker's Point are needed that provide free services for poverty-stricken and/or abused children that have no place to go.

Also, the counseling program has offered many opportunities to reunite my family. I am grateful for my parents' involvement in the program and I hope our family problems can be faced in a more realistic manner. In the future, I plan to build my courage even more and understand my parents' beliefs, hopes and dreams for my future.

Last, I would like to add, if it was not for Walker's Point or shelters similar to Walker's Point, I don't know where I would have ended up. Senators, we really need your help. Thank you for giving me this opportunity to speak today.

[The prepared statement of Ms. Scepanski follows:]

TESTIMONY OF ANGELA SCEPANSKI  
MAY 22, 1991

Hello, my name is Angela Scepanski. I am 16 years old, and I live in Milwaukee, Wisconsin. I am a sophomore in high school, and I attend Milwaukee Trade and Technical High. Since it is a trade and tech high school, I'm majoring in Chemistry. I've just recently got on the Honor Roll with a 3.0 grade point average. This is versus last year when I had a more difficult time struggling with school. I'm now active in school with the Student Council and the pom-pom squad, and I help with the girls' swim team.

I would like to explain that I'm not a delinquent or a drug and alcohol user. I'm not a criminal and have no type of criminal record. Also, I am not a "bad girl." I am not sexually promiscuous, nor do I vandalize things.

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The problem is he is mulatto and my parents won't accept him for who he is, nor me for caring about him. They think it is unhealthy to have an interracial relationship, because they feel I am setting myself up for future problems and heartaches. They want more for me out of my life, which I feel I am already getting. My parents gave me a choice of either living at home or staying with my boyfriend. I struggled for a long time because I wanted a happy home life and a boyfriend, which I feel is not too much to ask.

The main conflict spread to other parts of my life leading up to our everyday problems being blown out of proportion. When I attempted to go back home, I was told by my mother that she wasn't letting me in the house for anything. She said if I wanted any of my things I would have to be escorted in by a police officer. So I did that. I called the police, and they talked to my mother. They stated that she was coming to pick me up and I would have to go with her.

When my mother arrived at my friend's home, she took me to Walker's Point Youth and Family Center. I didn't want to be there, so I in turn called my best friend and her older sister to pick me up. After they came to get me, I stayed at their house for one week. Although my mother was aware of where I was at, I did not have permission to stay.

Exactly one week after this happened, a police officer showed up at the door with my mother. I came outside and talked to them. At that point, my mother gave me a choice to either go to Walker's Point and stay there or go to Detention Home. I replied with "Why do I have to go to D.T.? I'm not a criminal." I didn't do anything against the law, I just want more acceptance from my parents about my friends. Why should that cause me to be locked up?

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I am grateful for my parents' involvement in the program, and I hope our family problems can be faced in a realistic manner. In the future, I plan to build my courage even more and understand my parents' beliefs, hopes, and dreams for my future.

Lastly, I would like to add if it was not for Walker's Point or shelters similar to Walker's Point I don't know where I would have ended up.

Senator KOHL. Very good statement, Angela.

Ms. SCEPANSKI. Thank you.

Senator KOHL. Janna.

#### STATEMENT OF JANNA KOSCHENE

Ms. KOSCHENE. Mr. Chairman and members of the subcommittee, my name is Janna Koschene and I am 17 years old. I will be 18 in August. I live in Aurora, CO, and I am attending Gateway High School. I am a senior and I will be graduating next January. I live at home with my mom, my stepdad, and my youngest sister, Dan-elle.

My problems first started when I was 13 and I first ran away from home when I was 16. When I ran away, I was living in Denver, CO, and I was dating a guy who was 18 and at the time I was only 15, and this made my mom and my stepdad very angry because he was older. I had started staying out late at night and not coming home, and eventually I just ran away; I just left.

I was staying with some friends, and she just eventually kicked me out. So when I was living on my own, I was living in downtown Denver in the Capitol Hill area, which is—Capitol Hill in Denver has the highest concentration for runaway and homeless youth. So I was living up there in a crash pad with many people. I can't even tell you how many people were staying there, but I was the only one who had a job and so I was bringing home all the money and I was bringing home the money for the food and for all the drugs that we used and everything that we did.

Eventually, my drug abuse got so bad that I just didn't want to go to work anymore and I didn't care anymore, and all I wanted to do was get high. So everything started getting really bad and we were going to get evicted, my boyfriend and I, so one night we just decided to go to Phoenix, AZ, and we just packed our car up and we left.

We stayed in Phoenix, oh, about 3 months and we lived with some friends for a while. And we had a job, but that didn't last very long because we got fired. So after we got fired and these people kicked us out, we didn't have anywhere to go, so basically we were homeless, literally.

We stayed in our car for about 2 weeks and then we heard about this shelter that was like an overnight shelter. They would pick us up and they would take us there and we could sleep and take a shower and eat breakfast in the morning, and then we would have to go back out on the street for the day. We did this for about a month, and this whole time we didn't look for jobs; we didn't do anything. We just hung out and got high all day when I was in Phoenix.



And then we got tired of that, and we had met this guy who was going to go to L.A. and he made it sound really exciting. And, to us, that was something new and something different, so we took all of our—you know, we just decided to pack up and go to Los Angeles, but we ended up going to San Diego instead.

We took a girl with us. She had two kids, and we lived in San Diego for—we stayed there about a month and we were doing the same thing. We were just working and then most of our money was to buy marijuana, basically, and we would get high.

And then I found out that I was pregnant, and this really scared me and I wanted to go home. And so Tammy bought an airplane ticket back to Phoenix, and Jerry and I left to come back to Denver. On the way back, we got pulled over by a State patrol, and I really wanted just to get home. They asked me—they had to call my mom because I didn't have any identification, and so they had to take me to the patrol office.

I talked to my mom, and they put me on a Greyhound bus and they sent me home and my mom picked me up and I have been living at home for over a year now. When I got home, I started going to a school called Metro South, and it was like an alternative high school. I went through summer school and then I started school again in the fall at an alternative high school called High School Redirection, and there I got emotional support and I also got my grades up. Then I had my baby in October and I relinquished her for adoption, so I had to deal with that.

Then in just the past 2 months, I transferred to a school called Gateway in Aurora, and I have been going there and I will be graduating next January, and that is it.

Senator KOHL. Good statement.

Ms. KOSCHENE. I would like to thank you for letting me talk.

Senator KOHL. We are delighted to have you here.

Ms. KOSCHENE. Thank you.

Senator KOHL. I will be back to you with questions in a minute.

[The prepared statement of Ms. Koschene follows:]

TESTIMONY OF JANNA KOSCHENE  
MAY 22, 1991

Mr. Chairman and Members of the Subcommittee on Juvenile Justice, my name is Janna Koschene. I am seventeen years old. I live in Aurora, Colorado. I attend Gateway High School. I am a senior, and I'll be graduating next January. I live at home with my mom, my step-dad, and my youngest sister, Danelle.

I first ran away from home at age sixteen. I first began having problems when I was thirteen. I was living with my now step-dad in Ft. Collins, Colorado, and was very uncomfortable in that situation. My mom was living and going to school in Aurora, so she wasn't home during the week. I moved in with my real father in Loveland, who felt he needed to change me. This made me feel angry and isolated. I lived with my dad for a month and a half and moved back in with my mom in Denver. By this time I was fifteen.

Many things lead up to my running away, but the main reason was that I could not stand my family. I did not like to be at home, and nobody liked me to be there. My mother and I always fought. At the time I thought she was just being mean, but now I realize she was trying to help me. The main source of conflict was that I was staying out all night without calling. The reason for this was that my step-dad and I did not get along. I did not like going home.

Also, I was seeing a 21 year old guy that my mom did not like. She didn't want me to see him, but I would anyway. That caused a lot of problems. She was afraid that I would leave home and get pregnant, and drop out of school. At that time, I was feeling that my mom did not have time for me and that she did not care. That is why I hung on to Jerry, who is now my ex-boyfriend. My real dad was not supportive either way. He didn't get involved. At this point, I felt that my step-dad had taken my mom from me.

At the time that I ran away, I was attending East High School in the Capitol Hill area. This area has the highest concentration of runaways and homeless youth. By this time, I had met many street kids, and I was very attracted to the fact that they had no rules and the freedom to do what they wanted. I was staying with my girlfriend, Aurora, and her family when my mother kicked me out. I dropped out of school to work at Taco Bell so that I could get enough money to live on my own.

Then I started living with my ex-boyfriend, Jerry. Jerry and I lived in a studio apartment. This became a crash pad. I never had a moment to myself; girls I didn't know were wearing my clothes. People I never met were sleeping and having sex in my apartment. Every night there was a fight, stealing, and drug deals. The hardest thing to deal with was that everything I thought was my own really wasn't. Many of my only possessions were taken, including food.

I had no privacy to take a shower, or to just be alone. All the money that I earned was spent to support all of those people. It was used for some rent, food, and drugs. Fortunately because I kept my own job I was never forced, like other girls, to have sex with men for a place to stay. I also was lucky to have a boyfriend to protect me and take care of me.

I had experimented with marijuana previously, but due to the fact that it was always available, I used it more. It also increased my usage of LSD. The use of these drugs began to make me not want to go to work or deal with my problems. The more I got high the worse I felt about myself and others. After three months of this, Jerry and I left for Phoenix.

The night we left we packed all the things we wanted to take, made sure the car was working, and got my paycheck and left. We did not tell anyone. We got to Phoenix on fifty dollars two days later. We stayed with Jerry's friends. It was a three-bedroom house with ten people. Jerry and I stayed in the bedroom with the three kids. Once again there was no privacy. Yet, it felt a little more comfortable.

Jerry and I found a job at Arizona State University, cleaning up the stadium. I cleaned restrooms with two other women. It was an awful job, but I got paid. Jerry cleaned the stadium with a lot of men. This job only lasted for about one month and a half. We only got paid once. After Jerry took a radio, we were fired. That is when we really hit bottom.

We wore out our welcome at Donnie's house, and this left us completely homeless. Many nights we spent in our car, and we ate at the St. Vincent de Paul, a church and soup kitchen. This was very uncomfortable for me being that I was so young in an adult shelter, but I did feel that I could get out of it. At this time, I called Nancy at Urban Peak to find a way to get home. She tried to help me, but I felt I couldn't leave Jerry. After a couple of weeks went by, we heard about an overnight shelter, and that is where we stayed the rest of the time in Phoenix.

We met a guy who was going to L.A., and to both Jerry and me, that sounded exciting. So we left, but without that guy. Instead we took a girl, Tammy, and her two children. We ended up going to San Diego instead. We stayed in a shelter there for only a few days. Tammy had gotten her AFDC check, and that gave us money to get a motel room. Tammy and I got a job at Taco Bell, and Jerry watched her kids. We were all stressed out about our situation, and we argued a lot. We didn't do much but work and go to the beach. We were in San Diego only for a month. Tammy bought an airplane ticket back to Phoenix. That was hard for me because Tammy had become my friend and I wanted her to come with us, but Jerry wouldn't let her. I haven't heard from her since the night we dropped her off at the airport.

On the way back to Colorado, we were pulled over and I was sent home on a Greyhound bus. The ticket was paid for by the State Patrol. I hadn't talked to my mom until that night. It was comforting to hear her voice. She told me that when I got back I could live with her again.

At this point, I was a month and a half pregnant. When I got home, my mom took me to the doctor a few days later. I decided to go through the pregnancy, because I couldn't go through with an abortion. Jerry agreed. He was working at Dairy Queen and living with friends. We didn't see a lot of each other because I returned to school at Metro South, part of the Denver Public Schools alternative-schools system. After being back for about a month, Jerry went to jail.

When Jerry went to jail, this was very scary for me. My mom became my best friend and a good support for me. We began discussing what to do about my pregnancy, and that is when I contacted Nancy at Urban Peak. I had used Urban Peak -- a daytime drop-in center for homeless and runaway youth in Denver -- for counseling, for lunch, for time-out from the streets, and also for food boxes to take home. At this time, Nancy got me in touch with Adoption Option.

I started counseling with Debbie at Adoption Option about once every two weeks. The focus was on what my goals were. As time went on, I decided to relinquish my baby. Debbie helped to pick the family that I wanted and to prepare for the adoption. Before the baby was born, I transferred to High School Redirection where

I was able to get emotional support and raise my grades. After the baby was born in October, surrounded by family and extended family and with Debbie's support, I gave Lora, my baby, to her new family. I still continue to keep in touch with both Debbie at Adoption Option and Nancy at Urban Peak to let them know how well I'm doing.

My new role at Urban Peak is to be a volunteer with the speaker's bureau, so that I can educate the community and other kids about the problems of homeless and runaway youth. I've played an important role in Urban Peak's women's group by sharing my experience with adoption and am directly responsible for at least one other girl making the choice to relinquish her child. The reason I feel that educating women about adoption is important is because women need to know that there is an alternative, besides parenting and abortion.

Two months ago, I transferred from Redirection, the alternative school, to Gateway High School in Aurora, a traditional high school. Six months ago, I got a job working at King Soopers. I am a courtesy clerk. I generally work around twenty hours a week and am saving for a car. I am dating someone from work, and I have been seeing him for about four months.

My recommendations concerning status offenders are as follows. I believe that if we give street kids time and alternatives they will turn their lives around. Urban Peak offers specific alternatives that I personally believe are the most valuable. The most important of these are: a transitional living program for kids so they can learn to live on their own, a medical clinic where girls can receive prenatal care, counseling on pregnancy choices, and some resources that are available, and have access to birth control. It is also important that youth receive help in getting identification so they can work, and have a phone number and address that Urban Peak provides so they can be hired.

It's also important for girls on the street to have a support system like Urban Peak's women's group, to deal with issues like sexual abuse, domestic violence, survival sex, prostitution, and drug addiction. Since this group is made up of girls like myself, girls still on the street, and counseling staff, we are able to offer alternatives to the above. Urban Peak also has a youth street outreach worker who encourages high risk youth to participate at the center.

Thank you for letting me speak to you today.

Senator KOHL. LaFonda, how are you doing?

#### STATEMENT OF LaFONDA BROWN

Ms. BROWN. Good morning. I am very happy to have the opportunity to testify before you today. My name is LaFonda Brown. I am a 17-year-old senior at Eastern High, and I will be entering college in the fall. None of this would have been possible without the help of Sasha Bruce Youth Center and their Independent Living Program.

In my winning award scholarship application, I wrote: Things aren't always what they appear to be. For instance, me; when most people see me, hear me or think about me, they always get the impression that I come from a stable background. That is a joke. Childhood is supposed to be the most important part of life. My childhood wasn't, and it isn't for many others. My childhood was filled with problems and constant fear. There are so many precious creatures who are lost. I was almost among those statistics.

When I was 15, my mother remarried and had another baby. My mother and my stepfather began expecting me to take care of the baby. I was verbally abused and my school needs were not being cared for. I felt very unwanted and mistreated. I had no bed to sleep in at my own house. I ran away and stayed away for 3 weeks before my mother came looking for me at school.

I finally decided to try and go home again. After 1 day, because I came in at 8:15, my mother told me to leave. I never went home again, and this began my 5 months of complete homelessness. I lived with relatives and different friends. I didn't want anyone to know about my situation, so I told them I forgot my keys and they eventually asked me to stay with them for the night. I always avoided sleeping outside because it was threatening, and I was robbed and I became really worried.

When the summer came, I got a job at McDonald's and I looked for a place to rent. I found a place and planned to live on my own and go back to school. I was in for a rude awakening because in order to enroll in school, I needed my mother, and she refused to help.

During this whole time, I never knew about any services that could help me, except for Covington House, which I called, and I didn't have anything to say; I was afraid. Outside of Covington House, I didn't know of any other place until I was already in Sasha Bruce. I decided I would try to become an emancipated minor, which was legal in the District.

I went to a community legal service, and there she gave me a list of shelters which were all for adults or for youths in Maryland and Virginia, except for the Sasha Bruce house. I got immediate help at IOP, and it has been great ever since. It was a roof over my head, which I needed. I got back into school with their help.

I have learned about budgeting, dealing with people, and understanding myself. I got a second job, and continue to work both while in school. I have maintained a 3.0, and then it was time for me to leave Sasha Bruce. The program was only for 16 months, which was 12 months residential and 4 after-care. I was offered by my teacher at Eastern to come live with her. At this point, I was only 17 and wasn't legally able to be on my own.

I feel good about myself, but I can't help wondering about the ones that are still out there. My oldest sister is one of them. I always hope that they get a helping hand and are led in the right direction.

I believe there is more that should be done for teenagers. Schools, communities and the governments are doing their jobs, but there is only one problem; they are not working together. No teenager should be out there on their own. We need you; we need adults who will do all that they can to rid another childhood of problems and fears. You are our resources, and you can and do make a difference.

Thank you.

Senator KOHL. Thank you, LaFonda.

Angela, I understand that your mother has sent a letter along with you. Would you read selected portions of it to us?

Ms. SCEPANSKI. Sure.

If I could take a few moments of your time, I would like to reflect on the system as it worked years ago. I myself was a runaway of sorts. Back in November of 1972, at the age of 15, I reached a decision on my life and my future.

My father was physically abusive and had absolutely no problem giving beatings to all of us, including my mother. After my 15th birthday, it only made sense to me to get out as soon as possible; things would never change. One morning, I got up for school, left the house, and decided that I would never return again. Being on the run would be better than at home.

However, I found myself faced with the streets and how I could keep safe. At that period of time, young people, mostly girls like myself, were showing up dead and this was something that I didn't want to happen to me. The solution was to turn to the police; they would help me. Since they had several reports of domestic violence and abuse in our household already, they would know what to do and believe me, they did. The outcome was they locked me in the children's detention center and washed their hands of the situation. I now found myself in the court system as the bad child behind bars.

Please think about the number of children that will go through what I did if not for places like Walker's Point, where Angie is getting help. Happy endings are possible when the proper help is available.

Senator KOHL. That is a fine letter.

As I said in my statement, in 10 of our counties in Wisconsin we don't have any services for runaway youth. In your opinion, how important is it that we provide these kinds of services for people like yourselves who are runaways?

Ms. SCEPANSKI. It is very important. If there weren't places, you know, teenagers would just live on the streets, literally. You know, they are very safe to go to. They give you food, shelter. You know, when it is raining and cold outside, you don't want to be outside; you want to be inside. They really help you face your problems and deal with them and not try to just forget about them.

Senator KOHL. So it is not just a place to go for food, clothing and shelter; it is a place to go to understand what your problems are and try and do something about them.

Ms. SCEPANSKI. Right.

Senator KOHL. OK. Janna, you now spend a good deal of time volunteering for Urban Peak. Tell us how we can encourage other young people to volunteer their time and effort to help some of their peers who need help.

Ms. KOSCHENE. To encourage other teenagers?

Senator KOHL. Yes.

Ms. KOSCHENE. Just inform them of the problems that are going on around us and let them know that there are other teenagers that do need their help, and just inform them, keep the community informed.

Senator KOHL. All right. Some of the laws that we pass focus on providing community service opportunities for young people. But these laws fail to include kids who have been in trouble. How important is it to get runaways and truants who've dealt with their problems to turn around and contribute to their communities?

Ms. KOSCHENE. Well, it is kind of difficult to get them to contribute to their community when they are on the streets and they have nowhere really to go. It is kind of difficult to get—when there are so many things going on in their own lives, it is hard to get them to deal with their community.

Senator KOHL. All right.

Ms. KOSCHENE. And the community becomes like the bad guy.

Senator KOHL. The community becomes the bad guy?

Ms. KOSCHENE. Yes, because it doesn't seem like anybody is trying to help them, so it becomes the bad guy.

Senator KOHL. You become a stranger and hostile to your community, to everything around you?

Ms. KOSCHENE. Yes, basically, because you are in fear of what they can do to you, I guess, like being locked up.

Senator KOHL. So you find yourself closed in, surrounded only by people who are in your own situation?

Ms. KOSCHENE. Yes, basically.

Senator KOHL. All right. I understand that your experiences were different than other runaways because you kept finding jobs. How important were those jobs to you, Janna, and what can businesses do to help other runaways find jobs?

Ms. KOSCHENE. The jobs were important to me because it gave me money in the beginning for food for myself, but it got used for other things toward the end. And I think that to get kids jobs, they need identification and it is really hard for runaways to get identification because then they will find out that you are a runaway.

Senator KOHL. So you are saying it is very difficult to get jobs as long as you have to provide identification, which you need to do in order to get most jobs?

Ms. KOSCHENE. Yes.

Senator KOHL. You don't have proper identification, and if you do, you will wind up—

Ms. KOSCHENE. Yes. See, I had already been working there; I had already been working at Taco Bell, so I just kept working there. So it wasn't hard for me to find a job because I had already had one.

Senator KOHL. All right. LaFonda, the article in the Washington Post was quite a tribute to you and to your hard work. What kept you going when you had only \$7 and the clothes you were wearing? What can we do to help other young people, LaFonda, in difficult circumstances to stay as determined and positive as you were?

Ms. BROWN. My only determination for staying focused was school. I enjoyed school. I was there and I really missed it a lot, and I think most youth need something to fall back on, a foundation, something to keep them focused, whether it is school or not. I was lucky. That was one of the places that I enjoyed being, which a lot of my friends don't like school. So I really don't have an answer for what we could do to keep them focused.

Senator KOHL. All right. Before you found Sasha Bruce, you missed classes for about 4 months because you couldn't afford the Metro, even though you were working at McDonald's. Did you describe your situation to anybody at McDonald's? Did anybody offer to help? Did you discuss it with anybody there?

Ms. BROWN. No, I didn't tell anybody because I was embarrassed about my situation, and I didn't get the job at McDonald's until after I had been out of school for so long. And I would have kept on going if I had something to go with, and that is one of the reasons why I started working. But I never asked anybody for assistance at McDonald's because I wouldn't admit to myself that I was homeless.

Senator KOHL. All right, very good. Any comments you would like to make before you leave the witness stand—suggestions, ideas, thoughts that you would like to express to us today? Angela?

Ms. SCEPANSKI. No, thank you.

Senator KOHL. All right, thank you very much.

Janna?

Ms. KOSCHENE. I just want to say that it is important for girls on the street to have a support system, because at Urban Peak they have a women's group and it deals with issues like sexual abuse, domestic violence, survival sex, prostitution and drug addiction. And since this group is made up of girls like myself, girls still on the street and counseling staff, they are able to offer alternatives to these girls.

Urban Peak also has a youth street outreach worker who encourages high-risk youth to participate at the enter, and I think it is important to inform the kids of their other alternatives that they have; that there are alternatives to the streets.

Senator KOHL. So you are emphasizing, as you have all emphasized, how important it is that kids who are caught in this situation get help. The help can come from whatever source; presumably, hopefully, from places that are set up to help. But the essential thing is that there are hands that reach out to help these people.

LaFonda?

Ms. BROWN. I just wanted to say that I feel as though it is very important that we provide more programs like Sasha Bruce because some of the youths who are there eventually go back to the streets because of things that are there. And when the time is up—like with my case, when it was time for me to leave, I was afraid and I really wasn't ready to go out. If my teacher hadn't been there for me, I don't know where I would have ended up. There are not enough places or houses or beds for youth such as myself.

Senator KOHL. Thank you. Well, thank you all very much. We appreciate your being here. You have all added a lot to our understanding of the problem. You are excused.

Our second panel of witnesses will outline Federal and State efforts to get status offenders out of institutions. At this time, I would like to ask Senator Birch Bayh to come up to the witness table.

No other elected official has done more to improve the quality of juvenile justice in this country than Senator Birch Bayh. During his tenure as chairman of this subcommittee, he ensured that Congress and the States made removing status offenders from lockups and detention centers a real priority. I very much hope he can give us a brief history of this.

Senator Bayh, your written statement will be made part of the record, so please feel free to make your remarks as brief as you wish.

#### STATEMENT OF BIRCH E. BAYH, WASHINGTON, DC

Mr. BAYH. Mr. Chairman, I consider it a privilege to have a chance to share some thoughts with you. I somewhat feel that I am not qualified to do so because I have been out of the official system for a few years, as you know. I appreciate, also, your putting my statement in the record. I would much prefer to sort of talk from the heart rather than the paper.



I should start, though, by commending you and the other members of the subcommittee and the full committee for reinstating an official body that can really search for a better way to deal with the problems that confront our young people.

I want to compliment you for assuming this leadership. Some in our audience and some in the public may not realize this, but you have reinstated the only subcommittee of the Congress of the United States where you will have jurisdiction over constituents that cannot vote for you and cannot hold fund-raisers. So it has to be an act of love and compassion and dedication, and I salute you for it.

I suppose there is not a public official in the United States that at some time or another has not said that our Nation's most important resource is our young people. I don't know how many times I said that in my lifetime at commencement addresses. And, you know, it is absolutely true, but we have a saying in Indiana that I think you probably also are aware of in Wisconsin that perhaps is a little crude, but I think it is on point, that it is rather frustrating that a lot of those folks who expound those fine-sounding words don't put their money where their mouth is.

They talk about our young people and then are not willing to stand up and provide the services and the programming necessary to provide the support that a large number of young people unfortunately don't get from their families and don't get from the communities. I know I am preaching to the choir when I speak to you and other members of the committee.

You asked me to say just briefly why the Juvenile Justice and Delinquency Prevention Act—and I think I should also include in that the Runaway Youth Act because they were both sort of passed in tandem—why they were passed. Well, basically, they were passed after 3 years of actually studying what the problem of juvenile delinquency and runaways—what those problems were, to create a Federal focus in which special attention could be given to this problem, could deinstitutionalize a lot of young people who have no business being in institutions, and could provide an incentive for States and local communities to establish those programs that can help resolve the problem.

I don't think, with all respect to you, sir, sitting here in Washington, and a lot of your colleagues in that room, where a lot of important things are done—I don't think you can solve that problem. This is basically a State and local problem, and the purpose of this act was to create incentive for States and localities to do what they ought to be doing anyhow. Some were; some weren't because they really were not thinking about it. A lot of them weren't doing it because they didn't have the resources.

So we provided some grants and matching programs that were designed to have sort of the carrot and the stick. You don't institutionalize, but we are going to provide resources so that you can provide alternatives to institutionalization.

The Runaway Youth Act was designed to deal with the fact that we have just a lot of kids out there on the street that are in harm's way. This is no longer Huckleberry Finn going down the Mississippi River. It is a jungle out there, and the first thing we wanted to do was to provide a way to get those young people off the street so

that the matters didn't get worse from a standpoint of their physical and mental health.

Now, we started our hearings asking ourselves a basic question that I think probably a lot of people still ask. Why is it that the incidence of juvenile delinquency continued to increase? We went through a whole period where year after year after year the number of juvenile delinquent acts that were committed—crime itself kept on increasing.

We started our hearings with a few basic premises. Two or three, let me just mention to you because I think it is important to have a little "mea culpa" here and suggest that our vision was not as clear then as it perhaps is now.

Our first premise was—and I think it is still a sound premise—that no child is born a three-time loser. We as a society cannot say that 5 percent, 10 percent, or whatever percent of our young people are going to get in trouble; they have genetic problems, they are going to be losers, and there is nothing we can do about it. I just don't believe, Mr. Chairman, that when the good Lord puts together the genetic compound that is life, and scientifically that fetus proceeds to term and it is born, that that child has evil and delinquent spirits and thoughts in his or her mind. I don't believe that.

No child that is ever born has control over the environment in which they are born, and yet unfortunately we have large numbers of our young people who are born into environments that it is impossible for adults to cope with. So how do you expect young, pliable, helpless young people to be able to survive that particular type of environment?

So let me suggest, as you and others address some of the real social problems of welfare mothers and runaway fathers and teenage pregnancy, don't forget about the kids. There are legitimate concerns as to how we deal with those other problems, but understand that you have a lot of children out there that are defenseless. And we as a society, it seems to me, have a responsibility for providing an alternative if they are not getting it from their truncated or nonexistent family.

The second premise was that society has a responsibility for finding a way to deal with this problem. That is still true. And once society has, in its wisdom, determined what the solution is and has created a structure, it will solve the problem and matters will get better.

Mr. Chairman, when we were facing that problem, I was startled. Having spent most of my young adult life working in all sorts of youth organizations, starting on the farm with Rural Youth and one thing and another, I was alarmed to find that what society was doing to deal with the problems of young people made matters worse.

We took a runaway child, which, as you pointed out earlier, is a status offense—we took a kid that wouldn't go to school—again, a status offense for which no adult could be incarcerated—and we put them in an institutionalized setting. Many of them had never done anything illegal and maybe that was their first time to run away, and we put them in an institutionalized setting where they were commingled with adults or young streetwise toughs that

knew all the tricks of the trade, whether it was peddling drugs, cross-wiring an ignition switch, hustling televisions, whatever it is.

We as a society were institutionalizing our young first offenders in an environment which really were schools of crime as far as they were concerned. So when they came out, it is little wonder that the second time authorities came to grips with those young people—and they were confronting police officers this time instead of a truant officer—they had committed a worse offense. And it kept right on getting worse and worse because we weren't able to separate out of that system those people who really were dealing with trying to cope with very deep emotional social problems of young people. We couldn't separate them out from those who had committed more serious crimes.

Now, when we are talking about status offenders, let me just very quickly—and I have a tendency to get carried away on this, and I apologize. But to give you some rather specific idea, these young women who spoke, I thought, very eloquently and courageously of their experience, I think, is an excellent example.

We started the runaway youth program as a result of the testimony of a young girl from the Southwest who was 13 years old. She ran away from home when she was 12. The police apprehended her and took her back to her mother. Her mother says I don't want anything to do with her, which unfortunately is not an uncommon response, as one of the young ladies pointed out here.

So they put this young woman in an institutionalized setting where she stayed for 10 months until a legal defense attorney finally found out she was there and asked a rather basic question. Debbie, why did you run away from home? Here was a girl who by then had turned age 13 who had run away from home because she was tired of being sexually molested by her stepfather. Now, a society that puts the girl in the institution instead of the father in a situation like that—there is something wrong with it.

Truants—a specific example: We found one particular young boy—and these are not isolated incidents—we found one isolated young boy who had found that when he was at home instead of in school, his alcoholic father would not beat up his mother. So he, as a son who loved his mother, had learned rather quickly at an early age that the only way he could protect his mother was by being there, not to physically protect her because he was too small, but that the father wouldn't do it when he was there.

My wife is teaching over in Anacostia in a school where they have identified certain special young people, and a well-to-do individual has provided resources for any of them that can go on to college; he will foot the bill for them. One of the brightest young women that my wife attempts to tutor from time to time often doesn't show up and my wife was interested to find out—she went to the home and found out that more often than not this girl has to babysit for pre-school children that are in the home while the mother works. So, even as bright as she is, she can't go to school and take advantage of this opportunity, and she thus is a truant.

The PINS kids—that is the third category, really. Indeed, they are in need of supervision, and I would like to emphasize, Mr. Chairman, and I am sure that you understand this, but a lot of the people don't understand that when you talk about a kid in need of

supervision, you have children, many of them, that really need supervision. They haven't had it at home.

So when I say don't institutionalize, which is a Juvenile Justice and Delinquency Prevention Act goal, I am not saying don't pay attention to those young people. Quite the contrary, when you have a kid that you have to make the choice as to whether you institutionalize or you provide some alternative, almost by definition you have a child that needs tender, loving care and continued supervision either in the home or by some alternative vehicle in the community—the church, the school, or whatever it may be.

The third premise that we operated on was that this increase in juvenile delinquency was the result of unexpected events where children suddenly developed some errant behavior and they did something that offended society and so they got in the loop, and that this was a surprise thing that society, really, because of the surprise, isn't prepared to deal with. Boy, were we wrong in that premise.

I think the most dramatic example I would call your attention to was a professor from Wayne State who was doing a doctoral thesis, and he went to the maximum-security institution in Michigan and he interviewed those men—this was a men's institution—and then went back and traced every person that they had come in contact with—kindergarten, church, grade school teachers, neighbors.

And in each of those incidents, every one of those men who now is under maximum security in the State of Michigan at some time early in their life—usually, in a school setting, there was a teacher or a neighbor who said, you know, that kid has got trouble. But society and the school system, which was often the environment in which you would determine the abnormal behavior—they were not able to deal with the problem. They could kick this kid out of school, which they often did. But you kick a kid out of school and you put him out in an environment where he has no supervision at all and no incentive to try to respond positively.

I think most of our school teachers are pretty darned sharp and they can determine when a child has trouble, and they can really usually understand that that is at home. But society has to be able to provide some specialized treatment that that classroom teacher is not qualified to perform.

Now, I might just take the liberty of suggesting that there are a couple of land mines out there that, if you are concerned about proceeding and having the public accept what you are doing, I found out that you—at least we had to back then—be careful and we couldn't ignore.

One of the primary facts is that there are some young people that commit horrible acts. You take someone who is an ax murderer of his mother or father, or someone who has tried to rob a bank and has killed people, all these horrible acts that unfortunately we read about—I mean, those are a particular kind of young people and society has to be provided security against that kind of continued behavior. And I think society has a right to expect to be protected from this kind of act.

Those individuals are entitled to due process, but recognize the fact that those individuals have to be treated in a way that society can be protected from them, and that doesn't in any way prevent

you from providing special alternative treatment for those children who commit much lower grade antisociety conduct.

I remember touring one of the really progressive halfway houses or runaway houses, a youth facility in Boston. I think it was the Huckleberry House, and the judge who had heard the trial for this teenager who had raped someone assigned that youth to this nonsecure halfway house which was designed basically to deal with runaways and truants.

Now, when you have a young person who has committed a crime as serious as rape, a judge has to give that youth a little different attention than someone who doesn't go to school or runs away from home. And the tragedy was that by assigning that individual to an institution that was not prepared to deal with his particular problem, he committed a rape again while he was under the auspices of this Huckleberry House and the community wanted to close down the whole house. It was serving dozens of children the way they should be served.

Also, I think those of us who are concerned about runaways and truants and incorrigible children have to be realistic. It is not right to run away, it is not right to be a truant, it is not right to be incorrigible. That is the kind of behavior that we have to find a way to resolve, and don't pretend that it is the right kind of behavior. More often than not, it is the only behavior that can protect that child; that that child can escape from an intolerable situation.

So, recognizing that, I think we have an opportunity to really come to grips with the problem that caused the act. The act itself is not the kind of thing that we want to say is a kind of act that all children are participating in, but we ought to deal with the problem that resulted in that kind of behavior.

I must say I continue to be an optimist, Mr. Chairman, and I think you are, too. I salute you for your sensitivity to the problems of young people, and I believe with your assistance the Congress can again show that it believes that the lives of young children can be saved. And, basically, in this area it can only be done by recognizing what the problem is and tailoring the solution for the problem that that child has or those children have. And I think with your guidance and the cooperation of your colleagues, there is a new breath of life being breathed into this concern for young people.

Senator KOHL. Thank you very much.

Mr. BAYH. Forgive me for getting carried away. As you can tell, I had a lot of thoughts on this at one time in my life and they sort of came bubbling out.

Senator KOHL. I appreciate your very fine statement, and I, of course, cannot forget your opening remark that this is one subcommittee that won't get me any campaign contributions. The fact is that I don't need any. [Laughter.]

Maybe that is why I have this subcommittee.

Would you like to give me your idea of what I ought to be doing over the next 3, 4, or 5 years as chairman of this subcommittee? Give me your three, four, or five major priorities. Imagine you are back as chairman of this subcommittee and you want an action agenda. When 5 years are over, what four or five things would you specifically like to accomplish, Senator Bayh? What should I be

doing here for the next several years? Should I be trying to understand the problem, where it is today, where it was, and where it needs to go? What does this subcommittee need to do?

Mr. BAYH. I think it would be rather presumptuous of me to recommend to you what you should do. I have confidence in your judgment and your concern and your compassion that you are going to find out in today's environment what needs to be done now.

I would assume that inasmuch as we have made a good deal of progress in deinstitutionalization just by saying you can't do it—I mean, there is still some of it going on, so there is room for improvement. But by saying "thou shalt not do this," we have had a good deal of results. I think the GAO report shows it has gone from 180,000 or 190,000 down to 10,000. And I am not about to say there are only 10,000 kids locked up. I mean, there are still 10,000, but there has been progress.

But I want to get back to what I said earlier, and it is a much more difficult time, Senator Kohl, now than it was when I was sitting where you are sitting because it is not enough, if you want to really solve the problem long run, to say you are not going to put a kid in a jail cell with another teenager who is a young tough that can teach him how to spend his lifetime in crime.

You have to provide some alternative. There were a couple of them discussed here by these young women, and there are a number of alternatives available, but it costs money to buy groceries; it costs money to provide supervision and a secure housing setting.

I remember the villages that Dr. Carl Menninger had out in Topeka, which was one of the avant-garde operations, and they went a long period of time where they had a large number of children that had come in and out of that and not one of them ran away. Finally, after about 4 or 5 years, they did have one that did run away, but they had created such an exciting and enticing environment that the child didn't want to run away.

And it costs a little money to have those alternatives, but I have got to tell you, I think you and I and most Americans and most Members of the Congress have enough compassion in our souls that we do it because it is the right thing to do; it is the compassionate thing to do to care for young people.

Even if you have a heart as hard as a rock and as cold as an ice cube and the only thing you think about is dollars and cents, this makes good business sense to provide an alternative way of dealing with children in trouble. Not only do you spare society the costs of their unfortunate misbehavior, but I noticed that William Rasberry had a column this last week, I think it was, in the Washington Post where he talked about the average cost of institutionalizing a child being some \$30,000 a year nationwide, and in a community like New York it is about \$55,000, \$60,000.

So it costs a lot of money for bricks and mortar and guards and iron bars and security systems. You know that. You can go to Harvard, as Rasberry pointed out, for \$18,000 a year, tuition and board and room. Think how many foster parents can get enough to feed an extra mouth; think how many loosely knit village structures can be made available in communities where the volunteers in a community that want to help can give of their time. The Big Broth-

ers and Big Sisters can participate and we can use this normal compassion that exists, I think, in every community in America.

We can provide a few resources, a few dollars, to take a trip to see the Orioles play or to go to a summer camp. A lot of these kids have never seen cows or green grass out in the kind of environment that you and I are familiar with, not that that is going to mean they necessarily are going to grow up to be bad adults. But I think giving them new experiences than what they have had before, I think, is a part of the therapy necessary.

So I would urge, if you possibly can, finding a way—that in this period of very limited resources, you find a way to take some of those resources out of hardware and put them in human care and concern.

This is, again, speaking to the choir, but when we did this LEAA was in its full glory and hundreds of millions of dollars were being sent back to local communities, to the local police, the county sheriff, for patrol cars, for automatic weapons, for very sophisticated crime control devices.

People have a legitimate reason to be concerned about crime, but we recognized that that had created a national lobby for continuing the status quo. The more kids we lock up, the more money the Federal Government will give us for jails. So, what I did over a period of time was try to put together a loose-knit organization of those groups throughout the country that are concerned about children—and you could fill stadiums—and to try to let those groups have a voice that could let some of the politicians know that, listen, there are those of us out here who believe that protecting us from crime is important, but also providing an opportunity so young people don't become criminals is every bit as important.

I am sure the environment is still the same, and I could start listing a list of organizations that their whole purpose of existing is to try to make it better for young people. Let them understand that they can make this political process respond by saying, Mr. President, Mr. Senator, Mr. Congressman, Mr. Mayor, we want some resources to do the kinds of things to protect our kids that we feel are important.

They are there, Mr. Chairman. I suppose you could say you could make good politics. That wasn't why we were doing it. We were really trying to counterbalance the field that had been tipped toward hardware so that the decision could be made on the merits, not on the vested interests of one group or another.

Senator KOHL. Thank you. You have been a great witness, Senator Bayh—informative, descriptive, inspirational.

Mr. BAYH. Well, thank you.

Senator KOHL. I would like to stay in very close touch with you as I carry out my responsibilities.

Mr. BAYH. Well, thank you, Mr. Chairman.

Senator KOHL. We thank you very much for being here with us today.

Mr. BAYH. Thank you, Mr. Chairman. I salute you for your interest and I am very encouraged by it, and I will be glad to share all the mistakes I made with you so you won't make the same ones.

Senator KOHL. Thank you, sir.

[The prepared statement of Mr. Bayh follows:]

STATEMENT  
OF  
BIRCH E. BAYH  
UNITED STATES SENATE  
SUBCOMMITTEE  
ON  
JUVENILE JUSTICE  
May 22, 1991

Mr. Chairman, I want to thank you for inviting me to appear before this Subcommittee and I would like to take this opportunity to congratulate and commend you and your colleagues for reestablishing the Juvenile Justice Subcommittee. The problems of children in the United States are serious ones which eventually affect us all and the youth of America need a forum such as this where their problems can be examined and addressed.

Children also need a voice within the Congress of the United States. Too often their needs are overlooked and their problems ignored. I can tell you from experience, Mr. Chairman, that you have assumed the leadership of the only Subcommittee in the Congress with jurisdiction over constituents who cannot vote and never hold fundraisers. But our children are the most precious assets we as a Nation have and I salute you and the others members of the Subcommittee for taking up the perhaps politically thankless, but nevertheless rewarding, task of being their voices in the Senate.

Let me briefly respond to your request that I recount the primary reasons for passage of the Juvenile Justice and Delinquency Prevention Act and particularly our efforts to address the problems of status offenders. After 3 years of hearings by the Subcommittee to Investigate Juvenile Delinquency covering every aspect of our juvenile justice system the Senate overwhelmingly passed the Juvenile Justice and Delinquency Prevention Act of 1974. The Act was designed to provide desperately needed federal leadership and coordination of resources to develop and implement, at the state and local community level, effective programs for the prevention and treatment of juvenile delinquency. Towards this end, the Act



established a new Office of Juvenile Justice and Delinquency Prevention within the Department of Justice which was to provide comprehensive national leadership for attacking the problems of juvenile delinquency and to ensure coordination of all delinquency activities in the Federal government. The bill also authorized grants to states, local governments and public and private agencies to encourage the development of comprehensive programs and services designed to prevent juvenile delinquency, to divert juveniles from the juvenile justice system, and to provide community based alternatives to traditional detention and correctional facilities used for the confinement of juveniles.

One of the primary objectives of the Juvenile Justice and Delinquency Prevention Act was the removal of status offenders from correctional or detention facilities and the development of alternatives to these facilities for status offenders. As you know, Mr. Chairman, status offenders are children who have committed offenses, such as running away or truancy, that would not be criminal if committed by adults. Our hearings found that nearly 40% of the children brought to the attention of the juvenile justice system were status offenders. Treating these children in the same manner as we treat youths who commit criminal acts makes no sense; it is a tremendous waste of resources and ultimately counterproductive. Additionally, by incarcerating these children, who undoubtedly need help, with serious and often violent offenders we expose them to very real risks of physical abuse and almost ensure that they will engage in criminal activity upon their release. Our hearings on this subject found that we were, in effect, running real schools for crime.

I noticed a startling statistic in a recent column by William Raspberry where he points out that the average cost for incarcerating a juvenile in the United States is \$29,600. In New York that figure climbs to a staggering \$55,300. At the same time the annual cost for room, board and tuition at Harvard amounts to just over \$18,000. Removing status offenders from detention facilities not only means a savings of \$30,000 per child, but more

importantly allows us to redirect some of that money into alternative programs that work as opposed to maintaining expensive detention facilities that do not. We thought it was an important ingredient in improving the juvenile justice system to remove status offenders from jail and therefore in order to receive funds under the Act, states who participated in the program were prohibited from holding status offenders in secure detention facilities.

I noticed a report released last month by the General Accounting Office found that there has been some significant success in this effort. According to the GAO the 49 states and the District of Columbia who participate in the program report that they have collectively reduced the number of status offenders detained in secure facilities from about 187,000 since they joined the program to about 10,000 in 1988. This shows considerable progress in this area. However, I believe states still need our help in order to complete this task. We need to recognize that on any given day in the United States, we still have 3,000 children who are kept in jails as status offenders.

Mr. Chairman, I believe we must continue and expand our efforts to assist communities in developing programs aimed at preventing status offenders from becoming more serious offenders caught in the juvenile justice system. Rather than locking up status offenders with hardened criminals, local communities should be able to choose among a variety of effective alternative programs to determine which will have the best chance of changing undesirable behavior before it becomes criminal behavior.

In closing, Mr. Chairman, let me again extend to you my congratulations on your new responsibilities. I commend your commitment to make our juvenile justice system work for the benefit of our youth and consequently for the good of our society as a whole.

Thank you for this opportunity, Mr. Chairman, and I will be happy to answer any questions.

Senator KOHL. I would like to call Lowell Dodge from the General Accounting Office to come to the table. Mr. Dodge is Director of Administration of Justice Issues at GAO. He has recently finished a study of the progress States are making in removing status offenders from public juvenile correctional institutions.

We would like you to summarize the results of that study for us, and I would very much appreciate it if you would keep your oral remarks to 5 minutes. Your written statement will be submitted in full.

Mr. Dodge.

**STATEMENT OF LOWELL DODGE, DIRECTOR, ADMINISTRATION OF JUSTICE ISSUES, U.S. GENERAL ACCOUNTING OFFICE, ACCOMPANIED BY JAMES BLUME AND ANTHONY MORAN**

Mr. DODGE. Thank you, Mr. Chairman. It is indeed a privilege to be here today to discuss our report, "Noncriminal Juveniles: Detentions Have Been Reduced, but Better Monitoring is Needed."

With me, I would like to introduce, to my left, Mr. Jim Blume, who is the assistant director in overall charge of this area of our work, and, to my right, Anthony Moran from our Los Angeles regional office, who was in charge of our study.

I will abbreviate my statement.

Removing status offenders from secure detention—that is, from jails and prisons—was one of the key objectives of the Juvenile Justice and Delinquency Prevention Act of 1964, and the act did establish a formula grant program to facilitate the development of alternatives to jails and prisons, such as the shelters described by the young women who testified so eloquently earlier this morning, and tied the eligibility of States for these grants to a requirement that status offenders be deinstitutionalized.

A 1980 amendment allowed States to detain status offenders, however, in secure facilities under certain circumstances without risking their eligibility for these grants.

We reviewed this program, Mr. Chairman, in response to a statutory requirement and found, in short, as has been noted by earlier witnesses and by you in your opening statement, that States indeed have been able to report significant progress in meeting the key goal of the act, which is to reduce the number of status offenders in jails and in prisons over the course of the program set up under the 1974 act.

States have reported significant reductions in the number of status offenders detained and, with one exception, did not extensively use the 1980 amendment which made it easier for them to allow detention of status offenders.

The aggregate data from 50 participating jurisdictions showed almost a 95-percent reduction in detention of status offenders since these jurisdictions joined the program. Nonetheless, we found some problems and believe that the Justice Department could more systematically monitor State compliance with the act.

Now, rather than run through the background presented at this point in my statement, Mr. Chairman, I would like to focus on two concepts which are key to an understanding of how this Federal program works.

First is the concept of the de minimis threshold. To receive grant funds, States must comply with a number of requirements. They have to monitor detention facilities to ensure that status offenders are not inappropriately confined, and must report any detentions they find to the office here in Washington.

Generally, this office allows States, if they detain fewer than 29.4 status offenders per 100,000 overall juvenile population—that is, persons under 18—they are then considered to be in full compliance with the program's deinstitutionalization requirement. This is the so-called de minimis threshold. Basically, if a State keeps its rate below 29.4 offenders in secure detention per 100,000 juvenile population, it is considered to be still in a state of eligibility for the Federal grants.

The second concept that is important to underscore and to understand is the concept of the valid court order provision that was introduced in the 1980 amendment. That amendment allows participating States to detain status offenders without risking their eligibility if they meet certain conditions.

Under that amendment, a judge may order juveniles detained if they have violated a valid court order. To be valid, these orders must meet several requirements, including that the juvenile be clearly warned when the order is issued what the consequences are of disobeying such an order. But if these orders are disobeyed and the juvenile covered by them performs whatever act the order said they were not to have committed, the judge can then detain the offender so long as, again, key procedural protections are provided.

The importance of this, Mr. Chairman, is that if the States follow all these rules, they can then exclude these cases from the cases they must report to Washington to maintain their eligibility for the Federal grants. And, of course, the key question here is the extent to which States use this exclusion, and is it, in effect, an exception which gobbles up the rule.

During our review, we found that while States continue to detain some status offenders in secure facilities outside the scope of the exclusion, these detentions numbered less on a State-by-State basis than the de minimis threshold specified in the regulations. Forty-nine States and the District of Columbia reported that they had collectively reduced the number of status offenders detained in jails and prisons from about 187,000, starting from the time when they joined the program through 1988, to about 10,000—a 95-percent reduction.

According to OJJDP, all States participating in the grant program reduced the number of status offenders to a level that either complies with the regulations or shows progress toward compliance. But 10,000 status offenders a year, Mr. Chairman, as Senator Bayh pointed out, is still 10,000 offenders locked up, many of whom probably should not be locked up. So we believe that more remains to be done in this regard.

In addition, half of the participating States took advantage of the 1980 amendment allowing them to include such detentions if they resulted from this violation of a valid court order. In 1988, 25 of the States in the program reported a total of about 5,300 exclusion cases where they are excluding these detentions that they say are

under a valid court order from those that they would normally have to report to Washington.

Ohio, as a single State, accounted for 44 percent, or about 2,380, of these 5,300 cases in 1988. Idaho, Missouri, South Carolina, and Tennessee accounted for another 26 percent, and Wisconsin, Mr. Chairman, is among the users of this exclusion. The numbers are small, however. As illustrated in the case of Wisconsin, in the year 1988 statewide the State used that exclusion as the basis for detaining 355 youths.

Now, while the numbers are not large for Wisconsin, they are still within the top 10 percent in terms of use of this exclusion. So we see the basis for our conclusion that there isn't rampant use of this. It is not an exclusion that is being, we think, used irresponsibly by and large in the States, though we do note that the total usage in the State of Ohio is running quite high.

Let me skip now to the other problems that we found in our work. We visited several States and noted that we could not assure ourselves that the State juvenile systems always provided status offenders with the procedural protections that you would expect them to be provided with as a part of them being detained.

The OJJDP here in Washington does not require States whose laws or regulations incorporate all of the procedural protections to demonstrate that they are actually provided. In other words, Mr. Chairman, the office assumes that States meet all these requirements for protections so long as their State laws require them to do so, without any checking being done.

We felt it appropriate, Mr. Chairman, that we do some checking, and at some of the facilities that we checked we indeed found instances where court-ordered detentions were ordered without the protections that are required being provided.

We found 17 of 26 cases, for instance, from a detention center in Utah where status offenders were not advised of their right to legal counsel. We brought that to the attention of the local authorities. They looked into the matter and it was then corrected. We did not survey the entire country. There may well be other instances such as this that occurred, not in Utah, but in other States.

On the other hand, Mr. Chairman, the office does require States whose laws and procedures do not incorporate all the protections to verify in each case that the protections were provided before an exclusion can be accepted as a claim from that particular State.

In response to our questionnaire, eight States reported not incorporating one or more of the procedural protections in their State laws or in their rules of court. However, six of these States—California, Hawaii, Illinois, Louisiana, Missouri, and Nevada—responded that they did not, as required, verify whether all the protections were provided in the particular cases. Another State, Ohio, said it verified in only about half the cases.

We therefore recommend in our report, Mr. Chairman, that the Attorney General direct the office to concentrate its oversight in monitoring States' efforts to those States where the monitoring is most needed. Specifically, we believe the office should direct its efforts toward those States that could exceed the de minimis threshold that is the allowed amount for status offenders detained if their claims of exclusion were to be disallowed. This numbers about 10

States, and basically the Justice Department has agreed with us that they need to focus their attention and their monitoring on those particular States.

That concludes my statement, Mr. Chairman. We would be delighted to answer any questions you might have.

Senator KOHL. Thank you very much, Mr. Dodge. Mr. Dodge, do you believe that the valid court order has been used to circumvent the goal of deinstitutionalizing status offenders?

Mr. DODGE. Well, as I mentioned in my statement, Mr. Chairman, we cannot speak to whether State officials intend that their use of this valid court order provision circumvents the goal, but its frequent use in a number of States as a basis for locking up status offenders is certainly having that effect.

And we would again mention Ohio as the leading example of a State which takes liberal advantage of the exclusion. 2,380 times they used the exclusion statewide in 1988, 44 percent of the national total, and that is three times the number of detentions that is allowed under the de minimis level set for the State under the regulations, and six times the level of use of the next highest State, which is Missouri. So with respect to Ohio, we do raise a question about whether the purpose is being circumvented.

With respect to the other States, there is some usage of the exclusion, but not to the level of Ohio; we would say not above a level where we think the use of the exclusion is basically irresponsible.

Senator KOHL. Why should we lock up status offenders in the first place, in your opinion?

Mr. DODGE. Well, there are, I think, a diminishing number of justifications for locking up status offenders as the number of alternative facilities available grows. I think the prime reason given is that when you have a youth who is a chronic status offender who, in effect, has flouted a court order time and time again, the court feels it needs to do something, but in many instances lacks the types of alternatives we heard described earlier in the testimony, and that becomes the reason, then, for locking status offenders up.

This is not an excuse for doing that; it is a short-term stopgap. We believe what needs to be done is to look long term and to continue the progress made under this law to encourage States to develop alternatives to secure detention and to have sufficient alternatives to handle status offenders who need supervision beyond what they would get at home.

Senator KOHL. Thank you. The President's budget would eliminate the juvenile justice formula grant program for States. Would you give us your views on this question, Mr. Dodge?

Mr. DODGE. We talked to State officials about their use of these Federal dollars, and by and large we found widespread agreement amongst them that the dollars, even though they are not large sums, are extremely useful to the States in developing alternatives to secure detention.

They also by and large welcome the standard-setting that they engage in and the effort to achieve these standards and encouraged to engage in under the Federal program. And we believe that a continuation of the grant program would be in the best interest of achieving the goals of the act. We note that the Congress has time and time again restored funds for this grant program that the ad-

ministration has not requested, and we would not have a problem, Mr. Chairman, if that practice were to continue.

Senator KOHL. Good. Thank you very much. Any comments, Mr. Blume, Mr. Moran? Anything you would like to say?

Mr. BLUME. Just that also the jail separation is still part of a goal of the act, and if you take away the grant funds you will probably have less leverage in that area, too.

Mr. DODGE. The administration argues that we may have essentially met our goals in this area. We would ask whether we have fully met our goals in the status offender area. But even if you grant that, the other objects of the act which are also supported by this Federal grant program have not been achieved, which is the primary justification for retaining the funding of the grant program.

Senator KOHL. Mr. Moran?

Mr. MORAN. Well, Senator, the only thing I would like to point out is that under the valid court order amendment, there is no upward ceiling for the number of valid court order detentions that are permitted by a State. So although we have identified Ohio as far and away the largest user of the valid court order, they are not in violation of the rules or regulations of the valid court order in any way because the judges in Ohio, so long as they follow all of the regulations, are permitted to detain as many status offenders as they deem appropriate under this provision. What is occurring in Ohio is more dramatic than in other States, but that is unique to that State.

Senator KOHL. Good. Well, we thank you very much for being with us, gentlemen. You have been very helpful. We appreciate it.

Mr. DODGE. Thank you, Mr. Chairman.

Senator KOHL. Thank you, Mr. Dodge, Mr. Blume, Mr. Moran.

[The prepared statement of Mr. Dodge follows:]

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United States General Accounting Office

GAO

Testimony

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NONCRIMINAL JUVENILES: Detentions  
Have Been Reduced but Better  
Monitoring is Needed

Statement of  
Lowell Dodge  
Director, Administration  
of Justice Issues  
General Government Division

Before the  
Subcommittee on Juvenile Justice  
Committee on the Judiciary  
United States Senate





NONCRIMINAL JUVENILES: DETENTIONS HAVE BEEN  
REDUCED BUT BETTER MONITORING IS NEEDED

SUMMARY OF STATEMENT OF  
LOWELL DODGE  
DIRECTOR, ADMINISTRATION OF JUSTICE ISSUES  
U.S. GENERAL ACCOUNTING OFFICE

Removing juvenile status offenders--youths under 18 years old charged with such offenses as curfew violation, truancy, running away, and possession of alcohol--from secure detention facilities was an objective of the Juvenile Justice and Delinquency Prevention Act of 1974. To help states achieve this objective, the act created the Office of Juvenile Justice and Delinquency Prevention, which administers a formula grant program. In fiscal year 1990, \$48 million in grant funds were provided to states.

To maintain eligibility for these grants, states are to monitor detention facilities to ensure that status offenders are not confined above an allowable limit. However, a 1980 amendment to the act allowed participating states to detain above this limit status offenders who violate the conditions of a judge's valid court order. If states properly provide these offenders certain procedural protections, states can exclude these cases from those that are counted toward the allowable limit. The Anti-Drug Abuse Act of 1988 required GAO to investigate the extent to which status offenders are placed in detention for violating a judge's court order.

Aggregated data from states showed that they achieved almost a 95-percent reduction in detention of status offenders since joining the program. In 1988, 25 states reported about 5,300 exclusion cases but still met the requirements and remained in compliance with the grant program. Five of these states accounted for 70 percent of the exclusions.

Between 1985 and 1988, the Office audited states and identified errors in their monitoring practices. States reported that since the audits they had either begun or completed action to improve their monitoring practices.

GAO's analysis at a secure detention facility in each of three states identified the need for oversight of states' monitoring systems. For example, in the detention facilities GAO visited, procedural protections were not consistently provided to offenders. Six other states, responding to a GAO survey, reported not complying with the regulations requiring verification of procedural protections for detained status offenders. In response to a GAO recommendation, the Office has agreed to focus its oversight on the adequacy of monitoring in those states that could exceed the allowable limit if the Office were to disallow their excluded cases.

Mr. Chairman and Members of the Subcommittee:

I am pleased to be here today to discuss our report on the detention of noncriminal juveniles--Noncriminal Juveniles: Detentions Have Been Reduced But Better Monitoring Is Needed, (GAO/GGD-91-65, Apr. 24, 1991).

Juvenile status offenders are youths under 18 years old who are charged with such offenses as curfew violation, truancy, possession of alcohol, and running away. As a result of such offenses, these youths are subject to being held in secure detention facilities. Removing detained status offenders from such facilities was an objective of the Juvenile Justice and Delinquency Prevention Act of 1974. The act established a state formula grant program to facilitate the development of alternatives to secure detention and tied states' eligibility for grants to a requirement that status offenders be deinstitutionalized. A 1980 amendment allows states to detain status offenders in secure facilities under certain circumstances without risking their grant eligibility.

In general, we found that states reported significant progress in meeting the goals of the act. States reported significant reductions in the number of status offenders detained and did not extensively use the 1980 amendment's provision allowing detention. Aggregated data from 50 participating jurisdictions showed almost a 95-percent reduction in detention of status offenders since joining the program. Nonetheless, we believe that the Department of Justice could be more systematic in monitoring state compliance with the act.

#### BACKGROUND

Practices and procedures in the juvenile justice system vary

widely from state to state. Concerned that not all states had sufficient resources to provide a full measure of justice to each youth or to administer their juvenile justice systems effectively, Congress passed the Juvenile Justice and Delinquency Prevention Act of 1974. In addition to the formula grants, the act created the Office of Juvenile Justice and Delinquency Prevention to administer the grant program and provide assistance to states in achieving compliance with grant requirements.

To receive grant funds, states must comply with a number of requirements. States are to monitor detention facilities to ensure that status offenders are not inappropriately confined and must report any detentions they find to the Office. Generally, states detaining fewer than 29.4 per 100,000 of all persons under 18 years of age within the state in a year are in full compliance with the program's deinstitutionalization requirement. This is called the de minimis threshold.

In fiscal year 1990, the Office distributed approximately \$48 million in grants. Following past practice, the President's fiscal year 1992 budget does not contain funding for the grant program. If past practice prevails, Congress will restore these grant funds to the Department's budget.

The 1980 amendment to the act allows participating states to detain status offenders without risking their grant eligibility if certain conditions are met. Under the amendment, a judge may order juveniles detained if they have violated a "valid court order." To be "valid" these orders must meet several Office requirements, including a warning in writing to the juvenile and to the juvenile's attorney and/or legal guardian of the consequences of violating the court order. Such court orders seek to regulate the status offender's future behavior by requiring certain activities, such as attendance in school. If the court order is violated, the judge can detain the offender

after the procedural protections are provided as specified in the regulations. For example, states are to ensure that detained juveniles were afforded a right to legal counsel, including the right to court appointed counsel if the juvenile is indigent. If states properly follow the regulations, they can exclude such cases from those cases that they must report to the Office without jeopardizing their grant funds.

In the 1988 Anti-Drug Abuse Act, Congress required us to report on the detention of status offenders. Accordingly, we (1) gathered information on the extent to which status offenders have been detained, (2) examined states' efforts to meet federal goals and regulations, and (3) determined if the juvenile court system provided detained status offenders procedural protections.

We collected nationally available data from juvenile justice experts and federal agencies, sent a questionnaire to state officials, and reviewed case files of status offenders detained in 1989 at three juvenile detention facilities. In addition, we examined the Office's audits of state compliance monitoring systems.

#### GAO FINDINGS

##### Current Level of Status Offender Detention

During our review, we found that while states continued to detain some status offenders in secure facilities outside of the scope of the exclusion, these detentions numbered less on a state-by-state basis than the de minimis threshold specified in the regulations. Forty-nine states<sup>1</sup> and the District of Columbia reported they have collectively reduced the number of status offenders detained in secure facilities from about 187,000 when

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<sup>1</sup>South Dakota did not participate in 1990.

they joined the program to about 10,000 in 1988--a 95-percent reduction. According to the Office, all states participating in the grant program reduced the number of status offenders detained to a level that either complies with the regulations or shows progress towards compliance.

However, half of the participating states took advantage of the 1980 amendment allowing them to exclude detention resulting from violation of a valid court order. In 1988, 25 of the participating states reported a total of about 5,300 exclusion cases. Ohio accounted for about 44 percent of these cases; Idaho, Missouri, South Carolina, and Tennessee accounted for an additional 26 percent.

#### States Report Efforts To Comply With Regulations

In response to our questionnaire, states reported they were improving their compliance with federal regulations. Between 1985 and 1988 the Office did initial audits of 46 of the participating states' compliance monitoring systems and identified a number of problems. The problems were mainly with data collection and verification. All 46 audited states reported they had either begun or completed action to improve their monitoring procedures as a result of the audits.

Before 1985, the Office did not verify through audits states' claims for exclusion cases. However, its reviews of states' monitoring reports noted some inconsistencies with federal regulations. For example, some states did not require that detained juveniles receive a hearing within 24 hours. As a result of inconsistencies, the Office rejected 710 exclusion claims in 1988 in five states--Alabama, California, Louisiana, New York, and South Carolina. When added to nonexcluded

detentions, the rejected exclusions did not bring these states over their de minimis thresholds.

Procedural Protections Are  
Inconsistently Provided  
And Documented

Assurances do not exist that state juvenile justice systems always provide status offenders the required procedural protections. The Office does not require states whose laws or regulations incorporate all the procedural protections to demonstrate that they were actually provided.

At the three detention facilities we visited, we found instances of court-ordered detentions that, while not necessarily counted by the state as exclusions, showed no record that all of the procedural protections required for an exclusion had been provided. We found 17 of 26 cases from a detention center in Utah where status offenders were not advised of their right to legal counsel. After we pointed this out, Utah officials said status offenders from that point forward would be told of their right to counsel.

Furthermore, the Office regulations require states whose laws or procedures do not incorporate all protections to verify in each case that the protections were provided before it would accept the exclusions those states claim. In response to our questionnaire, eight states reported not incorporating one or more of the procedural protections through state law or court rule. However, six of these states--California, Hawaii, Illinois, Louisiana, Missouri, and Nevada--responded that they verified few, if any, of the cases. Another state--Ohio--said it verified about half of the cases. If the Office had disallowed all the exclusions for three states--Hawaii, Missouri, and Ohio--they would have had levels of institutionalization exceeding the de minimis threshold.

RECOMMENDATION AND AGENCY COMMENTS

We recommended that the Attorney General direct the Office to concentrate its oversight on states' monitoring efforts to ensure compliance with Office regulations, particularly with respect to offenders' procedural protections. Specifically, the Office should direct its efforts toward those states that could exceed the de minimis threshold of status offenders detained in secure facilities if the Office, on review, were to disallow some or all of their reported exclusions. The Department of Justice said it generally agreed with our recommendation.

This concludes my remarks. I would be pleased to answer any questions the Subcommittee may have at this time.

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Copies of GAO reports cited in this statement are available upon request. The first five copies of any GAO report are free. Additional copies are \$2 each. Orders should be sent to the following address, accompanied by a check or money order made out to the Superintendent of Documents, when necessary. Orders for 100 or more copies to be mailed to a single address are discounted 25 percent.

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Gaithersburg, MD 20877

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Senator KOHL. Our third panel of witnesses includes researchers and clinicians with expertise in the field of child abuse and neglect. Trudee Able-Peterson is director of the Streetwork Project in New York City, working with homeless youth between the ages of 12 and 24 involved in prostitution. Welcome.

Virginia Price is the clinical director of the Bridge in Boston, MA, a multiservice agency for runaway and homeless youth. Welcome.

Gary Melton is a professor and director of the Center for Children, Families and the Law at the University of Nebraska in Lincoln. He is a member of the Federal Advisory Board on Child Abuse and Neglect. Gary is testifying today on behalf of the American Psychological Association. Welcome.

I would like to ask each of you to limit your oral presentations to 5 minutes or less and we will make your full presentations a part of the record.

Ms. Able-Peterson, would you like to start?

**PANEL CONSISTING OF TRUDEE ABLE-PETERSON, DIRECTOR, STREETWORK PROJECT, VICTIM SERVICES AGENCY, NEW YORK, NY; VIRGINIA PRICE, CLINICAL DIRECTOR, BRIDGE OVER TROUBLED WATERS, BOSTON, MA; AND GARY B. MELTON, PROFESSOR OF PSYCHOLOGY AND LAW, UNIVERSITY OF NEBRASKA, LINCOLN, NE, ON BEHALF OF THE AMERICAN PSYCHOLOGICAL ASSOCIATION**

**STATEMENT OF TRUDEE ABLE-PETERSON**

Ms. ABLE-PETERSON. Thank you. Good afternoon, Mr. Chairman. My name is Trudee Able-Peterson. I am the director of Victim Services Agency's Streetwork Project and a member of the National Network of Runaway and Homeless Youth Services. Thank you for inviting me to speak before this subcommittee this afternoon.

We are pleased to see that the subcommittee has dedicated an entire hearing to this crucial topic. In New York City alone, estimated police figures indicate that there are over 20,000 youth living on the streets.

Victim Service's Streetwork Project is an outreach program that works with homeless youth in the Times Square area of New York City. Our project staff walk the streets in teams offering nonjudgmental counseling, food, and medical and referral services to homeless youth. The first outreach project of its kind for homeless youth originating in 1984, the project has contact with 4,000 to 5,000 young people each year, and operates a small drop-in center where youth can access further counseling, food, showers, group work, recreational activities and medical care.

Streetwork studies have shown that 87 percent of our clients have been incarcerated; 40 percent are parents, 66 percent have been in some institutional setting, and 86 percent have used or are using drugs. Most of the youth we serve, 75 percent, have been affected deeply by a pattern of sexual abuse or assault in their past. This figure is much higher than the national statistics, which show that 1 in 5 girls and 1 in 11 boys are molested by the time they are 16 years old. In fact, these figures are obsolete, and because boys don't tell about the situation of sexual abuse, we really don't know.

Many street kids have to use sex as a means to survive on the streets. This puts them at risk for exposure to HIV infection. Last week, we buried yet another child who died of AIDS. A history of sexual assault is often the very reason that many young people are in the streets. Let me introduce you to one of these kids.

Mari, a 15-year-old street girl, wanted to go home. She was standing on a street corner somewhere in Times Square. Bright neon lights flash "sex for sale." Pushers hovered over every few feet of sidewalk selling the drugs that she has now become addicted to. The men who wandered there were searching for the same sexual things that her father had forced upon her since she was 8 years old. The smell of urine rose to meet her nostrils as she walked down the subway stairs.

Returning home, her mother greeted her with some warmth, but also apprehension. There was always trouble when Mari was home, her mother thought. Mother and daughter talked about Mari's 6-



year-old sister who just began elementary school. They talked about soap operas, clothing, but not once did they speak of Mari's life on the streets or the fact that Mari had not been home for 3 months.

When Mari's father walked in, both women tensed. He didn't speak to Mari, but went directly to the living room. In a few minutes, Mari's mother left to pick up her little sister from school. "I will be right back," she kept repeating as she walked out the door.

"Where have you been, girl," her father called out from the other room. "Just around," she mumbled as she turned the corner edging into the living room. He sat on the couch, his penis in his hand. "Look what you done to me, girl; come here," he slurred. She bolted for the door and ran and ran outside the door through the streets, back to the streets that were as cruel as her home.

These are the conditions that brought 15½-year-old Mari to the streets of Times Square 18 months ago. Her mother was unwilling and unable to protect her against the constant and brutal sexual assaults of her father. Mari tried to tell her mother when it started, but she wouldn't listen. "Sh, you will make him made," she said. Mari also told a teacher she liked, but nothing ever happened; nothing changed.

Mari lay shivering in the dark at night waiting for it to happen again and again. The nights her father didn't come to her bedroom were almost as bad, just waiting in fear of him; it horrified her. When the new baby came, Mari's mother abandoned her completely. She told Mari she was a big girl now.

Mari's case was finally reported to New York City's Child Welfare Administration, CWA, when Mari told a friendly neighbor. Mari was removed from the family home. This convinced Mari that she was a bad girl, unworthy of a family. Mari went to a foster family. Within months, she was again sexually abused by an older foster brother. She was again removed. The new foster home was better, but her mother rarely came to see her and actually seemed relieved that Mari was gone.

Mari felt soiled and dirty. She had problems constantly adjusting to new schools and began to hate school. She always felt so dumb and couldn't seem to catch on. She was also painfully shy and didn't make friends easily. It didn't surprise her that no one liked her or invited her to play or sit with them in the lunch room.

Finally, some kids asked her to hang around with them, but they got in trouble a lot, but she was so glad to be asked, so grateful. She started skipping school with her new friends and soon she began experimenting with drugs just to feel a little better. She got in trouble more and more with her foster parents. Finally, they sent her back to CWA.

The next few years, Mari was in and out of a series of group homes and different schools, not that she went to school much anymore. Finally, at age 14 she wandered to the streets where she felt she belonged. Within 8 months, she made it to Times Square. Mari was often arrested on the streets for petty crimes—subway-jumping, clothing theft and loitering. Later, she was caught for robbery, a crime she committed to avoid selling her body.

Kids on the street often lie about their age because they don't want to do time in juvenile jails. They prefer to go to adult jails

and do what they call straight time. This means that they don't have caseworkers and social workers assigned to them. They have had too many social workers in their lives already, with little positive effect. They are tired of telling their story. By the time a large urban incarceration system finds out they are actually dealing with a juvenile, the kid is gone.

Although there were several interventions on Mari's behalf by counselors and social workers through the years, these interventions lacked the continuity and specificity that Mari needed. Because Mari was moved several times, she was unable to form trusting relationships with the professionals who might have helped her.

Because the counselors working with her rarely had adequate training in working with sexually abused child victims, they often didn't have the skills necessary to address Mari's issues, including a very damaged self-esteem and fearful and untrusting of relationships.

Mari's response to run from a dangerous and scary father was a healthy response to an intolerable situation, but there was nowhere to go. The delivery systems meant for Mari didn't work. Getting jobs for kids with no I.D., no experience, minimum wage—the cost of housing in urban centers is impossible for kids to hold jobs at McDonald's.

Today, Mari is off the streets and is living in an apartment with her boyfriend. We helped Mari first by finding her on the streets and then forming a relationship with her by offering her consistent followup while she was incarcerated, which was very important. These children in jail have no families to turn to, no one to call, no one to send care packages.

We offered Mari emergency services as well as long-range planning. Realizing that you can't erase 15 years of severe abuse with several half-hour triage-type counseling sessions, Streetwork staff took their time counseling Mari around issues of self-esteem and self-worth.

The prevailing social attitude toward girls on the street is that they are bad girls. With no marketable skills, most of the girls are forced into prostitution to survive. Society usually perceives this as a choice, when, in fact, young girls would not choose to have sex with men old enough to be their father or grandfather. Many times, they have already literally had to do that before they left home.

When we talked with Mari about the first time she turned a trick—sold her body to a male customer—she said "at least it is not my father." She was standing in a restaurant window watching the food, crying. When the first trick came up to her and said I will give you \$20, she said I will do anything if you will feed me.

Yet, when males run away from home at an early age, they are often perceived as sowing wild oats, not being bad boys. This double standard further stigmatizes our girls. When trying to find placement for girls, staff at social service agencies and shelters often find that there are three times more transitional living facilities for males than females. Perhaps this is because funding sources are not aware that we are dealing with almost a 50-50 population of boys and girls who are homeless. Perhaps it is because we as a soci-

ety think these girls are bad and have made a choice to live on the streets and invite further abuse into their lives.

Although there are more beds for boys, I am not implying that there are adequate services for boys. The issue of sexually abused boys and boys in prostitution has barely surfaced in our society.

Based on our experience working with street girls, I would like to offer recommendations that address our concerns about street youth. We must establish more programs that reach out to children on the streets. The first, and maybe the most important step we must take to help Mari and others like her is to be where the kids are—streets, fast-food joints, the hangout places that unsupervised and homeless and runaway children frequent. We can't reach them if we can't talk to them and get to know them and their issues.

We need to feed them when they are hungry. We need to find beds for them when they are tired, and access medical care for them when they are sick or pregnant. With street outreach, we can reach these forgotten girls and boys and let them know they are not forgotten. With patience and commitment, we gain their trust and begin the counseling relationship that will give them the dignity and self-esteem they must have in order to leave the streets.

Further training moneys must be made available to programs that offer services to these youth so staff can obtain the skills necessary to do in-depth counseling around areas of sexual assault and abuse. Also, staff training and development needs to be given in the area of posttraumatic stress syndrome so that issues of sexual abuse trauma can be addressed even years after the fact. The therapy and healing must take place in order for the girls to ever lead whole and healthy lives. Too often, for countless numbers of children this is not happening.

I thank you for this opportunity to address you today. We appreciate the support that you, Senator Kohl, have given to expanding programs for homeless girls. Your amendment to the Violence Against Women Act would provide a much-needed funding stream for street-based outreach, education and counseling programs. We endorse the amendment's focus on the sexual abuse of girls, since female runaways have been traditionally ignored by many helping agencies.

In addition, most Federal funding has been allocated exclusively for shelter-based programs. We applaud your recognition that street outreach is an essential service for homeless youth. There are few street outreach programs across the country, but for those currently operating a tremendous success is reported. Our homeless young people can be and should be reclaimed. With commitment and compassion, we have reached Mari to stop the cycle of abuse that she had entered.

I met a 16-year-old girl, Senator Kohl, in a Wisconsin prison in Irma, WI, some years ago. She was a runaway, had been raped by male family members and became a child prostitute on the streets of Madison at age 12, in and out of jail. I met her when she was in jail because adult males had bought her body.

These words are from her:

To all people: to the children, I feel your curiosity and your innocence; I have been there. To the teenagers, I feel your fear to grow, I feel your joy when you know you have grown; I have been there. To the parents, I feel your confusion about how

to help, I feel your happiness when you know you have helped; I have been there. To the drunks, I feel your hunger and thirst, your desperation to know oblivion; I have been there. To the criminals, I feel your anger and fear, I feel your being trapped; I have been there. To the prostitutes, I feel your need to be loved, I feel the dirt on your body, I feel the moisture beneath your makeup; I have been there. To the blind and deaf and crippled and diseased, if I could give you more than my feelings, I would.

[The prepared statement of Ms. Able-Peterson follows:]

## SEXUAL ASSAULT: LONG-RANGE EFFECTS AND STREET GIRLS

## TESTIMONY OF

TRUDEE ABLE-PETERSON

presented to the

SUBCOMMITTEE ON JUVENILE JUSTICE  
JUDICIARY COMMITTEE

My name is Trudee Able-Peterson, I am the Director of Victim Services Agency's Streetwork Project and a member of the National Network of Runaway Youth Services. Thank you for inviting me to speak before the Senate Judiciary's Subcommittee on Juvenile Justice. We are pleased to see that the Subcommittee has dedicated an entire hearing to this crucial topic. In New York City alone, estimated police figures indicate that there are over 20,000 youth living on the streets.

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Most of the youth we serve (seventy-five percent) have been affected deeply by a pattern of sexual abuse/assault in

their past. This figure is much higher than national statistics which show that one in five girls and one in 11 boys are molested by the time they are 16 years old. Many street kids use sex as a means to survive on the streets-- this puts them at risk for exposure to HIV infection. A history of sexual assault is often the very reason why many young people are in the streets. Let me introduce you to one of these young people.

Mari, a fifteen year old street girl, wanted to go home. She was standing on a street corner somewhere Times Square. Bright neon lights flashed: "Sex for sale". Pushers hovered over every few feet of sidewalk selling the drugs she'd become addicted to. The men who wandered there were searching for the same sexual things her father had forced upon her since she was eight. The smell of urine rose to meet her nostrils as she walked down the subway stairs. Returning home, her mother greeted her with some warmth, but also apprehension. There was always trouble when Mari was there, her mother thought. Mother and daughter talked about Mari's six year old sister who just began elementary school. They talked about soap operas and clothing, but not once did they speak of Mari's life in the streets or the fact that Mari had not been home for three months. When Mari's father walked in, both women tensed. He didn't speak to Mari but went directly to the living room. In a few minutes, Mari's mother left to pick up the little sister from school. "I'll be right back," she kept repeating as she walked out the door. "Where you been girl?" her father called from the other room. "Just around," she mumbled as she turned the corner edging into the living room. He sat on the couch, his penis in his hand. "Look what you done to me." "Come here

girl," his voice slurred. She bolted for the door and once outside the building she ran and ran, through the streets, back to the streets that were as cruel as her home.

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Mari's case was finally reported to New York City's Child Welfare Administration (CWA) when Mari told a friendly neighbor. Mari was removed from the family home. This convinced Mari that she was a bad girl, unworthy of a family. Mari went to a foster family. Within months, she was sexually abused by an older foster brother. She was again removed. The new foster home was better, but her mother rarely came to see her and actually seemed relieved that she was gone. Mari felt soiled and dirty. She had problems constantly adjusting to new schools and began to hate school. She always felt so dumb and couldn't seem to catch on. She also was painfully shy and didn't make friends easily. It didn't surprise her that no one liked her or

invited her to play or sit with them in the lunch room. There were finally some kids who asked her to hang around with them, but they got in trouble a lot. But she was so glad to be asked, so grateful. She started skipping school with her new friends and soon she began experimenting with drugs, just to feel a little better. Then she started staying with some of her friends whose parents weren't home much. She got in trouble more and more with her foster parents. Finally they gave up on her and sent her back to C.W.A.

The next few years Mari was in and out of a series of group homes and different schools, not that she went to school much anymore. Finally, at age fourteen, she wandered to the streets where she felt she belonged.

Mari was often arrested on the streets for petty crimes; subway jumping, clothing theft and loitering. Later she was caught for robbery, a crime she committed to avoid selling her body. Kids on the street often lie about their age because they don't want to do time in juvenile jails. They prefer to go to adult jails and do what they call "straight time." This means that they don't have caseworkers and social workers assigned to them. They have had too many social workers in their lives already with little positive effect. They are tired of telling them their story. By the time a large urban incarceration system finds out they are actually dealing with a juvenile, the kid is gone.

Although there were several interventions on Mari's behalf by counselors and social workers through the years, these interventions lacked the continuity and specificity



that Mari needed. Because Mari was moved several times, she was unable to form trusting relationships with the professionals who might have helped her. Because the counselors working with her rarely had adequate training in working with sexually abused child victims, they often didn't have the skills necessary to address Mari's issues including dampened self esteem and fearful and untrusting relationships. Mari's response to run from a dangerous and scary father was a healthy response to an intolerable situation. But there was no where to go.

Today Mari is off the streets and is living in an apartment with her boyfriend. We helped Mari by offering her consistent follow up while she was incarcerated and after her release from jail. We offered Mari emergency services as well as long-range planning. Realizing that you can't erase 15 years of severe abuse with several half hour counseling sessions, Streetwork staff took their time counseling Mari and her boyfriend around issues of self esteem and self worth. The prevailing social attitude toward girls on the street is that they are bad girls. With no marketable skills, most of the girls are forced into prostitution to survive. Society usually perceives this as a choice, when in fact, young girls would not choose to have sex with men old enough to be their father or even grandfather. Many times they've already literally had to do that before they left home. When we talked with Mari about the first time she turned a trick, (sold her body to a male customer), she said, "At least it's not my father!" Yet when males are away from home at an early age they're often perceived as 'sowing wild oats,' not being bad boys. This double standard further stigmatizes girls. When trying to find placement for girls,

staff at social service agencies and shelters often find that there are three times more transitional living facilities for males than females. Perhaps this is because funding sources are not aware that we are dealing with almost a 50/50 population of boys and girls who are homeless. Perhaps it is because we as a society, think these girls are bad, and have made a choice to live on the streets and invite further abuse into their lives.

Based on our experience working with street girls, I would like to offer recommendations that address our concerns about street youth:

Establish More Programs that Reach Out to Children On the Streets

The first step we must take to help Mari and others like her is to be where the kids are. We can't reach them if we can't talk to them and get to know them and their issues. We need to feed them when they're hungry, find beds for them when they're tired and access medical care for them when they are sick or pregnant. With street outreach we can reach these forgotten girls and boys. With patience and commitment we can gain their trust and begin the counseling relationship that will give them the dignity and the self-esteem they must have in order to leave the streets.

Increase Training on the Effects of Sexual Assault on Street Youth

Further training monies must be made available to programs that offer services to these youth so staff can

obtain the skills necessary to do in-depth counseling around areas of sexual assault and abuse. Also, staff training and development needs to be given in the area of post-traumatic stress syndrome so that issues of sexual abuse/trauma can be addressed even years after the fact. The therapy and healing must take place in order for the girls to ever lead whole and healthy lives. Too often, for countless numbers of children, this is not happening.

Thank you for the opportunity to appear before the Senate Judiciary's Subcommittee on Juvenile Justice. We appreciate the support that Senator Kohl's has given to expanding programs for homeless girls. Chairman Kohl's amendment to the Violence Against Women Act would provide a much needed funding stream for street-based outreach, education and counseling programs. We endorse the amendment's focus on the sexual abuse of girls since female runaways have been traditionally ignored by many helping agencies. In addition, since most federal funding has been allocated exclusively for shelter-based programs, we applaud the Chairman's recognition that street outreach is an essential service for homeless youth.

There are few street outreach programs across the country, but for those currently operating, a tremendous success is reported. Our homeless young people can be and should be reclaimed. With commitment and compassion we have reached Mari and stop the cycle of abuse she has entered.

Senator KOHL. Thank you very much, Ms. Able-Peterson. Virginia Price, we are glad to have you with us. I would appreciate it if you would keep your testimony to 5 minutes.

#### STATEMENT OF VIRGINIA PRICE

Ms. PRICE. I am here representing Bridge Over Troubled Waters, which was started in 1970 as a street outreach program to respond to runaways and homeless youth on the streets of Boston. Bridge was one of the original members of the National Network of Runaway and Youth Services, of which I currently sit on the board of directors.

Bridge was in the forefront to create alternatives to government agencies, the criminal justice system and the courts, a movement which led to the passage of the Runaway and Homeless Youth Act. Over the years, Bridge has grown into a comprehensive agency offering, in addition to street work, counseling and runaway services, medical and dental care, teen parenting, education and preemployment services, and transitional living in after-care apartments for homeless young people.

In terms of the sexual abuse among the clients that we work with, it is impossible to provide accurate data on the incidence of child sexual abuse among our clients. It is typically underreported and concealed at intake. For many youth, it is the best kept secret of their lives.

Among new runaways served by Bridge in 1990, fewer than 5 percent disclosed sexual abuse to us during their initial month of contact with Bridge. However, an additional 20 percent acknowledged histories of sexual abuse and exploitation during the course of further involvement, bringing the total reported incidence to 24 percent.

An even higher incidence was reported to Bridge staff by youth involved in long-term services. During 1990, 39 percent of the youth residing in our transitional living program, 33 percent of the adolescent mothers in our single-parent residence, and 38 percent of the young women in our teen parenting program disclosed prior histories of sexual abuse.

In a recent after-care counseling group composed of youth with a minimum of 2 years' involvement in counseling at Bridge, fully 100 percent reported histories of sexual assault during childhood. Clearly, there is a positive correlation between the length of time that youth are involved in services with us and their willingness to disclose their sexual abuse histories.

This data suggests that while sexual abuse is a significant antecedent to running away, runaway and homeless youth will rarely seek services to address this emotional trauma. This, in turn, implies that treatment for childhood sexual abuse among this population must be connected to concrete services that these youth will seek, including food, housing, medical care, and vocational and educational services. Until these youths' lives are stabilized and they have developed a healthy support network, the myriad of issues that accompany untreated sexual abuse cannot be disclosed.

Bridge observes many ways in which these survivors do express the pain of their victimization. They tend to exhibit extremes of be-

havior. They may present to us with a fear of being attractive or sexual, or with an excessively sexual style of relating to others. Many express having a negative image of their body, with some experiencing eating disorders, including bulimia and compulsive over-eating. They have a high incidence of drug and alcohol abuse. They have problems with trusting intimacy. They struggle with self-esteem, attempting to cope with overwhelming feelings of shame and guilt.

They are mistrustful of service providers and they avoid medical care. Many experience nightmares and sleep disturbances. Most are depressed and some are suicidal. They act out their victimization sexually. They may be secretive about their sexual relationships. They may have sexual partners who are much older than themselves. They may be confused about their sexual orientation. They may become involved with sex in exchange for drugs or a place to stay, and some progress into more organized prostitution.

The need for street work is particularly acute for young women who are involved in prostitution. Within the violent culture of the streets, physical strength and power is highly valued. Women, consequently, have a low status within the street hierarchy. Most attach themselves to a man, either a boyfriend or a pimp, for protection. Yet, their protectors abuse, dominate and control them. Because of their dependency and their lack of status, they are less likely than males to be able to access services.

They are also at risk for continued sexual exploitation and, most tragically, for HIV infection. Between 1986 and 1990, 42 Bridge clients were diagnosed with ARC or AIDS. Of these, 13, or 31 percent, were females—an incidence high above the national norms. Of great concern is that these young women were diagnosed at an average age of 20.6, versus an average age of 22.7 for the males. So it is a full 2 years earlier.

I would like to emphasize that this data represents young people who are ill with HIV, not those who are sero-positive but asymptomatic. This data suggests that these women are being infected at an earlier age than their male counterparts.

Clearly, there is a compelling need for comprehensive services. Programs must have the capacity to make an immediate response to these young women's needs and must be readily accessible and available to them. Without a street outreach component, most run-away centers will rarely, if ever, have contact with these street females who are at risk for prostitution. Early intervention on the streets is the key to averting the tragic progression from childhood sexual abuse to running away to involvement in prostitution to AIDS.

I would like to thank you for the support that you have given to these young women in introducing the amendments, and we look forward to your continued interest in this topic. Thank you.

[The prepared statement of Ms. Price follows.]

Testimony Before the United States Senate Committee on the Judiciary,  
Subcommittee on Juvenile Justice  
Hearings on "Status Offenders: Risks and Remedies"

by Virginia Price, M.Ed.  
Clinical Director, The Bridge, Inc.

May 22, 1991

My name is Virginia Price and I am the Clinical Director of The Bridge, Inc. (also known as Bridge and Bridge Over Troubled Waters) in Boston, Massachusetts.

Bridge was started 21 years ago to respond to runaways and homeless youth on the streets of Boston, and was one of the original members of the National Network of Runaway and Youth Services, of which I currently serve on the Board of Directors. Bridge was on the forefront of the movement to create alternative youth services, separate from government agencies, the criminal justice system, and the courts, a movement which led to the passage of the Runaway and Homeless Youth Act. Like the goals of The Act, the goals of Bridge are to: 1) Alleviate the problems of runaways and homeless youth; 2) Reunite youth and their families and encourage the resolution of intrafamily problems through counseling and other services; 3) Strengthen family relationships and encourage stable living situations for all youth; 4) Help youth decide upon constructive courses of action.

Most runaways and homeless youth do not make effective connections with government agencies or the social service system, and remain invisible, unserved, or underserved. Bridge reaches many of these youth who otherwise would have no access to services. Bridge studies and statistics provide a large body of the information available on this population in Massachusetts and, in addition, because of its reputation, Bridge is sought out to provide information on runaway and homeless youth for studies and research projects conducted on the national level.

As a staff person at Bridge for the past fourteen years, I have had the opportunity to view the unfolding problems of runaways and homeless youth and

the evolving multi-services of Bridge over a substantial period of time. I have seen the positive effects of Bridge services on a population of young people whose needs have become increasingly more complicated as family dissolution, alcohol and other drug abuse in the family, sexual exploitation of children, community and family violence, and the incidence of HIV illness have become more prevalent.

Bridge Over Troubled Waters is a comprehensive multi-service agency serving over 4,000 young people annually. Bridge began its services on the streets and continues to make street outreach a key agency component. A team of streetworkers and the Bridge Free Medical Van make regularly scheduled nightly stops in areas where runaways and homeless youth congregate. The Medical Van, which is the oldest existing free clinic in Boston, is staffed by volunteer physicians and nurses from local hospitals. The three streetworkers are part of the professional full-time staff of forty who administer the agency and deliver Bridge services.

Once a youngster makes contact with Bridge, the full range of comprehensive agency services is available to him or her including:

**Counseling and Runaway Services** which provide family intervention, substance abuse treatment, AIDS education, basic survival aid, and emergency shelter for runaways.

**Medical/Dental Services** which, in addition to the Free Medical Van, include an in-house Nurse Clinic and a free Dental Clinic.

**The Family Life Center for Pregnant and Parenting Adolescents** which provides counseling, workshops, parenting skills education, and child care while young parents attend other Bridge programs.

**The Education/Pre-Employment Program** which offers basic education, tutoring, GED preparation, job counseling and training to out-of-school youth.

**The Residential Component** which includes a transitional living residence,

a single parent house and cooperative apartments for homeless young people who cannot return home.

Bridge works with a diverse group of young people ranging in age from 13 to 25, although the majority are between the ages of 16 and 21. They are approximately 40% African American; 45% white, and 15% Latino. Other ethnic groups are rare. Overall, Bridge clients are 60% male and 40% female. However, adolescents under age 18 are 55% female and 45% male. Sixty percent are from the Boston area, 30% are from other communities in Massachusetts, and 10% are from other states. Approximately 60% are homeless or on the run--staying in shelters, depending on friends for temporary housing, or literally living on the streets, in abandoned buildings, subway stations, abandoned cars, and church basements. These youth come from a spectrum of socio-economic backgrounds: 24% report welfare as the primary source of family income, while 19% report that one or both parents are employed as professionals. Despite their diversity, these youth share a common family background that sets the stage for their running away and becoming involved in street life.

Most youth Bridge serves are contacted by the agency on the streets. Others are referred to Bridge by social service providers, schools, family and friends. Bridge sees each youth as unique, and aims to tailor a program of services (including those available at Bridge and those provided by outside agencies) to meet his or her specific set of needs.

Boston is a magnet for adolescents who run to the city from all over New England and around the country in search of excitement and escape. Bridge sees youth who ran away from stable homes for the first (perhaps only) time, and it sees street youth who have turned to prostitution in exchange for food, drugs, or a place to stay for the night. Wherever youth come from, Bridge emergency shelters and services are available to them.

Most runaways and homeless youth grew up in severely troubled families. To these youth, the streets seem to be a better alternative than remaining in a family characterized by parental substance abuse, deprivation, and neglect. Many are victims of emotional, sexual, and physical abuse. Runaways from healthier families tend to return home eventually. Thus, the streets are



populated by youth from extremely disturbed families in which various forms of abuse have led to hopelessness, anger, alienation, and despair. These youth have replaced the violence and chaos of their homes with the violence and chaos endemic to street life.

Over the years, Bridge has come to realize that childhood sexual abuse has been a key factor in the lives of many of our clients. We have learned that many of those who leave home have been deeply hurt at home, and although they may not be asking for help directly, there is an element of escape to their leaving their families. Sadly, the streets are no refuge. Patterns of behavior, resulting in part from their abuse, make these youngsters particularly vulnerable to continued exploitation on the streets.

It is impossible to provide accurate data on the incidence of childhood sexual abuse among Bridge clients. It is typically interpreted and concealed at intake. For many youth it is the best-kept secret of their lives, and is only disclosed to Bridge after a trusting relationship has been established. Among new runaways served by Bridge in 1990, fewer than 5% (9 of 205) disclosed sexual abuse during their initial month of contact with Bridge. However, an additional 20% (41 of 205) acknowledged histories of sexual abuse and exploitation during the course of further involvement at Bridge, bringing the reported total incidence to over 24% (50 of 205).

An even higher incidence of childhood sexual abuse is reported to Bridge staff by youth involved in long-term services. During 1990, 39% (18 of 46) of the youth residing in our Transitional Living Program, 33% (7 of 21) of the young women in our Single Parent Residence, and 38% (22 of 58) of young women in our Family Life Program disclosed prior histories of sexual abuse. In a recent aftercare counseling group composed of youth with a minimum of two years involvement in counseling at Bridge, fully 100% (8 of 8) reported histories of sexual assault during childhood or adolescence. Clearly, there is a positive correlation between the length of time youth are involved in Bridge services and the reported incidence of childhood sexual abuse.

This data suggest that while childhood sexual abuse is a significant antecedent to running away, runaway and homeless youth rarely seek services to address this emotional trauma. This, in turn, implies that treatment for childhood sexual abuse among this population must be connected to concrete

services that these youth will seek including food, housing, medical care, parenting educational, vocational/educational services, etc. Until these youths' lives are stabilized and they have developed a healthy support network and established trust in an experienced clinician, the myriad of issues that accompany untreated sexual abuse cannot be addressed.

Bridge observes many ways in which these survivors express the pain of their victimization, despite their being unable or unwilling to articulate the source of their turmoil. They tend to exhibit extremes of behavior. They may present with a fear of being attractive or sexual, or with an excessively sexual style of relating to others. Many express having a negative image of their bodies, with some experiencing eating disorders including bulimia and compulsive overeating. They have a high incidence of abuse of alcohol and other drugs. They have problems with trust and intimacy, problems coping with anger and rage, and they tend to become victims of other forms of abuse including self-destructive acts. They struggle for self-esteem, attempting to cope with overwhelming feelings of shame and guilt. They are mistrustful of service providers, and many avoid medical care. Many experience nightmares and sleep disturbances. Most are depressed, and some are suicidal.

They act out their victimization sexually. They may be secretive about their sexual relationships or involved in sexually compulsive behavior. Frequently, they have sexual partners much older than themselves. Some express confusion about their sexual orientation. Most confuse intimacy with sex, and tend to have had many sexual partners. They may become involved with sex in exchange for drugs or a place to stay, and some progress into more organized prostitution, which Bridge directly witnesses through its streetwork program.

The need for streetwork is particularly acute for young women who are involved in prostitution. Within the violent culture of the streets, physical strength and power is highly valued. Women, consequently, have a low status within the street hierarchy. Most attach themselves to a man, either a boyfriend or a pimp, for protection. Yet their "protectors" abuse, dominate and control them. Because of their dependency, lack of status, and victimization, they are less likely than males to be able to initiate contact with a service provider. Thus, streetwork becomes an essential component of alternative services for them.

These vulnerable young women involved in prostitution face a unique constellation of risks on the street including drug and/or alcohol abuse, further sexual exploitation, battering and violence, pregnancy, sexually transmitted diseases and, most tragically, HIV infection.

Between 1986 and 1990, forty-two Bridge clients were diagnosed with ARC or AIDS. Of these, thirteen (31%) were females, an incidence high above national norms. Of great concern is that these young women were diagnosed at an average age of 20.6, versus an average age of 22.7 for the males. I would like to emphasize that this data represents young people who are ill with HIV, not those who are seropositive but asymptomatic. This data suggests either that these women are being infected at an earlier age than their male counterparts, or that the disease is progressing more rapidly in them. Ten of these women were involved in adolescent prostitution. Twelve are survivors of childhood sexual assault.

Clearly, there is a compelling need for comprehensive services for these young women. Programs must have the capacity to make an immediate response to their needs, and must be readily accessible and available to them. Without a street outreach component, most runaway centers will rarely, if ever, have contact with adolescent street females at risk for or involved in prostitution. Early intervention is the key to averting the tragic progression from childhood sexual abuse to running away to involvement in prostitution to AIDS.

The Bridge Streetwork Outreach program has been effective in making contact with adolescent street females. Bridge has watched some of these young women gradually begin to heal and, with extensive support from Bridge, turn their lives around. This is a slow process—years of abuse take a significant toll. Bridge continues to develop new methods for assisting these vulnerable young women and looks forward to contributing to the development of new programs nationwide which speak to this crucial need.

On behalf of Bridge and the National Network of Runaway and Youth Services, I would like to take this opportunity to thank you, Chairman Kohl, for your leadership in introducing amendments to S-15 Violence Against Women Act of 1991 that provide for street outreach for female street youth who are at risk or have current/past histories of sexual abuse and exploitation, as well as

providing for sexual abuse counseling and treatment. These desperate and traumatized young women, and the programs that respond to them, are grateful to have an advocate such as yourself willing to take a leadership role in ensuring that they are not forgotten and that appropriate services are available to them. I would like to thank both you and the committee for the opportunity to provide this testimony and for your concern for the needs of all youth in high-risk situations.

Senator KOHL. Thank you very much, Ms. Price.  
Dr. Melton.

#### STATEMENT OF DR. GARY B. MELTON

Dr. MELTON. Thank you, Mr. Chairman. On behalf of the American Psychological Association, I am pleased to be able to present some of the facts related to the link between status offense jurisdiction and child abuse and neglect.

My general conclusion, which is only slightly overstated, is that status offense jurisdiction often is de facto punishment for being maltreated. Let me list the facts that lead me to that conclusion.

First, research shows that status offenders do look different from juvenile delinquents. Status-offending is typically not a stepping stone to delinquency, except for those status offenders who ultimately are institutionalized and who learn delinquency within those contexts.

Second, as you have been hearing, juvenile court jurisdiction of status offense cases often could be sought instead on the basis of child protection petitions. The most striking commonality among status offenders is serious family dysfunction. Although the proportion varies across jurisdictions, in many communities the majority of status offense petitions are filed by parents against their own children as ungovernable or incorrigible. It is hard to imagine how quasi-punitive response to an individual child in the face of such serious family conflict can be either fair or effective.

Third, the Children in Custody survey shows that thousands of children and youth who are charged with status offenses still are confined every day in secure detention facilities or youth jails. Even more disturbing is the fact that hundreds are confined under atrocious conditions without even the pretense of a status offense, because detention is used as an emergency placement for maltreated children.

In such cases, incarceration is the explicit result of victimization. As a matter of morals, that is an abominable practice. As a practical matter, it is one that has potentially terrible effects for the society. The child is doubly victimized, with a concomitant threat to self-esteem, increase in risk of depression, and increase in the likelihood of identification as a delinquent.

Fourth, just as child-protective jurisdiction has become the entry point for overburdened child welfare agencies, status offense petitions often are misused as a means of obtaining services for trou-

bled youth and families. The courts should not be the first line of service. Families should not have to resort to a stigmatizing determination of their child's so-called guilt in order to obtain help when they are having serious problems.

Although there is not good research on the point, anecdotal evidence suggests that often the label "child in need of services" is taken literally and status offense jurisdiction is used as a way of resolving disputes among agencies about the lack of provision of services. It is truly blaming the victim.

As a member of the U.S. Advisory Board on Child Abuse and Neglect, I am struck that the realities of status offense jurisdiction echo the Board's general conclusions about the child protection system. Let me list some of the commonalities.

First, child and family services too often have been limited to coercive, quasi-punitive intervention—in this instance, coercion that is misdirected toward youth themselves. As the Board said with respect to the child protection system:

It has become far easier to pick up the telephone to report one's neighbor for child abuse than it is for that neighbor to pick up the telephone to request and receive help before the abuse happens. If the Nation ultimately is to reduce the dollars and personnel needed for investigating reports, more resources must be allocated to establishing voluntary, nonpunitive access to help.

A point that applies as well to status offense jurisdiction.

Second, there is a dearth of treatment services for abused youth and their families.

Third, the phenomenon of incarceration of youth, in effect, for maltreatment is another indicator of the crisis in the foster care system. The misuse of detention when some form of out-of-home care appears necessary for the child's protection illustrates the rapidly escalating ratio of foster children to foster homes and the increasing complexity of problems that children and youth entering foster care bring to foster families. Every community needs new family services to prevent out-of-home care at all, and when such care does occur supports are needed for foster parents to reduce the rate at which foster parents are leaving the system.

Fourth, just as the child protection system is plagued by a lack of data and by an inadequate, ineffective Federal commitment to research on child and family problems, there is a dearth of well-designed research on the systemic response in status offense cases and the relation of child maltreatment to it.

We did a search of computer databases and failed to find a single article, not even an article of bad quality, published since 1988 on the topic of status offenses or status offenders. Clearly, the Office of Juvenile Justice and Delinquency Prevention has not been doing its job. That it has the mandate that it does also has allowed other research agencies such as the National Institute of Mental Health to ignore their own responsibilities in this area, just as the existence of the National Center on Child Abuse and Neglect seems to result in diminished work by NMIH on the child protection problems.

Finally, the misuse of status offense jurisdiction is another indicator of the way in which child protection issues branch well beyond specialty child protection systems or child welfare systems. It is a good example of the need for an organized response within

the Justice Department to the links between child abuse and neglect and juvenile justice.

[The prepared statement of Dr. Melton follows:]

STATEMENT OF

Gary B. Melton, Ph.D.

Carl Adolph Happold Professor of Psychology and Law  
Director, Center on Children, Families, and the Law  
University of Nebraska-Lincoln

Director, Consortium on Children, Families, and the Law

on Behalf of

THE AMERICAN PSYCHOLOGICAL ASSOCIATION

before the

UNITED STATES SENATE

Subcommittee on Juvenile Justice

May 21, 1991

on the Subject of

Status Offenses and Child Protection

Mr. Chairman and members of the Subcommittee on Juvenile Justice, it is a privilege to testify today on behalf of the 108,000 members and associates of the American Psychological Association (APA). Thousands of APA's members are active in the provision of mental health services to troubled youth and families. Many others conduct research on the causes, prevention, and treatment of child and family problems. Whether practitioners, researchers, or both, psychologists are committed to public service oriented toward the development and implementation of policy consistent with the dignity and welfare of children and youth and the integrity of their families.

Less than a year ago, the U.S. Advisory Board on Child Abuse and Neglect, of which I am a member, completed a review of the state of child protection in the United States. What we saw--the enormity of the problem of child maltreatment and the inadequacy of the nation's response--was both sobering and enraging. With no hyperbole, the Board declared a national emergency in the field of child protection. We called for a comprehensive national response to this crisis, and we articulated roles for many sectors and levels of society. Recommendation 8 of the Board's report urged "national scientific societies and professional associations to undertake major initiatives to stimulate the development of knowledge about child abuse and neglect and the improvement of the child protection system and to diffuse such knowledge to their members, policymakers, and the general public."

I am pleased to report that APA has taken this recommendation seriously. APA has adopted a high-priority initiative of unprecedented scope to identify what is known, what needs to be known, and what can be done now to prevent and treat child maltreatment, to generate the human resources necessary for child protection, and to develop sound public policies on the problem.

As critical, though, as action by voluntary associations and other private-sector groups like APA is, it is not enough. Reasonable people may disagree about the range of duties that the



government has toward its youngest citizens, but no one can dispute that, at a minimum, government owes protection from harm to those whose dependency it enforces. At least for the past decade, though, government rarely has exerted leadership in either child protection or juvenile justice. When leadership has been attempted, it often has been misdirected in the service of ideology more than the welfare and dignity of children. The result, the Advisory Board said, is a "moral disaster" in which maltreatment of children is epidemic and the societal response has been appallingly inadequate and flawed.

Like all people, children are owed protection of their physical and psychological integrity. Like all citizens, children are entitled to justice and government's respect for their dignity. Society itself needs a new generation that shares the values of a caring community and that has experienced a safe environment in which to learn. Such matters are too important to be relegated to partisan politics or policy by slogan.

In that regard, Mr. Chairman, we applaud your initiative to respond to the Board's report with legislation authorizing treatment programs for abused youth in the juvenile justice system (an authority that we hope will be followed with an appropriation in this Congress). We also support your recent introduction of legislation to authorize new programs to assist runaway youth, who often are fleeing from abuse. Perhaps most of all, we are pleased that you are providing the leadership for a comprehensive examination of the role of the law in the lives of our nation's children, especially those who are most troubled and vulnerable. APA looks forward to working with you, Senator Biden, Senator Brown, and your staffs in building a system of justice for children that is consistent with the core values in our legal system.

In that context, I would like to describe the current state of knowledge about the links between status offense jurisdiction and child maltreatment. In general, the states' use of status offense jurisdiction is a particularly gross example of a lack of planning

in the child and family service system. Broad status offense jurisdiction invites manipulation of the service system in a manner inconsistent with overt policy goals, such as avoidance of unduly restrictive and intrusive services. Unfortunately, the topic of status offenses also is an excellent example of disregard by Federal officials of their roles in generation and diffusion of scientific knowledge and models of policy and practice relevant to important social problems. In part as a result, the topic of status offenses also presents exemplars of state-inflicted harm on children and youth. It is only slightly overstated to say that, however noble public officials' intent may be, status offense jurisdiction often is de facto punishment for being maltreated.

Allow me to list the facts that underlie my harsh conclusion. First, research shows that status offenders do "look different" from juvenile delinquents. The notion that status offense jurisdiction is a wise exercise in early intervention among antisocial youth is simply untrue. Research shows that status offending is typically not a steppingstone to delinquency. Adolescent girls, many of whom have been subjected to sexual abuse, enter the juvenile justice system much more often, proportionately, under status offense jurisdiction than as a result of delinquency petitions. Moreover, they tend to be subjected to harsher dispositions than male status offenders.

Second, as illustrated by the examples of girls who run away from home as a defense against incest and of youth who are classified legally as runaways but who really are "throwaways," juvenile court jurisdiction in status-offense cases often could be sought instead on the basis of child protection petitions. As one well-known scholar on juvenile justice and child welfare has succinctly stated, "One of the most problematic aspects of the juvenile justice system is its failure to distinguish offenders from victims. Nowhere is this more true than in the case of sexual abuse and sexual behavior."<sup>1</sup>

<sup>1</sup>Sarri, Gender Issues in Juvenile Justice, 29 CRIME AND DELINQUENCY 381, 382-83 (1983).

Indeed, the most striking commonality of status-offense cases is serious family dysfunction. Although the proportion varies across jurisdictions, in many communities the majority of status offense petitions--in some cities, the vast majority--are filed by parents against their children as "ungovernable" or "incorrigible." Research shows that such petitions are especially likely to result in detention and restrictive dispositions. It is hard to imagine how a quasi-punitive response to an individual child in the face of such serious family conflict can be either fair or effective.<sup>2</sup> The ineffectiveness of such an approach is confirmed by available evaluation research, which shows that services based in juvenile justice often fail even in inducing youth to keep their appointments.

Third, the Children in Custody survey shows that thousands of children and youth charged with status offenses are confined each day in secure detention facilities--youth jails. Even more disturbing is the fact that hundreds are confined each day without even the pretense of a status offense. They are acknowledged to be incarcerated simply because they are victims, and an alternative emergency placement is unavailable.

Besides the fact that incarceration as a result of victimization is an abominable practice in itself, such detention may have adverse psychological consequences; it is truly double victimization. Whatever the intent of state authorities, psychologically detention is punishment. Research shows that children and youth regard restrictive settings as aversive and that

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<sup>2</sup>Some states have recognized this point by re-defining status offenses as families in need of services (Iowa) or juvenile-family crises (New Jersey). In such states, family court jurisdiction can be used only after other family services (in the New Jersey system, special Juvenile-Family Crisis Intervention Units) have failed and the court in fact has appropriate services available. Such statutes also bar use of detention or training schools or (in Iowa) even involuntary probation for such family problems. Unfortunately, evaluation research is lacking to determine whether such services in the shadow of the court are effective for families with problems that seem otherwise intractable, or whether such services typically are rendered for problems that could be alleviated as well or better without involvement of the legal system at all if other service systems were working properly.

gross violations of liberty and privacy threaten their self-esteem and their sense of competence in mastery of problems. Detention because of maltreatment is likely to confirm the belief of some victims that they deserve blame for the maltreatment. It is likely further to exacerbate the already substantial risk of depression among maltreated children and youth--and adults who were subjected to maltreatment as children.

Moreover, incarceration of maltreated children and youth, even if for status offenses, is apt to increase their identification as delinquents and facilitate their entry into a delinquent subculture. The few studies that have suggested that status offenses may sometimes be a steppingstone to more serious antisocial behavior have relied only on samples of youth institutionalized because of status offenses. Given that the "steppingstone" hypothesis has been disconfirmed in large-scale studies that have followed the entire population of status offenders in multiple communities, it is probable that the relatively high rate of delinquent recidivism observed among status offenders sent to training schools is caused in part by "training" in delinquency and crime.

Fourth, just as child protective jurisdiction has become the entry point for overburdened child welfare agencies in some communities, status offense petitions often are misused as a means of obtaining services for troubled youth and families. In some communities, the court is the first rather than the last resort for families desiring services. For example, in one county in which I consult, the number of children referred to the family court is double the number referred to all of the community mental health programs combined. Families should not have to resort to a stigmatizing determination of their child's "guilt" in a juvenile court proceeding in order to obtain help when they are having serious problems.

Although systematic research on the point is missing, there is much anecdotal evidence that status offense petitions are

frequently filed because the label of child in need of services is taken literally. Status offense jurisdiction sometimes is invoked as an indirect means of administrative review, when one agency believes that another is being unresponsive. Thus, status offense petitions often are signs of failure of, or at least dissatisfaction with, the service system more than indicators of culpable behavior of the individual youth. Such petitions are clear exemplars of blaming the victim--subjecting a child who already may have a traumatic history to a quasi-punitive process because of a lack of adequate services.

It should be noted that this approach not only is unfair but also usually ineffective. Courts are not equipped to be social service agencies, and they rarely have a broad range of services available to them. Indeed, in many jurisdictions the most common result of a status offense petition is unsupervised probation (without services).

The issues presented in our own and others' testimony today about status offense jurisdiction illustrate several of the general findings of the U.S. Advisory Board on Child Abuse and Neglect about the child protection system.

First, the child and family service system too often has limited its response to families in crisis to coercive, quasi-punitive intervention--in this instance coercion that is misdirected toward youth themselves. As the Board noted in the context of the child protection system:

State and County child welfare programs have not been designed to get immediate help to families based on voluntary requests for assistance. As a result it has become far easier to pick up the telephone to report one's neighbor for child abuse than it is for that neighbor to pick up the telephone to request and receive help before the abuse happens. If the nation ultimately is to reduce the dollars and personnel needed for investigating reports, more resources must be allocated to establishing voluntary, non-punitive access to help.

Second, there is a dearth of treatment services for abused children and youth and their families. The frequent resort to the family court for services reflects the lack of services elsewhere more than the need for judicial intervention.

Third, the foster care system is in crisis. The misuse of detention when some form of out-of-home care appears necessary for the child's protection illustrates (a) the rapidly escalating ratio of foster children to foster homes and (b) the increasing complexity of problems that the children and youth entering foster care bring to foster families. Every community needs new family services to prevent out-of-home care at all. When out-of-home care is truly necessary, supports are needed for foster parents to reduce the rate at which foster parents are leaving the system.

Fourth, just as the child protection system is plagued by a lack of data and by an inadequate, ineffective Federal commitment to research on child and family problems, there is a dearth of well-designed research on the systemic response in status offense cases and the relation of child maltreatment to it. In fact, a search of the PsycLit data base--the most extensive compendium of research in the social sciences--failed to uncover a single article on status offenses or status offenders that was published after 1988. Simply put, the Office of Juvenile Justice and Delinquency Prevention has not been doing its job. That it has the mandate that it does also has allowed other research agencies, such as the National Institute of Mental Health, to ignore their own responsibilities to generate research on status offenses, just as the existence of the National Center on Child Abuse and Neglect seems to have resulted in diminished work by NIMH and other agencies with a much stronger capacity for research. The Children in Custody survey (conducted by the Census Bureau for the Justice Department) does illustrate, though, the potential utility of a comprehensive data system on child abuse and neglect and other instances of multiagency involvement in complex problems of children and families.

Fifth, child protection issues branch well beyond the specialty child welfare system. The justice system's response to child abuse through status offense jurisdiction is but one example of the need for a Center on Child Protection and the Law in the Department of Justice to lead in a comprehensive response of the legal system to problems of child protection. It also reflects the need to strengthen the child mental health system and other service systems that are better suited for the treatment of troubled families and the prevention of escalation of family problems.

Mr. Chairman, thank you for the opportunity to present these views. The U.S. Advisory Board began its recommendations in its 1990 report by proclaiming that "America must and can begin now to establish a caring community for those of its children who are vulnerable to abuse and neglect." I would add that such a community must be one that protects the dignity of its youngest members and ensures that justice is available to them. Such a goal requires both moral fervor and hard data. APA looks forward to working with you to ensure such a commitment to protection of children and respect for their personhood.

Senator KOHL. Thank you very much, Dr. Melton.

For Ms. Able-Peterson and Ms. Price, I would like to ask you a few questions. First, let me thank you very much for your support of my amendments to the Violence Against Women bill. But we all know that these amendments will not come close to solving some of the problems that we are talking about here today.

What else would you like us to do at the Federal level? What could you, for example, do with the \$80 million we spend each year keeping 3,000 nondelinquents in secure detention? I would like a response from each of you.

Ms. ABLE-PETERSON. Well, we don't have enough beds. That is really a clear problem. Right now, with the current fiscal crisis in New York City, my program is currently at risk of losing half of its funding, the city funding, which is \$450,000, which is half of my funding. I am operating with \$900,000 in the City of New York, with thousands of youth.

This would mean that I would have to let go five staff if I lose this funding. We are a staff of 14 operating with all these children. So, clearly, we need more Federal help, the cities and States. Many on the east coast are in severe crises and there are just not the beds to go to; there just aren't beds available. And there need to be not just transitional beds, but more shelter beds.

I think one of your girls said it very clearly up here this morning. She said when I got out of this system, I had nowhere to go and if a teacher hadn't taken me in, I would have been back on the streets. And I think we have to be on the streets; if that is where our children are, we have to be there. They are not going to walk up and knock on doors of social service agencies many times because they have been burned out by that, and it needs a new and alternative approach.

Senator KOHL. Thank you. Ms. Price?

Ms. PRICE. I believe there are two things. The first is to extend the age at which services are available to young people. We are seeing increasing numbers of young people who are 18 years old who are graduating out of foster care and are ending up living in the adult shelters, and we see them at the age of 19 or 20 after 2 years of adult-sheltered life and they are far more dysfunctional and disturbed than even if they had been living on the streets. I think there is a need to extend the age to at least 21 for services for young people.

I think the second thing that is desperately needed is comprehensive funding for programs. The average runaway program has a total of 18 different funding sources that it is patching together, and that is to make a response that is really very short-term and very crisis-intervention oriented. These programs do a very good job of responding to the immediate need, but there aren't long-term followup services that are available to these young people.

Recently, I know the Federal Government has been funding transitional living, but that needs to be greatly expanded so that young people can have the opportunity to not only have the immediate crisis housing, but to have long-term, stabilized housing, and along with that comprehensive services like medical care, dental care, counseling, educational and vocational services that can be offered to them for up to a 2- to 3-year period of time because they are not going to reverse years of abuse in a 30-day shelter stay.

Senator KOHL. Good answer; thank you.

Dr. Melton, your testimony, as well as that of your colleagues, highlights the critical importance of providing treatment for child abuse victims. What will it take to really make a dent in the problem, Dr. Melton?

Dr. MELTON. Two points come to mind. One is that we are greatly in need of more research in this area. I mentioned the dearth of research with respect to status offenses, in particular. Child maltreatment, in general, is probably the least researched social problem that we have. I can't think of another problem that approaches it in terms of the inadequacy of the research base. So we need support for well-designed evaluations of various treatment programs and for basic research that would guide the development of new treatment programs.

The second thing is that we need to begin thinking about kids as the focus of the child protection system. What is really striking is that the data that we do have about what happens in child protection is that children themselves, or youth themselves, are the least likely to be served in that system.



In short, there needs to be a substantial investment in the development of treatment programs, but also in the technology to underlie them.

Senator KOHL. OK, thank you very much. I would like to thank my friends for being here. You have been very informative and very helpful, and I would like to stay in touch with you as we move on here. Thank you for coming. You have done a very good job.

Senator KOHL. Our last panel will outline the Federal response. I would like to have our representatives from the Department of HHS come to the witness table at this time. Carol Behrer is the Associate Commissioner of the Family and Youth Services Bureau under the newly established Administration on Children and Families. Dr. Coleen Kivlahan is the chief medical officer for the Health Resources and Services Administration.

I would like to thank you both for being here and for sitting through this excellent hearing. If you can, I would ask you to keep your comments to 5 minutes or less. I understand that there are going to be three back-to-back votes shortly, and when that occurs I probably will have to recess the hearing, or else keep you here for too long. So we would like to hear your statements.

Proceed, Ms. Behrer; you are first.

**PANEL CONSISTING OF CAROL J. BEHRER, ASSOCIATE COMMISSIONER, FAMILY AND YOUTH SERVICES BUREAU, ADMINISTRATION ON CHILDREN, YOUTH AND FAMILIES, DEPARTMENT OF HEALTH AND HUMAN SERVICES; AND COLEEN KIVLAHAN, CHIEF MEDICAL OFFICER, HEALTH RESOURCES AND SERVICES ADMINISTRATION, DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**STATEMENT OF CAROL J. BEHRER**

Ms. BEHRER. Thank you very much, Senator. On behalf of the Administration for Children and Families, I want to thank you for the opportunity to discuss the implementation of the Runaway and Homeless Youth Act as part of this hearing on Status Offenders: Risks and Remedies.

I am the Associate Commissioner of the Family and Youth Services Bureau of the Administration on Children, Youth and Families, which is responsible for the administration of this act. The act includes both the Runaway and Homeless Youth Program as well as the Transitional Living Program for Homeless Youth which was mentioned just recently.

My bureau also administers a program on drug education and prevention relating to youth gangs and a drug abuse education and prevention program for runaway and homeless youth, both of which were created as part of the Anti-Drug Abuse Act of 1988.

As you are aware, Secretary Sullivan established ACF on April 15 to consolidate departmental programs which serve children, youth, and families. With an annual budget of over \$27 billion and a staff of over 2,000, ACF combines the programs and resources of the Family Support Administration and the Office of Human Development Services, and adds the Maternal and Child Health Block Grant from the Public Health Service.

As part of the Administration for Children and Families, the Family and Youth Services Bureau will be able to better coordinate the range of services within HHS for runaway and homeless youth.

There are multiple and complex reasons why young people run away, and those have been described very ably this morning and so I won't repeat it now. What we do find, though, is that only a small percentage leave home because of trouble with law enforcement or juvenile justice authorities. However, once on the streets, their chance of becoming involved in additional status offenses and more serious delinquent behavior increases dramatically.

Moreover, as we have heard, runaway and homeless youth are highly vulnerable to exploitation by adults in areas such as prostitution, pornography, and drug abuse. They are also at high risk of acquiring sexually transmitted diseases, including AIDS.

Since runaways and other status offenders are commonly victims of abuse, family dysfunction and other social problems, their needs are most appropriately addressed through social service systems. The Juvenile Justice and Delinquency Prevention Act, therefore, mandated the deinstitutionalization of status offenders and authorized the Runaway Youth Program to develop and support a community-based system of services for runaways.

This program is designed to respond to the multiple and serious problems faced by runaway and homeless youth in a nonpunitive setting outside the juvenile justice system. The act authorizes the Secretary to provide support to State and local governments, profit and nonprofit agencies, private entities and networks of agencies that deal with the problems of runaway and homeless youth and their families. The act also authorizes support for training and technical assistance, research and demonstrations, and for a national toll-free communications system, the Runaway Hotline.

This year, the appropriation for the Runaway and Homeless Youth Program is just over \$35 million. Of this amount, 90 percent will be used to establish and strengthen new and existing community-based centers to provide temporary shelter and related services to runaway and homeless youth and their families.

In fiscal year 1990, about 340 grants were awarded to such centers. These grants represented nearly 400 shelter facilities and several hundred host home arrangements. The average amount of these 3-year grants is slightly more than \$75,000 per year.

These centers provide direct assistance and referrals to other agencies for a wide range of services, including counseling, education programs, medical screening and/or health care, recreation, transportation and legal assistance. Outreach and after-care services are also important aspects of these programs.

Although the Runaway and Homeless Youth Program is designed to operate outside of the juvenile justice and law enforcement structures, strong linkages between the social service system and the law enforcement system are necessary. Law enforcement personnel are often the first to come in contact with runaway youth and other status offenders. Therefore, it is important that they understand the alternatives to either ignoring the youth or placing them in detention. As local police become familiar with the services provided by runaway and homeless youth centers, they will better understand the positive alternatives that are available.

We have used demonstration grants to help establish these linkages and encourage cooperation between law enforcement and social service personnel. In fiscal year 1990, we awarded five demonstration grants to foster cooperation between law enforcement agencies and centers for runaway and homeless youth. We anticipate that as a result of these grants we will have model procedures and materials available for dissemination to grantees and others nationwide.

As I mentioned earlier, the Family and Youth Services Bureau administers three additional programs that serve at-risk youth. A brief description of these is included in my written statement and I won't go into it here. I do, however, want to again thank you for the opportunity to describe the Runaway and Homeless Youth Program and will be happy to answer any of your questions.

Thank you.

[The prepared statement of Ms. Behrer follows:]

DEPARTMENT OF HEALTH & HUMAN SERVICES

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ADMINISTRATION FOR CHILDREN AND FAMILIES  
370 L'Enfant Promenade, S.W.  
Washington, D.C. 20447

STATEMENT BY

CAROL J. BEHRER

ASSOCIATE COMMISSIONER

FAMILY AND YOUTH SERVICES BUREAU  
ADMINISTRATION ON CHILDREN, YOUTH AND FAMILIES  
ADMINISTRATION FOR CHILDREN AND FAMILIES  
DEPARTMENT OF HEALTH AND HUMAN SERVICES

BEFORE THE

SUBCOMMITTEE ON JUVENILE JUSTICE

COMMITTEE ON THE JUDICIARY

UNITED STATES SENATE

MAY 22, 1991

Mr. Chairman and Members of the Subcommittee:

On behalf of the Administration for Children and Families (ACF) of the Department of Health and Human Services, I want to thank you for the opportunity to discuss the implementation of the Runaway and Homeless Youth Act (the Act) as part of this hearing on "Status Offenders: Risks and Remedies."

I am the Associate Commissioner of the Family and Youth Services Bureau of the Administration on Children, Youth and Families which is responsible for the administration of this Act, including the Runaway and Homeless Youth Program (Part A) and the Transitional Living Program for Homeless Youth (Part B). This Bureau also administers a program on Drug Education and Prevention Relating to Youth Gangs and a Drug Abuse Education and Prevention Program for Runaway and Homeless Youth, which were created as part of the Anti-Drug Abuse Act of 1988.

As you are aware, Secretary Sullivan established ACF on April 15, 1991 to consolidate Departmental programs which serve children, youth, and families. With an annual budget of over \$27 billion and a staff of over 2,000, ACF combines the programs and resources of the Family Support Administration, the Office of Human Development Services, and the Maternal and Child Health Block Grant from the Public Health Service. As a part of the Administration for Children and Families, the Family and Youth Services Bureau will be able to better coordinate the range of services within HHS for runaway and homeless youth.

#### Origins of the Act

The Runaway and Homeless Youth Act, originally enacted as Title III of the Juvenile Justice and Delinquency Prevention Act of 1974 (JJDPA), is an important component of the Federal Government's response to and involvement in juvenile justice

related issues. Prior to 1974, status offenders, including runaways, were originally treated as a law enforcement problem under State and local governments jurisdiction.

However, with the enactment of the Juvenile Justice and Delinquency Prevention Act in 1974, the Congress took the position that the problem of locating, detaining and returning runaways should not be the responsibility of police departments and juvenile justice authorities. Since status offenders are commonly victims of abuse, family dysfunction, and other social problems, their needs are more appropriately addressed through social service systems. The Juvenile Justice and Delinquency Prevention Act mandated the deinstitutionalization of status offenders and authorized the Runaway Youth Program to develop and support a community-based system services for runaways.

#### Characteristics of Runaway and Homeless Youth

There are multiple and complex reasons why young people run away. Most often, runaway and homeless youth come from highly dysfunctional families. These families come from a variety of geographic regions and from all social and economic levels. Estimates of the incidence of runaway youth range from 500,000 to 1.5 million a year. A large number of these youth (up to half in some studies) do not voluntarily leave home, but are pushed out or encouraged to leave by parents.

In many cases, runaway behavior results from past physical or sexual abuse. A study conducted by Ann Burgess of the University of Pennsylvania in 1986 found that 73 percent of runaways had been physically beaten, and that 43 percent cited physical abuse as an important reason for leaving home. Sexual abuse was reported by 73 percent of the girls and 38 percent of the boys in that study. Alcohol abuse and drug abuse are often present in

the families of runaways as well. Other research indicates that runaways exhibit stress and other psychological disabilities far in excess of their non-runaway peers. Runaways are more suicidal and often have severe health problems.

Most young people leave home because of abuse and neglect, school problems, or communication problems with their families. Only a small percentage leave home because of trouble with law enforcement or juvenile justice authorities.

However, once on the streets their chance of becoming involved in additional status offenses and more serious delinquent behavior increases dramatically. Moreover, runaway and homeless youth are highly vulnerable to exploitation by adults, in areas such as prostitution, pornography and drug abuse. They are also at high-risk of acquiring sexually-transmitted diseases such as AIDS.

#### The Runaway and Homeless Youth Program

The Runaway and Homeless Youth Program is designed to respond to these multiple and serious problems of runaway and homeless youth in a non-punitive setting outside the juvenile justice system.

The broad purposes of the of this Program are to:

- (1) alleviate the immediate problems of runaway and homeless youth;
- (2) reunite children with their families and encourage the resolution of intrafamily problems through counseling and other services;
- (3) strengthen family relationships and encourage stable living conditions for children; and,
- (4) help youth decide upon a future course of action.

To achieve these purposes, the Act authorizes the Secretary to provide support to State and local governments, profit and non-profit agencies, private entities, and networks of agencies that deal with the problems of runaway and homeless youth and their

families. The Act also authorizes support for training and technical assistance, research and demonstrations, and a national, toll-free communications system (the runaway hotline).

This year, the appropriation for the Runaway and Homeless Youth Program is just over \$35 million. Of this amount, 90 percent will be used to establish and strengthen new and existing community based centers to provide outreach, temporary shelter, counseling, and related services to runaway and homeless youth and their families. In FY 1990, about 340 grants were awarded to such centers. This represents nearly 400 shelter facilities and several hundred "host home" arrangements. The average amount of these three-year grants is slightly more than \$75,000 per year.

The majority of runaway and homeless youth centers are non-profit social services organizations, with an average of eight full-time and seven part-time staff working at each site. Many sites also use volunteers. Runaway and homeless youth are referred to these centers from a variety of sources, including child welfare or protective services agencies, juvenile justice and law enforcement agencies, friends, community groups and school personnel.

These centers provide direct assistance and referrals to other agencies for a wide range of services including counseling, education programs, medical screening and/or health care, recreation, transportation and legal assistance. Outreach and aftercare services are also important aspects of these programs.

#### Coordination with Law Enforcement

Although the Runaway and Homeless Youth Program is designed to operate outside of the juvenile justice and law enforcement structures, strong linkages between the social service system and the law enforcement system are necessary. Law enforcement



personnel are often the first to come in contact with these runaway youth and other status offenders. Therefore, it is important that they understand the alternatives to placing these youth in detention. As local police become familiar with the services provided by Runaway and Homeless Youth centers, they will better understand the positive alternatives to detention.

We have used demonstration grants and interagency coordination efforts to help establish these linkages and encourage cooperation between law enforcement and social service personnel. In FY 1990 we awarded five demonstration grants to foster cooperation between law enforcement agencies and centers for runaway and homeless youth. We anticipate that as a result of these grants we will have model procedures and materials available for dissemination to grantees and others nationwide.

The five grantees are striving to increase the knowledge of both law enforcement and service agency personnel about their respective roles and responsibilities to runaway and homeless youth. They are working toward:

- (1) Increasing the communication and collaboration between law enforcement and youth center agencies and personnel;
- (2) Increasing the numbers of runaway and homeless youth picked up by law enforcement officers and referred to youth shelters; and,
- (3) Preventing unnecessary adjudication and incarceration of runaway and homeless youth.

Strategies that the grantees are using to reach these goals include:

- (1) Identifying the barriers to communication and collaboration between law enforcement and youth center agencies and personnel and developing strategies to surmount these barriers;

- (2) Developing model training programs and manuals for law enforcement agencies in order to strengthen their relationship with youth center programs and increase cooperative referrals;
- (3) Holding workshops for law enforcement and youth center personnel for the purposes of team-building and collaborative planning;
- (4) Providing case management assistance for youth to further the goal of family reunification; and,
- (5) Working with community members and business people to increase public awareness of the options to incarceration and adjudication for street youth.

One of the grantees, the Juvenile Justice Program of the Arizona Governor's Office for Children is working on two important projects. They are focusing on the development of community networks of youth services in both rural and metropolitan areas to serve runaway and homeless youth. And, they are working to eliminate the practice of jailing these youth in adult jails, lockups and juvenile detention centers for status offenses. Protocols and resource networks will be developed to assist local communities in developing formal policies and procedures regarding the detention of status offenders. They hope to promote, through successful demonstration, the use of community based alternatives to incarceration.

#### Related FYSB Programs

As mentioned earlier, FYSB administers three additional programs that serve at-risk youth. A brief description of each of these programs follows.

##### 1. Transitional Living Program for Homeless Youth

Part B of the Runaway and Homeless Youth Act authorizes the Transitional Living Program for Homeless Youth. Funding for this program is approximately \$10 million in FY 1991. It

authorizes discretionary grants to State and local, public and private, non-profit organizations to address the long-term shelter and service needs of homeless youth ages 16 through 21. The primary goal of this program is to promote self-sufficiency of these youth, reducing their chances of long-term dependency. The Program authorizes financial assistance to provide:

- o stable living accommodations, through host homes, group homes, or supervised apartments, for up to eighteen months;
- o the services necessary to assist homeless youth develop the skills and personal characteristics needed to enable them to live independently. This could include education, training, assistance with employment, daily living skills, e.g., how to manage personal finances, balance a check book, find an apartment or other living situation;
- o education, information and counseling aimed at preventing, treating and reducing substance abuse among these youth; and,
- o appropriate referrals and access to medical and mental health services and treatment.

In its first year of funding, 45 three-year grants, totaling approximately \$9.5 million, were awarded to public and private, non-profit agencies to provide a wide range of transitional living services to homeless youth. An anticipated 1,400 youth will receive services.

Grants are concentrated in urban areas, but over 100 counties will be covered by the 45 grantees. These grants were selected through a competitive process from the almost 300 applications that were received. In FY 1991, we anticipate awarding approximately 25 more discretionary grants.

2. Drug Abuse Prevention Program for Runaway and Homeless Youth

The second additional program which the Bureau administers is the Drug Abuse Prevention Program for Runaway and Homeless Youth. Authorized by the Anti-Drug Abuse Act of 1988, funding for this program is approximately \$15 million in FY 1991. It authorizes discretionary grants to public and private, non-profit agencies to provide drug education and prevention services to this high-risk population of youth. In its first two years of implementation, over 180 multi-year grants have been awarded, primarily to community-based organizations who provide services directly to youth.

Runaway and homeless youth are at a very high risk of drug abuse. Yet, their lifestyles and alienation make them virtually unreachable through the major channels that drug abuse prevention programs traditionally operate. In order to reach them, specific activities authorized by this program include:

- o providing individual, family, and group counseling to runaway and homeless youth and their families;
- o developing and supporting peer counseling to prevent drug abuse among runaway and homeless youth;
- o developing and supporting community education activities, and improving coordination of services;
- and,
- o providing drug abuse information and training to youth service workers.

In addition to service projects, grants have also been awarded to promote local and statewide coordination of drug abuse prevention programs for runaway and homeless youth. These grant awards range from \$35,000 to \$200,000 annually. The Drug Abuse Prevention Program also supports technical

assistance in the field of drug abuse among runaway and homeless youth.

3. Youth Gang Drug Prevention Program

The Anti-Drug Abuse Act of 1988 also authorized a program for Drug Education and Prevention Relating to Youth Gangs. This program is also funded at approximately \$15 million for FY 1991.

The Youth Gang Drug Prevention Program authorizes discretionary grants to State and local, public and private agencies. The primary purposes of the Program are to prevent and reduce the participation of youth in gangs that engage in illicit drug-related activities. The Program supports efforts to:

- o Increase understanding of why youth become involved in gangs;
- o Assess effective measures for preventing further recruitment and involvement of at-risk youth in gang activities; and,
- o Develop successful, replicable models that help to prevent youth involvement in gangs and illegal drug activities.

The Youth Gang Drug Prevention Program is designed as a non-punitive, human service oriented response to this issue. During its first two years of implementation (FY 1989 and 1990), 84 grants were awarded to agencies and organizations to conduct research or to plan and implement youth gang prevention activities at the community level. Grant awards range from \$50,000 to \$1,000,000 annually.

The primary focus of the grant program has been to support 16 community-based consortia projects; which use a multi-

agency approach to provide comprehensive, coordinated services to youth at-risk of or involved in gangs. Grants have also been awarded to provide services to at-risk youth and their families; to create intervention and diversion projects that prevent youth involvement in gangs; to develop intervention strategies specifically for adolescent females at risk of youth gang involvement; and to conduct research to enhance our knowledge of youth gang dynamics.

Thank you for this opportunity to describe the programs for status offenders administered by the Family and Youth Services Bureau. I will be happy to answer any questions that the Subcommittee may have.

Senator KOHL. Thank you very much, Ms. Behrer.  
Dr. Kivlahan.

#### STATEMENT OF DR. COLEEN KIVLAHAN

Dr. KIVLAHAN. Thank you, Mr. Chairman. I am going to greatly shorten my remarks so we do have time to talk. I guess I am impressed today with two things. I have a long testimony, but one of them is the need—two actions, I guess, that we need to take at the national level. One of them is a comprehensive look at these kids who are already in trouble, and the second is prevention, and we haven't talked a lot today about prevention.

Just a word on my background. I have only been in my position at HRSA since January of this year. I was formerly medical director of Medicaid in the State of Missouri. I was also a maternal and child health director. I am a family physician. My clinical background includes 7 years of work at a local health department and the county jail, and I have also been the director for the last year of a network of physicians that I organized regarding sexual assault. There are 100 of us and we performed 2,000 sexual assault exams last year on children.

The remarkable thing is the reduction in the age of the kids we saw just over that 12-month period. Initially, the kids were coming in at 9 to 11 years old, the ages you think of of kids coming in for sexual assault. By the end of the year, the mean age was 3 to 4, so a marked reduction in kids. I consider that a good sign in that we were looking really at prevention activities in the community to talk much more about early identification of children at risk.

I will move right into the health problems of these kids, and I include homeless children and migrant children.

Senator KOHL. May I make a suggestion? I will be back in 15 minutes. I have to leave or I won't be able to vote.

Dr. KIVLAHAN. Absolutely.

Senator KOHL. But I would like to have a chance to hear your testimony and ask a few questions. Could I prevail on you to wait for as long as it takes me to run over there and come back?

Dr. KIVLAHAN. Absolutely; my pleasure. I would be happy to.

Senator KOHL. We will be adjourned for, I hope, no longer than 15 minutes.

[Recess.]

Senator KOHL. Dr. Kivlahan, if you wish, you can start.

Dr. KIVLAHAN. To pick up from where we left off, one of the most expensive problems in these kids is pregnancy. In 1988, a New York study found that 35 percent of homeless women were pregnant at the time of the survey, and another 26 percent had given birth within the last year. Thirty percent of all pregnant homeless females are teenagers. This is a lot higher proportion than the same socioeconomic status woman who is housed as opposed to homeless.

Other studies have found that homeless women, as compared to, again, housed women, even in housing projects, had four times the risk of receiving no prenatal care, three times the risk of low birth weight, and two times the risk of infant mortality, so much more expensive pregnancies.

Homeless adolescents are exposed to multiple hazards, like lead and asbestos and unsafe sleeping arrangements, in addition to their children who are then exposed to unsafe sleeping arrangements, suffocation, SIDS. They experience a lot of minor health problems, like infections of the respiratory tract and skin infections. Lice and scabies infestations are common, and anemia, malnutrition, and asthma.

Over 70 percent of homeless kids are heavy smokers, greater than a pack a day. Seventy percent of these kids, we have talked about, already have been physically abused before they ran away from home. They have immunization delays; they have increased rates of hospital admission and increased episodes of child abuse and neglect.

For a lot of these kids, trying to access routine preventive health care and family planning, let alone acute or emergent care, is almost impossible without Medicaid or other health insurance. Similar problems face kids living in migrant families, and I think we forget about migrant adolescents as part, really, of the homeless or truant population.

Most adolescent migrant children work daily, and these kids basically change secondary schools frequently, if they stay in school at all. The 1989 estimate of the average annual income of the migrant family of seven was \$6,000. So the health problems, then, basically are third-world health problems.

I spent some time in Africa, and the problems are very similar. These kids basically have unsafe sewage disposal, unsafe water supply, exposure to pesticides and other chemicals, inadequate nutrition and inadequate prenatal care. They are kids who are exposed to viral and bacterial infections with no treatment; lice and scabies, again; have a very high rate of tuberculosis, and are unable to maintain their Medicaid cards as they cross State lines.

Existing migrant health service centers serve only 20 percent of eligible families. For kids aged 15 to 19 who are migrants, pregnan-

cy is the number one presenting complaint for the females, and severe dental disease is the number one for men.

Incarcerated kids basically have multiple problems, and I again include the problems of homeless youth. They have multiple birth defects and developmental disabilities that should have been corrected years before. They have sexually transmitted diseases that I will talk about in a minute, HIV infection, hepatitis, drug addiction, learning disabilities, and especially severe depression. Adolescents in correctional facilities have twice the rate of gonorrhea as sexually active adults in their 20's. Syphilis is on the rise in adolescents.

One of the scariest things that I came across in preparing for this testimony was the AIDS rate in adolescents. Basically, it is extremely small. Adolescents aged 13 to 21 accounted for only 1 percent of the total AIDS cases in 1989. However, with the latency time of the virus being 5 to 7 years, you look at the next age breakout, which is 20 to 29 in national statistics, and now it moves up to 21 percent of the total cases. So what is basically happening is these kids are getting infected in adolescence, very low rates of evident infection, but then showing themselves in the 20 to 29 age group.

As compared with adults, adolescent AIDS victims acquire the disease primarily by heterosexual transmission. Again, one of those scary things—for adults, the male-to-female ratio for HIV infection is 15 to 1, but for adolescents it is .5 to 1. So there are more female adolescents than males with HIV infection. Adolescent girls primarily acquire their infection from intercourse with older men.

Basically, what I would like to do is describe very briefly what we are trying to do in the Public Health Service, and then a success story, I guess, which I think points to the issue of prevention.

We in the Public Health Service are very concerned about the problems of at-risk children and what we can do to alleviate them. In FIRSA, we support community health centers, migrant health centers, homeless health centers, national health service core sites and the physicians and nurse practitioners involved there, and maternal and child health programs.

One thing, however, that all of these kids have in common—the migrant kids, the incarcerated kids, the truants, the runaways—is the need for a family. And, again, the prevention piece is very critical. We can spend a lot of dollars in rehabilitating these kids, and I believe they are rehabilitatable, some of them; some of them, it is too late.

One of the most painful things as a health care provider is to walk in a room and know as soon as you walk in within 5 minutes that it is too late for this kid. When they ask you if the next foster home or the next place they are going to be they have breakfast there, you know that it is no longer in their brain what normal human behavior is; that is, having breakfast every morning and having an adult prepare that breakfast for the kid. So after 12 years of working with these kids, prevention is, in my opinion, the way we need to go.

Senator KOHL. What do you mean when you say too late?

Dr. KIVLAHAN. The lack of trust is so significant. Let me just describe the kid that I am thinking about who asked that question.



Kelly is a 12-year-old who presented to me after revealing an episode of sexual assault from her father to her school nurse. And on closer evaluation, basically, it had been very clear that starting at about age 5—she was 12 then—the sexual abuse occurred. Her father physically and sexually abused her.

She ran from that home and has subsequently, up until December, been in her fourth foster home. She has some dreams. She wants to grow up and be an actress and she wants a family, but I can tell, having watched her from February to December, that with every passing day she feels worse about herself, worse about her ability to find a family who wants her, and worse about any real options that she has in the long run.

I contrast her with Kathy, whom I met on Halloween Day in 1986, also age 12, brought from school with bruises pretty confluent from her shoulders to her knees. Her hair was pulled out in areas and her gums were pulled away from her teeth after an interaction with her mother while drunk, who had beaten her. This had occurred on multiple occasions.

When I walked in the exam room at 5 on Halloween, I was very anxious to go home and do trick-or-treat with my kids. She said I am sorry that I had to keep you late—again, one more example of that sense of I am not worth your time to evaluate me as a human being.

She was sexually abused in her first foster home after that interaction, and ran. She was subsequently in two institutions and four subsequent foster homes before she was recognized, again, by one of our clinic staff as salvageable, as a kid who really we needed to go after in some way that made sense.

A number of us got together and agreed to provide permanent foster care in one of our clinic staff's homes. An adoptive family was found about 4 months after that, and Kathy is now an A-B student with plans for college. When I saw her in December, her goal was to be a lawyer for kids.

Basically, somebody stopped that cycle and said enough; this is a salvageable kid. She wants out, she wants dreams; we need to figure out a way to make this work. Nobody has done that, however, for Kelly, and I assure you that Kathy, the second child, is the exception. There is just no comprehensive system of moving those kids out into real care that can be a long-term solution until some of that healing happens. And the later we get those kids, the less likely we are of really affecting what has happened in their souls by the time we try to be comprehensive about their care.

So I would plead with you to look heavily at the prevention end, and looking at both research and services for kids early on.

Thank you.

[The prepared statement of Dr. Kivlahan follows:]

STATEMENT

BY

COLEEN KIVLAHAN, M.D.

CHIEF MEDICAL OFFICER

HEALTH RESOURCES AND SERVICES ADMINISTRATION

DEPARTMENT OF HEALTH AND HUMAN SERVICES

BEFORE THE

SUBCOMMITTEE ON JUVENILE JUSTICE

COMMITTEE ON THE JUDICIARY

UNITED STATES SENATE

Wednesday, May 22, 1991

Mr. Chairman and members of the Subcommittee:

I am Dr. Coleen Kivlahan, Chief Medical Officer for the Health Resources and Services Administration (HRSA), an agency of the Public Health Service.

Prior to assuming my duties at HRSA, I was Medical Director of the Medicaid Program for the State of Missouri, and before that was the Medical Director of the State Maternal and Child Health Program. I am a family physician by training, and have authored several articles about the problems of abused children. My clinical background includes working for 7 years at a local health department and a county jail.

I appreciate the opportunity to discuss with you today some of the critical health problems of at-risk adolescents. I will begin with a discussion of some broad statistics. There are 40 million adolescents age 13-21 in the U.S. Most adolescents in the U.S. are very healthy. Of every 1 million born alive, only 358 die during adolescence. However, among adolescents, as among adults, death rates are higher for males than for females. Death rates for diseases and homicide are higher for black than for white adolescents. About 48 percent of the deaths of 12-14 year olds and 54 percent of deaths of older adolescents are from external causes. The single greatest threat is the motor vehicle, since it accounted for 27 percent of deaths in the younger age group and 40 percent of deaths in the older adolescent age group. The second major cause of death is homicide, and by age 17, more than two-thirds of homicide victims are killed with fire arms, mostly handguns. One million youths run away each year. Forty percent of runaway youths run from our institutions or foster care. Approximately 3 percent of children under 18 live away from their parents. In the 15-17 year old category, the number increases to 5.7 percent, with more females living away from their parents. More minority children live away than white children.

The particular focus of my remarks today will be on the high-risk adolescents. These include runaways, truants, homeless children, children in migrant families, children in foster care, and other special populations of at risk children. Although not all of these children will come in contact with the juvenile justice system, many of them will. All of them are at risk to become status offenders, runaways, abused, and neglected.

The problem of homelessness is closely related. The exact number of homeless

adolescents is not known. The United States General Accounting Office estimated in 1989 that there were 68,000 children under 16 who are members of families who are homeless; 25,000 were in urban shelters and hotels; 22,000 in suburban and rural area facilities; 4,000 in churches; 9,000 in abandoned buildings, cars or public places; and 8,000 in other settings. Another 186,000 children and youth were precariously housed. These figures do not include homeless runaway children. The health care problems of the homeless are accentuated with regard to children. We all know that families with children are the fastest growing subgroup among the homeless. This includes pregnant women and pregnant adolescents. A 1988 New York City study found that 35 percent of homeless women were pregnant at the time of the study and that an additional 26 percent had given birth within the last year. Thirty percent of all pregnant homeless females were teenagers. This is a much higher proportion than for low socioeconomic status women who are housed. Other studies have found that homeless women, as compared to women who live in housing projects, had 2.5 to 4.1 times the risk of receiving no prenatal care, 1.5 to 3 times the risk for low birth weight infants, and 2 times the infant mortality. Homeless adolescents are exposed to multiple hazards including lead and asbestos hazards and unsafe sleeping arrangements. They experience excess numbers of common health problems including minor infections of the respiratory tract and skin, injuries, lice and scabies infestations, anemia, malnutrition, and asthma. Over 70 percent of homeless teenagers are heavy smokers. Seventy percent have been physically abused at home before they ran away from home. They have immunization delays, increased rates of hospital admission, and increased episodes of child abuse and neglect. For these children, trying to access routine health care, family planning, or even acute, emergent care, without Medicaid or other health insurance is virtually impossible.

Similar problems face the children living in migrant families. Migrant families typically travel in the spring from the south (primarily Texas, Florida, and California) to farm regions throughout the Country. Most adolescent family members work daily. Adolescents in migrant families change secondary schools frequently, if they stay in school at all. A 1989 estimate of the average annual income for a migrant family of seven was \$6,000-\$7,000. The health problems of migrant children are a result of both poverty and poor living conditions. Many children are exposed to substandard sewage disposal, unsafe water supply, exposure to pesticides and other chemicals, inadequate nutrition, and inadequate prenatal care for pregnant adolescents. The

children are frequently exposed to viral and bacterial infections without treatment, lice and scabies infestation, have a higher than average rate of tuberculosis, and are unable to maintain their Medicaid cards as they cross State lines. Migrant health centers are serving only 20 percent of eligible families. For children age 15-19, pregnancy is the most frequent presenting health condition for females and serious dental disease is #1 for males. Their health problems are typical of those in the Third World - malnutrition, infectious and parasitic diseases.

I have described many health problems of these at-risk children, but for some the problems are even worse. Over 1/2 million children and adolescents are housed in juvenile and adult correctional facilities in the U.S. These children are often from chaotic family backgrounds, lacking roots, and a sense of belonging. Health care has been, by necessity, low on their list of priorities for a long time. These children have failed in school, are alienated and angry, and highly stressed. The common track for these children is from detention, to residential treatment, to jails and prisons.

They have birth defects and developmental disabilities that should have been corrected years ago. They drop out of school before the mandatory health education classes begin in late junior high school and know very little about their own bodies. Most health care providers for this population do not utilize Medicaid (even with the recent Early and Periodic Screening, Diagnosis and Treatment enhancements) as a source of reimbursement because of lack of reciprocity from neighboring States, the absence of addresses or even identification for many of these children and the inability of many youth to obtain Medicaid when incarcerated in State facilities.

These children in correctional facilities present with sexually transmitted diseases, HIV infection, hepatitis, drug addiction, learning disabilities and mental illness, especially depression.

Adolescents in correctional facilities have twice the rate of gonorrhea found in sexually active adults in their 20's. Syphilis is on the rise in adolescents. Adolescents age 13-21 account for only 1 percent of the total reported AIDS cases (1989). However, the mean latency time from viral infection to time of illness is 5-7 years. Thus, most infected adolescents would not become ill until they are young adults. The percent of reported cases in people age 20-29 years rises to 21 percent of total cases.

As compared with adults, adolescent AIDS victims acquire the disease primarily by heterosexual transmission, are more likely to be asymptomatic, more likely to be black and Hispanic, have cognitive differences in processing information, different coping styles, little family or community support, less likely to use contraception even after diagnosis, and have little or no health insurance. Although for adults, the male:female ratio is 15:1, for adolescents, this falls to 0.5:1! Adolescent girls' acquire their infection from intercourse with older men.

When we think about intervening in the health problems of adolescents, it is important to remember that the concerns of primary focus to health care professionals are low level issues for adolescents. Primary adolescent concerns include their own stress and anxiety, relationships both with adults and peers, their weight, acne, and feeling depressed. This can translate into somatic concerns which include headaches, stomach aches, fatigue, drop out behavior, and depression. While adolescents indicate that their concerns are primary social and psychological in nature, they are very reluctant to seek health services for problems they do not consider to be physical in nature, despite the fact that they indicate that they would like help with these problems. It is thus important to not over-medicalize the problems of adolescents. However, for these at risk populations, we have an opportunity, when they enter the health care system, to treat those health problems from which they are suffering, to take the opportunity to talk about preventive health behaviors, and to help them become connected to systems that can help with social and psychological needs.

Mr. Chairman, we in the Public Health Service are very concerned about the problems of at-risk children, and are doing what we can to alleviate these problems. In my own agency, for example, we support community health centers, migrant health centers, homeless health care centers, National Health Service Corps sites, and programs funded by the maternal and child health program, all of which treat many of the adolescents we have been discussing today.

Clearly, these adolescents suffer from severe health-related problems, and we must do what we can to assist them, through both public and private efforts and the Federal, State, and local levels. One thing all of these children have in common is the need for a family. As Secretary Louis Sullivan has put it, our ultimate goal should be "a Nation where babies will be more likely to be born healthy, where children will be nurtured,

where adolescents will be guided and cared for, and where our young people will be prepared for adulthood by giving them love, discipline, challenge, and responsibility."

Thank you for the opportunity to testify today. I will be pleased to answer any questions you may have.

Senator KOHL. Carol Behrer, everyone interested in adolescents, including, of course, this subcommittee, wants to know why the newly formed Administration on Children and Families in HHS left out the word "youth." What was the thinking on that?

Ms. BEHRER. I don't believe that we should read anything into that in terms of there being less of an emphasis on youth. There is statutorily created now, by the Young Americans Act, the Administration on Children, Youth and Families which continues to exist as part of the Administration for Children and Families. I think that an effort to avoid confusion was probably one of the reasons that "youth" does not appear in the umbrella agency's name.

I am confident that youth will continue to receive high priority, and, in fact, youth issues will have a higher profile within the Department now with the combination of the Family Support Administration and the Office of Human Development Services under this new umbrella agency.

Senator KOHL. How will the reorganization affect how the Family and Youth Services Bureau administers the Runaway and Homeless Youth Act?

Ms. BEHRER. We do not anticipate any changes at all in how we administer this program. Certainly, the new Assistant Secretary, Jo Anne Barnhart, is very committed to ensuring that there is no disruption in programs and the delivery of services, and I am confident that that will be the case.

Senator KOHL. Thank you. Dr. Kivlahan, right now runaway shelters have to bargain and beg for health services for their clients. Do you see us moving from such a patchwork system to comprehensive health services for these kids, and should this be a goal?

Dr. KIVLAHAN. I think the model you describe is the model of the community health center and the model of the primary care homeless shelter health center. We have a new cooperative agreement with ACF through HRSA, through the Bureau of Health Care Delivery and Assistance, in fact, to look at linking their programs with our programs so those kids do get more continuity of care between the shelters and neighboring health centers.

Senator KOHL. All right. Any other comments or thoughts you would like to express?

[No response.]

Senator KOHL. Ms. Behrer and Dr. Kivlahan, I very much appreciate your being here this morning and this afternoon.

Dr. KIVLAHAN. Thank you for the opportunity.

Senator KOHL. You have been very patient with us and added a lot to the hearing. So thank you so much. We appreciate your coming.

Dr. KIVLAHAN. Thanks for having us.

Senator KOHL. Before I adjourn the hearing, I would like to enter the entire letter of Angela's mother and the article from the Washington Post into the record.

[The documents referred to follow:]



STATEMENT OF JOANNE SCEPANSKI  
OF MILWAUKEE, WISCONSIN  
MAY 22, 1991

Chairman Kohl and Members of the Subcommittee, as you listen to my daughter speak today, I would like you to have an understanding from still another perspective. As Angela's mother, I would like you to be aware of what a parent goes through during trying times. In our situation, it took me three days of investigation to finally find out that it was possible to have the police pick up my daughter and place her at Walker's Point of Milwaukee, Wisconsin, rather than having her detained at the Children's Detention Center, thus putting us in the court system which is already backlogged.

With our situation being conflicts in the family as compared to others involved in abuse and/or criminal actions, I'm sure you would agree that the detention/court system would be far from the correct route to take.

I myself am personally grateful for places and programs offered to us such as Walker's Point. Knowing that my daughter is safe and warm is a great peace of mind, and adding the counseling program gives tremendous hope for working out the problems and reuniting as yet a stronger family.

If I could take a few moments of your time, I would like you to reflect on the system as it worked years ago. I myself was a runaway of sorts. Back in November 1972, at the age of 15, I reached a decision on my life and my future. I grew up in a large, dysfunctional family (eight children), and I was the fifth oldest.

My father was physically abusive and had absolutely no problem giving beatings to all of us, including my mother. After my 15th birthday, it only made sense to me to get out as soon as possible. Things would never change.

One morning I got up for school, left the house and decided that I would never return again, being on the run would be better than home. However, I found myself faced with the streets and how I could keep safe. At that period of time, young people, mostly girls like myself were showing up dead, and this was something that I didn't want to happen to me.

The solution was to turn to the police. They would help me. Since they had several reports of domestic violence and abuse on our household already, they would know what to do and believe me, they did. The outcome was they locked me in the Children's Detention Center and washed their hands of the situation. I now found myself in the court system as the bad child behind bars. After three weeks and four days, I finally got a judge that ordered me out of Detention and placed in Children's Home, awaiting a foster home opening.

Finally I felt I was getting somewhere, someone would listen to me, but no one told me that it would last only one year. At the end of one year, I was put back in front of a judge and told it was time to go home and try it again! Again I found myself in a panic. Now I was 16 years old and being told to go home and get beat even worse because of what I had put them (my parents) through. I knew that would happen because everyone at home was still being abused!

It was at that time that my boyfriend of almost 4 years who had just turned 19 years old said we should just get married and get away from the whole situation of my parents, foster homes, and the court system. My parents agreed that they would "wash their hands of me" and sign for us to marry. They said I could learn a good lesson by suffering through when it wouldn't work out.

For me, March 29th holds more than just the name "anniversary," as it was the day my life changed completely. My husband and I are married over 17 years now, and although we've had rough times like most, we have worked through them and are very happy with our life together. We still, to this day, do not have anything to do with my parents and do not wish to subject our children to the abusive behavior which still exists in that household.

In closing, I would like you to think about the number of children that would go through what I did if not for places like Walker's Point. Happy endings are possible when the proper help is available.

(From the Washington Post, May 17, 1991)



BY BOB CEASAR FOR THE WASHINGTON POST

Nancy Cooksy took in LaFonda Brown, 17, when she needed a home.

## Once Homeless, Student Finds Path to Success

By Patrice Gaines-Carter  
Washington Post Staff Writer

She never knew her father. At 15, she says, she and her mother fought and she had to leave home. At that moment, LaFonda Brown had only the clothes she was wearing, about \$7 and a sense that somehow, life would get better someday.

Next month, Brown graduates from the District's Eastern High School with a 3.0 average and a \$10,000 college scholarship, and she still holds down two part-time jobs. In August, she will head to St. Augustine College in Raleigh, N.C., where she will major in mass communications and work toward her

dream of becoming a White House correspondent for television.

In a city that has all too many stories of failure, LaFonda Brown offers an amazing story of success.

"She's definitely got perseverance," said Lang Brown, who is no relation but who came to know LaFonda at Sasha Bruce, a center for homeless youths where he is a program director and where LaFonda came to live. "She had a lot of self-confidence. She felt she could do something, and a lot of youths don't have that self-esteem."

Those who have taught her, See STUDENT, A18, Col. 1

A18 FRIDAY, MAY 17, 1991 ...

## Hard Work Pays Off For Student

STUDENT, From A1

worked with her and lived with her say that what separates her from the dropouts and the drug users is a resolve to get past her circumstances. Although she was not a child of poverty, her early years were not always happy years, she said.

"Childhood is supposed to be the most important part of life," LaFonda Brown wrote on her successful application for a scholarship sponsored by Project Excellence, which honors black high school seniors. "My childhood wasn't, and it isn't for many others. There are so many precious creatures who are lost. I was almost among those statistics."

Of her father, Brown said yesterday: "I remember meeting him once when I was 6. I had some phone calls and that's just about it. After a period it didn't bother me. My mother was serving as both parents, and it was common to have just a mother."

Although she now has a strained relationship with her mother, she said: "I give my mother credit for all of the things I am because I was with her 15 years before I branched out on my own. She raised my sister and me alone."

Brown, who is 17, said her problems at home started after her mother remarried and the family, which included an older sister and baby brother, lived in a one-bedroom apartment in Northwest Washington. After a major argument, she said, her mother eventually asked her to leave.

Her mother could not be reached yesterday.

"I stayed almost anywhere, with anybody that would take me—from relatives to friends," Brown said. "At first, I would call people and say I left my keys and was locked out of my house and ask if I could stay for the night. I wouldn't come out and say what was wrong."

"I didn't have any clothes to wear except what I could borrow from friends. I cried a lot."

Although she found a job at McDonald's to provide spending

money, it wasn't enough for clothes and transportation and so, for four months, she missed her 10th-grade classes, at Woodrow Wilson High School. Then she heard about Sasha Bruce.

For a year, she lived in an apartment owned by the Sasha Bruce Youthwork Independent Living Program, which provides housing and life skills for homeless youths.

"When she came here she was already working and she wanted us to transfer her to Eastern High School since it's much closer to us," Lang Brown said. "The only problem she had was budgeting, which isn't unusual."

"She was instrumental in helping other young people. Now, she wasn't perfect. She missed a few curfews and got some restrictions. She cried and boo-hoed. But she came through it all, I think, because she was determined."

Sasha Bruce allows youths to stay for only a year, so LaFonda Brown had to find a new home in January. She moved in with Nancy Cooksy, a 59-year-old science teacher at Eastern who happened to have an extra bedroom.

"I would have taken anyone [in Brown's situation], but I got lucky," said Cooksy, the mother of four adult children. "It's been fun. I see in LaFonda a tremendous personal presence, the way that she projects herself. She's always receptive to new ideas and she analyzes things. She's a normal teenager too."

She gets up at 6 a.m. so she can ride to school with Cooksy, who has an early class. Before her own classes, she does her homework. At 3 p.m., when school ends, she goes to her first part-time job, tutoring students at Eliot Junior High School, just around the corner from Eastern.

By 7 p.m., she's at her second job as a clerk at a downtown arcade. She works until 10 p.m., she said, then heads home to Northwest Washington, where she arrives shortly before midnight.

At the Golden Dome, the arcade where she has worked for two years, manager Robert Ealy called her "an asset. She's a very intelligent young lady, strong-willed, a leader and aggressive. She's also very helpful. Because of her own situation, she tries to help anyone who would come in here that she thought might need her help."

"No matter what happens," Brown said, "there are people who have worse problems than you have. Just deal with it. Whatever you do, stay positive."

Senator KOHL. Thank you all for coming, and this hearing is adjourned. Thank you.

[Whereupon, at 1:30 p.m., the subcommittee was adjourned.]

## APPENDIX

ADDITIONAL SUBMISSIONS FOR THE RECORD

### NATIONAL COALITION OF STATE JUVENILE JUSTICE ADVISORY GROUPS

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**Vicki Nelberg**  
Michigan  
Chair

May 29, 1991

**Robert M. Hunter**  
Colorado  
Immediate Past Chair

**Susan Morris**  
Oklahoma  
Chair Elect

The Honorable Herbert Kohl  
United States Senate  
Subcommittee on Juvenile  
Justice  
305 Senate Hart Building  
Washington, DC 20510

**J.C. Cole**  
Georgia  
Vice Chair, Secretary

**Bernardine Hall**  
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**Doreitha Madden**  
New Jersey  
Northeast Regional Chair

**Judy Bredesen**  
Minnesota  
Midwest Regional Chair

**Donna Roberts**  
Tennessee  
Southern Regional Chair

Dear Senator Kohl:

Enclosed please find the testimony of the National Coalition of State Juvenile Justice Advisory Groups which is being submitted regarding your May 22, 1991, Subcommittee hearing on status offenders.

Please feel free to contact me if you have any further questions.

Sincerely,

*Vicki Barbara Evans Nelberg*  
Vicki Barbara Evans Nelberg  
Chairperson

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**Robert J. Baughman**  
Executive Director

TESTIMONY OF THE NATIONAL COALITION  
OF STATE JUVENILE JUSTICE ADVISORY GROUPS

BEFORE  
THE SENATE COMMITTEE ON THE JUDICIARY  
SUBCOMMITTEE ON JUVENILE JUSTICE

Submitted by  
Vicki Barbara Evans Neilberg  
Chairperson

May 22, 1991

Chairman Kohl and members of the Subcommittee on Juvenile Justice, it is with great pleasure that I submit this testimony on behalf of the National Coalition of State Juvenile Justice Advisory Groups ("National Coalition") concerning status offenders. However, before I begin, I would like to take this opportunity to say just how pleased the National Coalition is with the creation of your Committee, and how glad we are that you are actively and aggressively addressing issues in juvenile justice.

"Over the past sixteen years -- through times that were supportive and periods that threatened our very existence -- the state advisory groups have never wavered in our commitment to effective juvenile justice policy. With our eyes ever on the prize of securing true justice for juveniles, we have worked unceasingly in the state and local trenches to bring about the removal of children from adult jails, and to secure the release of status offenders from inappropriate and unduly restrictive institutions.

"One of the primary purposes of the Juvenile Justice and Delinquency Prevention Act was the removal of all non-criminal offenders from secure detention and correctional facilities in favor of referral to community-based services. Yet, we are reminded that our nation still falls far short of a meaningful commitment to the welfare of its children. This lack of a real commitment persists in most social policy areas. Whether in the area of juvenile justice, education, health, or mental health, the needed resources have not been brought to bear on the problems that persist.

"The sad result is that everywhere our children are in trouble. They live in poverty, abuse, and ignorance. They use alcohol and drugs, drop out of school, and join gangs in search of themselves and a modicum of self-worth and power. Often reared in violence and frequently victims of that violence, many of America's youth never experience an environment that encourages law-abiding, socially-approved behavior. Instead, they learn from their everyday world

that it is acceptable, even encouraged, to break the law, act out in violence, and refuse personal responsibility for their action.

"What is our nation's general response to juveniles who are 'out of control'? Too often it is simply to get tough -- to mete out even harsher sanctions in the belief that juvenile offenders can be punished or coerced into peaceful, productive lives. Thus, we sometimes unwittingly contribute to the cycle of abuse and degradation in our institutions and our systems. The state advisory groups and the National Coalition disagree respectfully and sincerely with this crudely punitive and often simplistic approach. Neither juveniles nor society are served well by a juvenile justice policy that is primarily reactive and simply punitive. It is not enough to get tough; we must get smart. It is time to forge a juvenile justice policy based on knowledge rather than political expediency and one that is consistent with the high ideals embedded in the 1974 legislation. We must act rationally, practically, and compassionately to do what is best for our children."<sup>1</sup>

Providing adequate social services is a vital ingredient in the implementation of the Act's mandates, whether we are discussing status offenders, non-offenders or delinquents, since the juvenile justice system by itself is an ill-equipped, inadequate, and expensive method of solving children's problems. Therefore, even though today's hearing is focusing on the lack of social services available to the status offender, it is the hope of the National Coalition that the Subcommittee address this issue from a broad context which encompasses both the juvenile justice and social service perspectives since they go hand-in-hand.

At this point, I would like to give an overview of the deinstitutionalization of status offender ("DSO") mandate under the Act, and provide some vital statistics which will help explain why the DSO mandate is so important. "Historically, states lumped both status offenders and delinquents into a single category and processed them similarly through the juvenile courts. This meant that judges were adjudicating juvenile delinquents regardless of whether they were run-aways or rapists, truants or thieves, incorrigibles or murderers. As a result, status offenders and juvenile delinquents were housed in the same secure detention or correctional facilities. However, once the

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<sup>1</sup> "Looking Back to the Future", 1990 Annual Report of the National Coalition of State Juvenile Justice Advisory Groups.



DSO mandate was in force, states were required to remove all non-criminal juvenile offenders from secure detention and correctional facilities to community-based services, and states were encouraged to treat status offenders differently from delinquents by making monies available to create community-based treatment, diversion, and delinquency prevention programs."<sup>2</sup>

Despite the DSO mandate, statistics from the Office of Juvenile Justice and Delinquency Prevention reveal the following: that as of 1988, 9,741 status offenders and non-offenders were held in secure facilities; 18,417 juveniles were held in regular contact with incarcerated adults, and 42,537 juveniles were held in adult jails and lockups.<sup>3</sup> On any given day in 1982, 1,729 juveniles were held in adult jails, while in 1988, there were 1,451 on any given day. In 1982, children who were in contact with adult offenders in adult institutions numbered 84,130; by 1988, the separation initiative had reduced that number to 18,417. Progress clearly has been made, but there is still far to go.<sup>4</sup>

Although we are encouraged by the large number of status offenders and non-offenders who are no longer housed in juvenile correctional institutions, there is a growing concern that some juveniles are being shifted to equally restrictive drug treatment or mental health programs; some describe this phenomenon as the process of "relabeling," or the "medicalization of deviance," or "transinstitutionalization".

"Admissions to private, adolescent, psychiatric hospitals have increased substantially over the years. Admissions of adolescents to member hospitals of the American Association of Private Psychiatric Hospitals more than doubled in the five years between 1980 and 1985. The relocation of status offenders and other "incorrigibles"

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<sup>2</sup> Id.

<sup>3</sup> See 1988 Summary of State Compliance with Section 223(a)(12), (13) and (14) of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, published by the Office of Juvenile Justice and Delinquency Prevention, State Relations and Assistance Division.

<sup>4</sup> "Looking Back to the Future", 1990 Annual Report of the National Coalition of State Juvenile Justice Advisory Groups.

appears to account for a dramatic increase in juvenile psychiatric placements. Furthermore, realizing that juvenile psychiatric detention is a lucrative business, private hospitals successfully employ advertising campaigns to create a large consumer market among middle class parents frustrated and concerned about their children's difficult behavior; behavior, by the way, which in many cases may be quite typical for the average adolescent. Third-party payers (insurance) pay the bill.

"There is also reason to suspect that it is primarily youth from white, middle class America who are placed in private hospitals. Minority youth still occupy a substantially disproportionate number of beds and cells in our nation's public correctional institutions and are virtually nonexistent in most private hospitals. We are offended by the apparent inequity that denies one race adequate psychiatric help and creates a prison of it for another.

"There is little doubt that some adolescents require institutional placement. But behind the facades of swimming pools, tennis courts, and green lawns, private psychiatric facilities are often similar to correctional facilities, including the use of isolation rooms, mechanical restraints, and punitive behavior modification programs. But institutionalization, regardless of the label under which it takes place, is an extreme and potentially harmful option which must be used with caution only after other less restrictive and less intrusive treatment alternatives are exhausted.

"Unfortunately, however, there aren't many alternative services. Community-based programs that were supposed to take the place of secure facilities when status offenders were deinstitutionalized have been slow to materialize. Private for-profit psychiatric hospitals have moved quickly into the void, diverting many youth into the mental health system and confining them in psychiatric instead of correctional institutions."<sup>5</sup>

Judges, law enforcement, and the community need viable alternatives to address the social service needs of status offenders. These alternatives must include group homes which provide independent living, community mental health centers, and other facilities designed exclusively for juveniles. Additionally, juveniles with educational,

<sup>5</sup> "Looking Back to the Future", 1990 Annual Report of the National Coalition of State Juvenile Justice Advisory Groups.

educational and psychological programs, plus housing, nutritional, and medical alternatives. Community-based organizations such as churches, schools, and local recreational institutions (e.g. YMCA/YWCA's, Jewish centers, boys/girls clubs) can play a vital role in this effort by providing mentors, tutors, support groups, and crisis intervention for youth and their families. Services could help juveniles develop coping, processing and living skills, and could provide educational programs and short-term counseling for kids and their families who are going through trauma.

For juveniles who do need rehabilitation and mental health facilities, the facilities should not only be readily available, but also located in their communities so that they can continue to stay in contact with their families. Oftentimes, these types of resources are not available in their communities.

If we are to provide services to status offenders, we will need the full support of the federal government through funding and resources. The results will be worth it. Juveniles will acquire the skills which are needed to become productive members of society; communities will have ongoing, comprehensive programs for individuals within their families, and law enforcement and the juvenile justice system resources will be released for children needing more rehabilitation services in addition to social services.

We must also be aware of those types of alternatives that do not work. These include electronic monitoring, intensive probation, evening report, and home detention. These alternatives simply do not meet the needs of status offenders nor teach them cognitive skills, social skills, job skills, educational skills, or any other skill necessary for life.

Lastly, law enforcement agencies and the courts should not continue to be the only institutions that can "order" social services to meet children's needs or solve the developmental problems of our youth when there are no available alternatives. This only clogs the court and law enforcement systems which are not equipped to handle these issues. We simply must develop viable community-based services which can help children and their families, regardless of kinship, find housing, food, jobs, and cope with the realities and stresses of today's world. For those children who have no one and who are too old to be in foster care and too young to survive on their own, independent alternative living arrangements must be made available in every area of this country.

Our children are in crisis. They have been neglected and abused. There are no support services. Wherever a parent, a teacher, clergy, a neighbor, or a government employee reaches out, they do it alone. There is no coherent focus or dedication towards our young. Denunciations of the courts, law enforcement, families, schools, or children will be of no avail. A vow for action and change are necessary. Through our neglect, we are killing our children and our nation's future. We know what needs to be done. Intervention programs, support systems, and meeting life's needs must be promulgated. Blaming the victim isn't productive.

Thank you again for providing the National Coalition with the opportunity to share our views. We look forward to working with the Subcommittee in the future on the reauthorization of the Juvenile Justice and Delinquency Prevention Act and other issues vital to our youth.

**YOUTH DEVELOPMENT, INC.**

July 1, 1991

The Honorable Senator Kohl  
U.S. States Senator  
330 Hart Senate Office Building  
Washington, D.C. 20510

Dear Senator Kohl:

The purpose of this correspondence is to again express our appreciation for your invitation to testify before the Senate Subcommittee on Juvenile Justice. Not only was it a great pleasure to testify, but also an honor for both Tomas and myself to personally meet you.

I would like to clarify a couple of points in regards to my testimony.

1. Your questions about the number of females versus males served, my response was incorrect.

The correct response should have been approximately 58% of our clientele are males and 42% are females. The reason for my incorrect response was, first of all I was nervous; and secondly, I misinterpreted your questions - as to female, male staff composition of Youth Development, Inc. which is 52% female, 48% male.


2. My testimony included the fact that minorities comprise 85% of youth involved in the Juvenile Justice System. Of this 85%, approximately 70% are Hispanic, the balance of the 85% consists of primarily Black and Native Americans. When our program was implemented approximately 20 years ago, the Hispanic percentage was at about 80% to 85%. When you apply these percentages to actual numbers of youth (because of the large Hispanic population in New Mexico) there is no doubt that our program has made a substantial difference in minimizing the number of Hispanic youth in the Juvenile Justice System.

Senator Kohl, again I would like to commend you on your most important work and should you need any assistance in your endeavors, please do not hesitate to call upon us at your convenience. Additionally, I would also like to commend you on your most excellent staff, especially Ms. Marshal Renwanz.

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On behalf of Youth Development, Inc., Muchas Gracias and May God Bless you.

Sincerely,



Mr. Rudy J. Chavez  
Assistance Executive Director

RJC:jm

cc: Marshal Renwanz



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