

SERVICES
FOR
CHILDREN IN TROUBLE
MONTGOMERY COUNTY, ALABAMA

A SURVEY
BY
THE COORDINATING COMMITTEE ON CRIMINAL JUSTICE
OF
THE COMMUNITY COUNCIL
OF THE
MONTGOMERY AREA UNITED APPEAL

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INTRODUCTION

The 1975 edition of SERVICES FOR CHILDREN IN TROUBLE represents a continuing concerned interest by Montgomery citizens and social service agencies in preventing juvenile delinquency and in promoting rehabilitation of adjudicated juvenile delinquents. In 1957, a group of citizens and community agencies disturbed by the growth of delinquency requested the Montgomery Community Council, a branch of the United Community Services, to sponsor a study of children in trouble. When the study was published in November, 1957, it advocated an objective and detailed study of juvenile delinquency and the services offered by various community and governmental agencies to help youths extricate themselves from delinquency. The National Probation and Parole Association was selected to conduct the study which was published in 1959. After describing the agencies and procedures which comprise the juvenile justice system in Montgomery - law enforcement, the court, probation services, detention and related services - the study declared its recommendations. Many of these recommendations have been nurtured to fruition by the Montgomery community.

In 1974, the Coordinating Committee on Criminal Justice, a subcommittee of the Community Council, the social planning division of the United Appeal, determined that a review of the 1959 recommendations and analysis of their implementation was necessary. Not only would a new study measure progress, it also would indicate new problems and needs and spawn new recommendations to improve prevention and rehabilitation services.

The Coordinating Committee on Criminal Justice developed the present study by forming a subcommittee which investigated the various services for children in trouble. Information was gathered generally by interviewing those persons responsible for delivering the various services to pre-delinquent, alleged delinquent, and adjudicated delinquent youths. The dedicated and concerned cooperation of these individuals who are involved daily in assisting juveniles enabled the Committee to produce this report.

Composed of five chapters, each of which pertain to major elements of the juvenile justice system in Montgomery, the report is organized by stating each 1959 recommendation and by analyzing its implementation. Evolving from this analysis are descriptions of 1975 conditions and 1975 recommendations to enhance assistance to children in trouble. Since 1959, new areas of concern have emerged which pertain to the conditions of juvenile delinquency. In each chapter treatment of new issues follows the analysis of 1959 Recommendations and statements of 1975 Recommendations.

According to the last census in 1970, the population of Montgomery County is 167,790, of which 32,178 are youths between the ages of ten and eighteen years and 25,902 are youths between the ages of ten and sixteen years.

The purpose of this report is to inform the community of services available for children in trouble and to recommend some ways in which juvenile delinquency can be prevented.

Neglect of children in trouble and in need produces misfits, drifters, welfare cases, delinquents and criminals. The result is a tremendous financial drain on our nation and a tragic squandering of human potential.¹

Our greatest need is not buildings, organized recreation, more professionals, or additional institutions: we must provide community based prevention programs and responsive citizen volunteers. Almost always a community trying to help children in trouble has the strong leadership of a local judge. In other cases, a local philanthropist, minister, civic club or group of dedicated individuals provide the leadership. The answer will come only through concerned, active, compassionate citizen support.²

¹ Children in Trouble, Report of Forum 23, White House Conference on Children, 1970, p. 377.

² Ibid, p. 379.

CHAPTER I
LAW ENFORCEMENT

The initial component of the juvenile justice system, law enforcement, is also the component most accessible and visible to the public. Because of this public character, law enforcement generally can influence youths by projecting an image of firm friendliness and helpfulness. Specifically, for youths with behavior problems, law enforcement can be the agent which works with youths to prevent problems from developing into delinquency.

In Montgomery, two forces embody law enforcement: The Montgomery County Sheriff's Department and the City of Montgomery Police Department. For youths who live within the police jurisdiction of Montgomery, the Youth Aid Division of the Police Department not only is responsible for the traditional aspects of law enforcement, but also is responsible for services which attempt to prevent delinquency and encourage law-abiding behavior.

In 1974, 3,655 juveniles were handled by the Youth Aid Division. Of these, 1,749 were informally charged; that is, they were considered pre-delinquent and were warned and released. Hopefully, for these youths, law enforcement acted as a preventative agent, directing the juveniles from penetration into the system.

There were 1,906 juveniles who were formally charged. They were referred to the juvenile court probation staff which in turn often referred them to other agencies.

Of the offenses committed by juveniles in 1974, stealing, runaways and behavior problems at home or school were the major reasons for the juvenile's contact with the law.

In 1959, the Youth Aid Division had not yet been established. The National Probation and Parole Association offered the following recommendations for law enforcement and its relation to juveniles in trouble.

I. 1959 Recommendation: That a specialized juvenile bureau be established as a part of the Montgomery Police Department.

In January 1960, the Youth Aid Division of the Montgomery Police Department was established. As its title implies, this division endeavors to assist youths who have or may become involved in delinquent activity. By providing services which encourage cooperation and mutual respect between youths and police, the Youth Aid Division emphasizes prevention of delinquency, intervention and deterrence from institutionalization and the early detection of problems which could lead to delinquency.

The Youth Aid Division is directed by an Assistant Chief of Police and is comprised of four bureaus, each of which approaches youths and juvenile delinquency from different perspectives. Youth Aid or the Enforcement Bureau is

responsible for fulfillment of the traditional police functions of delinquency detection, apprehension and investigation. The Enforcement Bureau also investigates adults who are accused of committing crimes against juveniles.

The School Relations Bureau (SRB) was formed in 1970 to assist both school officials and students with behavior problems and offenses occurring on public school property. The goal of the SRB officers is to establish with students friendly and respectful relations which will deter youths from delinquent activities and promote law-abiding behavior. The SRB officers are available on school premises to counsel students about problems encountered in school and at home and to intervene in crisis situations. Cooperating with faculty and administrators, the SRB officers attend conferences held periodically to share general information, to dispel rumors and to discuss ways in which to solve problems.

The SRB officers also work closely with the juvenile probation officers of Juvenile Court to provide services to juveniles under supervision. Referrals to other appropriate community resources are made by the SRB officers in their endeavor to assist students.

The forty-nine city public schools, which are attended by approximately 36,000 students, are divided into seven districts. A team of two SRB officers is assigned to each district and uses the high school as "home base" while working with the junior high and elementary schools in the corresponding district. To encourage uninhibited communications between officers and students, the following recommendation is offered.

1. 1975 RECOMMENDATION: THAT EACH SCHOOL TEAM OF THE SCHOOL RELATIONS BUREAU BE COMPOSED OF A MALE AND FEMALE OFFICER, ONE OF WHOM IS A BLACK OFFICER.

Each high school has an organized Law Enforcement Club to encourage law abiding behavior in students and to cope with any specific problems at the school. Other projects include sponsorship of community projects and of Citizen Clubs at neighboring elementary schools. These clubs enable younger students personally to know and see police officers involved in improving their school life.

2. 1975 RECOMMENDATION: THAT THERE BE REGULAR PROGRAMS IN THE ELEMENTARY SCHOOLS SPECIFICALLY DESIGNED TO IMPROVE THE IMAGE OF THE POLICE OFFICER AND TO INSTILL VALUES OF HONESTY AND CITIZEN RESPONSIBILITY AT AN EARLY AGE, WITH SPECIAL EMPHASIS ON SPECIFIC PENALTIES FOR MINOR INFRACTIONS OF THE LAW.

According to department policy, all police officers, on and off duty, carry guns as a safety precaution. This practice is prompted by the philosophy that an officer always be prepared to enforce the law.

However, the necessity of arming officers while they work on school premises is respectfully questioned, particularly when the display of guns might arouse suspicion, distrust or hostility. If only for re-evaluation of this practice, the following recommendation is made.

3. 1975 RECOMMENDATION: THAT NO WEAPONS BE DISPLAYED BY POLICE PLACED IN SCHOOLS BY THE YOUTH AID DIVISION.

The Safety Education Bureau serves a double purpose: 1) it trains young children in traffic control and responsibility and 2) it builds trust, through its programs, between law enforcement personnel and the 403 Traffic Police boys and 171 Traffic Police girls.

The Safety Education Bureau also sponsors two summer camp programs and a drill team of sixth graders. These activities help to project a positive and friendly image of law enforcement to elementary school children.

Responding to a need expressed in an earlier survey, the Safety Education Bureau operates a Traffic School for juvenile traffic offenders.

The Community Relations Bureau was created by a city ordinance in 1969 and was placed initially under the Commissioner of Public Affairs. In 1970, it was placed under the direction of the Chief of Police, and finally in 1973, it was brought under the auspices of the Youth Aid Division and staffed with 4 officers and a secretary. Originally, no particular program was designed, but fact-finding trips to other cities were made to investigate the kinds of programs which would be beneficial to Montgomery.

The Community Relations Bureau felt it essential to demonstrate its willingness to listen to citizens' opinions, suggestions and particularly their complaints about what the police do wrong and what they fail to do. Further, it was the responsibility of this Bureau to make and maintain contact with all sections of the community with special emphasis directed toward youth and minority races. Serving as an extension of the Police Department, a Winnebago "Motor Inn", acquired with a grant from LEPA in 1972, is staffed with Community Relations officers and selected representatives from other divisions who, in effect, act as coordinating agents between the police and the public. It has been used to serve the educational and entertainment needs of juveniles, especially in low-income neighborhoods. The van is equipped with a closed circuit television system capable of recording activities for later playback, and a 16 MM AC-lamp movie projector and roof-mounted public address system. Street dances have been held using the eight-track tape player and the public address system.

For younger children educational programs provided by a library of tapes, film strips and slides serve as a supplement to regular school studies on drugs, learning and behavior, the "Living Constitution", and other topics. Also available are programs on career fields, including radio, television, air conditioning and refrigeration work.

The Community Relations Bureau has organized football teams and sponsored a Christmas program. In 1972 weekly trips were made in the van to Camp Exchange to film activities for later viewing by the boys. In a twelve month period, it was estimated that the Youth Aid Division through use of the police van made contact with 30,000 citizens.

This equipment can help promote better communication and understanding between young people and the officers in the Montgomery Police Department. Thoughtful planning should precede use of the van to insure that this equipment enhances the quality, and not just the quantity, of relations between the police and the public. Activities and programs that will promote a friendly familiarity between the community and the police should be coordinated.

4. 1975 RECOMMENDATION: THAT THE TREMENDOUS POTENTIAL OF THE COMMUNITY RELATIONS BUREAU BE DEVELOPED TO THE FULLEST WITH MORE EXTENSIVE USE OF THE VAN AND AN OBJECTIVE FOLLOW-UP EVALUATION OF THE DIFFERENT PROGRAMS.

5. 1975 RECOMMENDATION: THAT THE PERSONNEL OF THE COMMUNITY RELATIONS BUREAU WORK CLOSELY WITH THE DIRECTOR OF CULTURAL AFFAIRS IN THE PARKS AND RECREATION DEPARTMENT TO COORDINATE ACTIVITIES AND PROGRAMS.

6. 1975 RECOMMENDATION: THAT NIGHT AND WEEKEND RECREATIONAL OPPORTUNITIES FOR TEENAGERS BE GIVEN SPECIAL CONSIDERATION BY THE COMMUNITY RELATIONS BUREAU.

The Youth Aid Division also helps to sponsor Youth Services, Incorporated, a non-profit organization consisting of members of the Police Department and interested citizens. This organization built and now maintains camping facilities on Lake Martin for less fortunate children in the community who, through neglect and misfortune, come to the attention of the Police Department, and who, because of their misfortune, might be inclined to delinquency.

In 1970, eight weeks of camping were provided for an average of twenty-seven children per week, a total of 216 youths. This total has continued to increase each year. Supervised by members of the Police Department, Huntingdon College and civic club members, camp activities include boating, swimming, and archery.

In an effort to prevent recidivism, the Youth Aid Division established a very active counseling program for youthful offenders. The goal of Voluntary Police Supervision is to interrupt the traditional flow of youths into the criminal justice system. Through Voluntary Police Supervision delinquent, pre-delinquent and troubled youths are placed under the supervision of a police officer at a one-to-one ration. The youth may have committed a misdemeanor or he may have problems at home or school.

The core of the Voluntary Police Supervision process is the behavior contract between the youth and the officer. Rewards for certain specified behavior are set by agreement and are awarded by the officer or by the parents of the youth. The contract is signed by all parties.

Normally, the contract period is for a minimum of three months. During this time, the youth meets with his police supervisor at least once a week.

Voluntary Police Supervision has been beneficial in working with drug abuse and alcohol problems. By making referrals to other agencies, VPS extends information and help to parents who have problems with growing children. As a technique to control disruptive and potentially delinquent behavior, VPS helps youths to assume responsibility for redirecting and governing their own behavior.

In 1974, the cases of 494 youths were handled through the Voluntary Police Supervision Program.

II. 1959 Recommendation: That this bureau consist of a chief and ten officers, including two policewomen.

The Youth Aid Division today has a staff of 107 persons who, according to their skills and duties, are interchangeable within the four separate bureaus. Following is a table which indicates the bureau, function, sex, and race of the personnel of the Youth Aid Division in 1975:

Table I. Personnel of Youth Aid Division by Bureau, Function, Sex & Race, 1975

Bureaus	Function	MB	MW	FB	FW	TOTAL
Enforcement Bureau	Assistant Chief		1			1
	Captain		1			1
	Sergeants		3			3
	Detectives		7		2	9
	Patrolmen		5			5
	Clerk-Typist					1
	TOTAL		17		3	20
School Relations	Lieutenant		1			1
	Sergeant		1			1
	Detectives		4	1	2	7
	Patrolmen	2	5			7
	Policewoman				1	1
	Clerks				2	2
	Corporal	1				1
	TOTAL	3	11	1	5	20
Community Relations	Lieutenant		1			1
	Sergeant	1				1
	Detective		1			1
	Patrolman	1				1
	TOTAL	2	2			4
Safety Education	Lieutenant		1			1
	Sergeant		1			1
	Corporals		2		1	3
	School Patrolwomen			13	45	58
	TOTAL		4	13	46	63
	TOTALS	5	34	14	54	107

III. 1959 Recommendation: That selection of personnel for this bureau be made on the basis of their personal qualifications for the job.

A waiting list of applicants for the Youth Aid Division affords a choice from those qualified academically (college degree with courses in social work, psychology; work-related training, training with children); however, merit system policies can divert personnel to other departments.

Applicants for the Youth Aid Division are screened by the Assistant Chief. Each person employed by the Youth Aid Division undergoes a trial period of three months. If reassignment becomes necessary, no penalty accompanies the re-assignment.

IV. 1959 Recommendation: That officers in the Juvenile Bureau be given special in-service training in the understanding and handling of the juvenile offender.

Officers of the Youth Aid Division have participated in in-service workshops on behavior modification, changing correctional systems, delinquency problems, court intake procedures and others. The officers also take courses at the Police Academy.

Many Youth Aid officers have attended the Delinquency Control Institutes at Florida State University and at the University of Southern California. Recommended highly for officers working with juveniles by the Community Council Survey of 1957, the Delinquency Control Institutes provide particularly effective training for youth work. The present committee urges that this training be required for all juvenile officers.

Currently as many as nine officers have completed these comprehensive courses and there are funds available in the department for one or two others in the future. Scholarships for the USC Delinquency Control Institute's 12-week courses are available from several sources: Sears Roebuck Foundation, World Book and others. Possible community support also should be investigated.

Selected officers have attended short courses in various sections of the country on the legal rights of children, police psychology and management of crises.

V. 1959 Recommendation: That the pay and prestige of the juvenile officers be such as to attract and hold the best qualified men and women.

According to qualifications, men and women are paid equally. Qualified black applicants are desired for all departments. Employment for female applicants is highly competitive. Presently, there is a waiting list on the merit system roster for Youth Aid Division positions.

VI. 1959 Recommendation: That the Juvenile Bureau be made an autonomous bureau and that its chief be directly responsible to the Chief of Police.

The Assistant Chief of the Youth Aid Division is equal in rank to other heads of divisions in the Police Department; he is directly responsible to the Chief of Police.

VII. 1959 Recommendation: That the Police Department stop using warrants and other criminal forms and procedures when dealing with juvenile offenders.

Warrants, fingerprinting and photographing no longer accompany the arresting of an alleged juvenile offender. Indeed, the objective of the present procedures is to minimize the juvenile's contact with the justice system.

When an individual calls the Police Department to complain about disturbing activities of or a specific infraction by a juvenile, the Youth Aid Division investigates the complaint. Simultaneously, the complaining individual is told to go to the Montgomery County Youth Facility, to sign a petition against the juvenile.

A petition is a document, less formal than a warrant, which leads to Juvenile Court hearing of the charges.

If the complaining individual declines to sign a petition, and if the Youth Aid Division investigation reveals a serious situation, the Youth Aid Division refers the alleged offender to Juvenile Court. If the investigation reveals a situation which can be ameliorated without court action, the Youth Aid Division refers the juvenile to appropriate community agencies.

Most of the complaints filed with the Youth Aid Division are resolved informally. Investigations which yield evidence of pre-delinquent or delinquent behavior generally are followed by an arrangement in which the juvenile is supervised by a Youth Aid Division officer who coordinates community resources which can assist the youth. This arrangement, Voluntary Police Supervision, is discussed in detail in this chapter.

VIII. 1959 Recommendation: That all police records on juvenile offenders be kept in files separate from those used for records of adult offenders.

Juvenile records are kept in Youth Aid files and are strictly confidential; they are only for official use. After the offender's eighteenth birthday, the records are destroyed. No information is divulged to job or service application inquiries.

IX. 1959 Recommendation: That the police refrain from photographing or fingerprinting juvenile offenders unless specifically authorized by the judge to do so.

This recommendation has been implemented.

1975 Area of Concern: Juvenile law enforcement for area outside police jurisdiction in Montgomery County:

Juveniles in the county are apprehended by the State Highway Patrol for traffic violations or by deputies from the Sheriff's Department for sundry offenses, and then taken to the Youth Facility where a complaint form is completed. Then the decision is made as to whether the child should be detained at the Youth Facility or sent home to the custody of parents.

No separate records on juveniles are kept by county officials. The Sheriff's deputies' primary duty is the serving of warrants in the county. They have had very little training in specific handling of juveniles; however, the Youth Facility staff has observed an increase in the numbers of juveniles referred to them by the Sheriff's Department. They indicated that more cases had been referred in the last two years than had been referred in the preceding six years.

The Sheriff's Department does not offer to juveniles services equal to those extended by the Youth Aid Division. However, duplication of services would be unnecessarily costly. The Montgomery County Commission and the Montgomery City Commission should collaborate and produce procedures by which any youth, regardless of his place of residence inside Montgomery County, may benefit from existing and future services to juveniles in trouble.

7. 1975 RECOMMENDATION: THAT THE SAME SERVICES BE PROVIDED FOR JUVENILES LIVING OUTSIDE THE POLICE JURISDICTION AS FOR THOSE LIVING INSIDE THE POLICE JURISDICTION.

CHAPTER II

THE COURT

When a juvenile is charged with committing a delinquent act, the Juvenile Court generally is the authority which disposes of his case. The goal of Juvenile Court proceedings is to begin the rehabilitative process by which youths will be deterred from future delinquency and by which youths will learn to cope constructively with their environments which may have been conducive to the initial involvement in delinquency.

In each case, the court and its staff recognize and plan for the educational, mental, behavioral and social problems and needs of each individual youth and his/her family, marshalling together all the resources which can assist the youth to succeed in law-abiding behavior.

In Montgomery County, the Family Court is comprised of the Juvenile Division and the Court of Domestic Relations and is itself a branch of the circuit court. Throughout this chapter and the report, "Juvenile Court" will be used to indicate specifically the court which exercises jurisdiction over matters pertaining to juveniles.

I. 1959 Recommendation: That the Montgomery County Juvenile and Court of Domestic Relations be made a Family Court, and that it be an autonomous division of the Circuit Court.

This was accomplished in the 1959 Regular Legislative Session, Act 250 and Act 100 of 1965 and 1967 as amended, Title 13 Chapter 7 Alabama Code 1940.

II. 1959 Recommendation: That the judge of this court be a full time judge, elected or appointed specifically to the family court, but in the same manner as other circuit court judges.

The judge is a full time circuit court judge designated as Judge of Family Court and Domestic Relations. He is elected every six years in the same manner as other circuit court judges. The greater portion of one day out of five is spent in Juvenile Court. He is available during the week for conferences with his staff. In addition to his Family Court and Domestic Relations duties, he presides at Milk Board Hearings and sits in for other circuit court judges upon request.

III. 1959 Recommendation: That this Court be given exclusive, original jurisdiction of all matters pertaining to children and families as set forth in the body of this report.

The Family Court has original jurisdiction of any child in Montgomery County under the age of eighteen who violates a state or local law and any adult who contributes to the delinquency or neglect of a minor child.

Specific areas of jurisdiction are allegations of (a) delinquency, (b) dependency, (c) neglect, (d) adults contributing to delinquency, dependency or neglect; cases involving (e) temporary legal custody, (f) termination of parental rights, (g) commitments to Partlow State School, (h) special situations where the health or safety of a child is at stake; and (i) non-support and domestic relations reports relative to custody of minor children.

IV. 1959 Recommendation: That the term "child" as used in describing the jurisdiction of this court include both boys and girls to the eighteenth birthday.

General law in Alabama still determines the juvenile age jurisdiction as under sixteen. In 1959 by Act 250 of the legislature Montgomery County's Family Court was established and the age of jurisdiction was defined as under eighteen. The 1971 legislature passed several bills pertaining to juvenile courts and juvenile age jurisdiction in Bullock, Macon, Lee (delinquent children only), Madison and Montgomery Counties. The Clifton case in Lee County challenged one of these bills, and the Alabama Court of Appeals ruled in 1972 that the bill was a General Law of Local Application and as such was not properly advertised — thus invalid. The other counties using eighteen as the age limitation interpreted this ruling to include them and returned to "up to sixteen" as the age limitation for juvenile status.

A bill introduced by Senators Fred Jones, Jerry Powell and Wendell Mitchell, who represent portions of Montgomery County, was given final passage by the Alabama Legislature, April 15, 1975. The law, now signed by Governor Wallace, gives juvenile status to all dependent, neglected and delinquent youths under eighteen in Montgomery County only.

Less than eighteen is the standard of juvenile age jurisdiction of the Standard Act of 1928 and its successors through the 1959 Act, the Uniform Act, the Children's Bureau of HEW Model Act and the Proposed Children's Bureau Model Act.

The following table shows Alabama in the very small minority of states having sixteen as the juvenile age jurisdiction:

TABLE 1. AGE LIMITATION FOR JUVENILE JURISDICTION

IN THE UNITED STATES

<u>Under 16</u>	<u>Under 16/17</u>	<u>Under 17</u>	<u>Under 18</u>
Alabama	South Carolina	Florida	Alaska
Connecticut		Georgia *	Arizona
North Carolina		Illinois	Arkansas
New York		Louisiana	California
Vermont		Massachusetts	Colorado
		Michigan	Delaware
		Missouri	District of Columbia
		Texas	Hawaii
			Idaho
			Indiana
			Iowa
			Kansas
			Kentucky
			Maine
			Maryland
			Minnesota
			Mississippi
			Montana
			Nebraska
			New Hampshire
			Nevada
			New Jersey
			New Mexico
			North Dakota
			Ohio
			Oklahoma
			Oregon
			Pennsylvania
			Rhode Island
			South Dakota
			Tennessee
			Utah
			Virginia
			Washington
			West Virginia
			Wisconsin
			Wyoming

* Going to 18 in two years

Many groups statewide have endorsed raising the juvenile age limitation for boys and girls to eighteen years. Included in these groups are: the Alabama Chief Probation Officers Association, the Alabama Council on Crime and Delinquency, the Alabama Youth Services Board, the Junior Leagues of Montgomery and Birmingham, and the Alabama Citizens Advisory Committee to the Courts (1974).

The present staff of the Youth Facility and the present judge of the Family Court have stated that they would like to see the age retained at eighteen. They feel that the Youth Facility is equipped to handle the additional case load since it was built to hold sixteen and seventeen year olds. The present probation staff feels that it needs two additional probation officers to accomodate the increased case load.

1. 1975 RECOMMENDATION: THAT THE AGE JURISDICTION FOR JUVENILES BE RETAINED AS LESS THAN EIGHTEEN FOR BOYS AND GIRLS.

2. 1975 RECOMMENDATION: THAT SUFFICIENT FUNDS BE ALLOCATED TO JUVENILE COURT TO MEET INCREASED COURT COSTS CAUSED BY RETAINING THE AGE LIMIT AT EIGHTEEN.

An amendment has been proposed for the Congressional bill offered as the National Prevention of Crime and Delinquency Act of 1974 which would provide greater funding of programs in those states willing to adhere to a national uniform age limitation of eighteen.

The following figures from the Board of Corrections and the Board of Pardons and Paroles indicate the age raise to eighteen would substantially increase the number of juveniles coming into the juvenile system. For this reason, it is imperative that sufficient funds and expanded community resources be made available to the court to meet increased court expenses.

Figures from the Alabama Board of Corrections indicate numbers of persons under eighteen years in adult prisons in 1974. Figures from the Alabama Board of Pardons and Paroles reflect numbers of persons under eighteen years on adult probation or parole through September 1974.

Table 2. Numbers of Juveniles Under Eighteen Years of Age in Alabama Prisons, on Probation (with the Alabama Board of Pardons and Parole) or Parole:

TABLE 2

Age	Numbers of Persons in/on		
	Prison	Probation	Parole
14	0	3	8
15	9		1
16	69	538	104
17	185		
Total under 18 years	263	541	112
Total: Under & over 18 years	4,183	3,188	1,131
Percentage under 18	6%	17%	10%

As one of the statewide committees which suggests recommendations to the legislature for implementation of the Judicial Article, the Juvenile Article Implementation Advisory Committee recommends a gradual raising of the age limit to eighteen years. The age limit would be raised to seventeen years on January 1, 1976, and up to eighteen years on January 1, 1978.

A gradual increase would lessen the objections of those who feel that the additional financial and case load responsibilities would be too great to be placed upon the juvenile system. Another objection to the age raise comes from those who feel some sixteen and seventeen year olds should be tried in the adult system. This objection can be overcome by the retention of a transfer provision which certifies certain juveniles to be tried as adults when deemed necessary.

Certification to Adult Court

In Montgomery County there is a provision for transferring juveniles who are under eighteen from Juvenile Court to adult circuit court proceedings. The procedure is called certification. It does not constitute a conviction nor determine guilt. A juvenile is certified as an adult when the alleged offense is determined to be so heinous in nature that trial as an adult is warranted or when the Juvenile Court feels that in the best interests of the child and of the community it should no longer retain jurisdiction.

In 1974 four juveniles were certified as adults and prosecuted accordingly in circuit court.

3. 1975 RECOMMENDATION: THAT THE CLAUSE PROVIDING FOR TRANSFER FROM JUVENILE COURT TO ADULT COURT PROCEEDINGS BE RETAINED.

Petition to Transfer

(No longer used in Montgomery County as of June 1975)

When cases of alleged delinquency by sixteen and seventeen year olds come before the circuit court, they may be transferred to the Juvenile Court if the circuit court judge so determines, and if the Juvenile Court judge accepts

jurisdiction.

There are no officially-established criteria for transferring these youths from circuit court to Juvenile Court. In Montgomery County, the accepted procedure occurs in the following manner:

The petition to transfer originates in circuit court generally by the defense attorney or the district attorney. At the request of the defense or district attorney a preliminary record check of the alleged offender's juvenile record is made by the Juvenile Court Chief Probation officer. If the record is extensive, the offense of a serious nature, and if the Juvenile Court feels that its resources are no longer appropriate, the Juvenile Court judge may refuse to accept jurisdiction. If the Juvenile Court judge accepts jurisdiction, he so states in a letter. The circuit court judge then rules on whether or not to act on the petition to transfer.

When an alleged juvenile delinquent of sixteen or seventeen years of age comes before the Municipal Court of Montgomery, the Municipal Court proceeds differently because it does not exercise the same authority as does the circuit court. If the alleged offense by the youth is a misdemeanor, the court may refer the youth to Youth Aid Division for investigation and possible referral to Juvenile Court or it may try the youth as an adult.

If the youth is charged with a felony, the Municipal Court cannot send the youth to Juvenile Court. The Municipal Court may dismiss the case, bind the case over to the grand jury, or reduce the charge to a misdemeanor at the judge's discretion and upon the recommendation of the state. If the municipal judge binds the case over to the grand jury, then either the district or the defense attorney may file a petition to transfer the case to Juvenile Court, as described above.

In 1974, 119 sixteen and seventeen year olds were transferred to Juvenile Court.

Youthful Offender Act

In Alabama, persons between the ages of sixteen and twenty-one can request youthful offender status under the State Youthful Offender Act. Age is determined to be the age of the individual at the time the alleged offense was committed.

The advantages of the Youthful Offender Act are that the maximum penalty is three years and there is no permanent criminal record. The individual is convicted as a youthful offender and not for a particular crime. Perhaps the most significant advantage is that the youthful offender, in contrast to a convicted adult offender, does not lose his civil liberties.

Following are the disadvantages of this status. The offender may be sent to prison rather than placed in an alternative situation. The offender will have a record as a youthful offender. Because there are no uniform, official criteria for determining eligibility for youthful offender status, the decision to grant status is

at the personal discretion of the judge. In Montgomery County during the last Court session of 1974, there were eighty-six applications for youthful offender status. Eighty-four were denied.

If placed on probation, the offender is supervised by a probation officer of the Alabama Board of Pardons and Paroles whose caseload may involve three to four hundred persons. In comparison, a probation officer from the Youth Facility and Juvenile Court staff supervises approximately forty-five cases at any one time.

The individual who is convicted as a youthful offender is exposed to the adult criminal justice system -- an exposure which may direct him to, rather than divert him from, further criminal involvement.

Finally, a person who is permitted youthful offender status foregoes the right to trial. The Supreme Court of Alabama recently has upheld the constitutionality of the youthful offender's waiving his right to trial. Essentially, the youthful offender status arranges for an exchange between the system and youths between the ages of sixteen and twenty-one years. For the benefits of youthful offender status, for the retention of civil liberties, the defendant agrees to waive his right to trial.

V. 1959 Recommendation: That the determination as to whether or not a case should be handled judicially or non-judicially be made by the Court or its officers and not by the police.

When an alleged offender is brought to the Youth Facility, his first contact is with an intake officer who acts as magistrate for the court. If a police officer brings a youth to the facility, the officer must show just cause for issuing a petition. The intake officer makes the decision as to whether or not the petition should be issued and if the child should be detained.

VI. 1959 Recommendation: That fewer cases be continued without further action on the grounds set forth in this report.

Figures for 1974 at the Youth Facility show eight cases continued without further action. A continued case is one that is "passed" and should come up at a later hearing date. A case may be continued for various reasons; most are technical. Many of the cases that are continued pertain to custody matters when suitable placement facilities are unavailable.

The present Juvenile Court judge does not continue many cases of those juveniles who must remain in detention. A lawyer may request that a child be released till the case is heard. The Youth Facility staff indicated that lawyers should be familiar with the facts of the case by the hearing date.

4. 1975 RECOMMENDATION: THAT LAWYERS BE PERMITTED A SUFFICIENT PERIOD OF TIME FOR ADEQUATE CASE PREPARATION BY EARLY ASSIGNMENT BY THE COURT TO JUVENILE CASES; THAT THE COURT DEMAND REPRESENTATION OF THE HIGHEST QUALITY FROM THE LAWYERS APPOINTED BY THE COURT TO JUVENILE CASES.

VII. 1959 Recommendation: That the number of employees authorized for the court should not be specified in the law since this tends to limit the natural and necessary growth of the court as community growth demands.

The number of authorized employees for the court is not specified which permits flexibility according to need and to the money available to meet the need.

VIII. 1959 Recommendation: That the salary range for probation officers be at least on a par with those of child welfare workers in the Department of Pensions and Security.

The probation officers' salaries correspond to the salaries of the Department of Pensions and Security welfare workers and within the salary range of two additional social agencies requiring comparable qualifications.

Nonetheless, these salaries are low and many probation officers with families to support are forced to take second jobs. Not only does this minimize the amount of time to be spent in probation work, it also diminishes effectiveness because energies are spent in other directions.

IX. 1959 Recommendation: That the provision for a Citizens' Advisory Committee to the Court be implemented.

By court order (dated July 6, 1965, and signed by Judge William Thetford), the Montgomery Family Court is authorized to create a Citizens Planning Committee for the Family Court of Montgomery County.

A Citizens' Planning Committee was formed pursuant to the above recommendation. The committee has been defunct for many years.

The Youth Facility staff favors the creation of a new active broad-based community committee. The present Family Court judge does not feel there are enough worthwhile activities to be performed by such a committee to warrant the time commitment by the committee members.

5. 1975 RECOMMENDATION: THAT THE CITIZENS' PLANNING COMMITTEE BE REACTIVATED; THAT IT BE REPRESENTATIVE OF A CROSS-SECTION OF THE COMMUNITY; THAT IT INCLUDE AT LEAST ONE YOUNG PERSON; AND THAT THE COMMITTEE HAVE AS ONE OF ITS CONSIDERATIONS THE BALANCE BETWEEN MATERIAL EQUIPMENT AND PERSONNEL AND SERVICES.

This committee should function as a channel of communication between the court and the community serving as good-will ambassadors for the court, as well as alerting the judge to community attitudes and expectations regarding the court.

This committee should participate in developing financial support in the community to maintain a high level of service, to increase and expand existing services and to create new programs. The committee should educate the community about the need for establishing constructive programs to prevent juvenile crime and delinquency.

X. 1959 Recommendation: That provision be made for enlargement of the Court's Quarters as set forth in this report.

The Juvenile Court in its entirety is housed in the Montgomery County Youth Facility. The facility built in 1969 used recommendations from the National Probation and Parole Association as guidelines. The facility has a large waiting room, a large hearing room with the judge's bench and seating space for court personnel and observers. The facility also contains the probation and administration offices and detention quarters.

The physical setting of the courtroom is entirely adequate.

While this committee emphasizes that proper courtroom decorum should be maintained while court is in session (e.g., no talking, smoking, moving around on part of observers), it also recommends that the setting not be so stern and formal that it obstructs communication with the child or prevents the hearing from being a constructive and positive experience. While the court is a symbol of authority, it also should have an atmosphere that projects genuine interest and concern for the youth and his future.

6. 1975 RECOMMENDATION: THAT PROPER COURTROOM DECORUM BE MAINTAINED WHILE COURT IS IN SESSION.

7. 1975 RECOMMENDATION: THAT THE COURT EMPHASIZE THE SIGNIFICANCE AND SERIOUS NATURE OF THE HEARING; THAT THE COURT DEMONSTRATE TO EACH JUVENILE THAT HIS DISPOSITION IS DESIGNED WITH CARE AND CONCERN TO MEET THE NEEDS OF HIS PARTICULAR CASE.

8. 1975 RECOMMENDATION: THAT THE DIGNITY AND PRIVACY OF THE ACCUSED AND HIS FAMILY BE EMPHASIZED AND PROTECTED AT ALL TIMES.

1975 Area of Concern:

One Hearing versus Two Hearings

In advanced judicial systems there are two hearings for a child. The first hearing is the adjudication hearing. At this hearing the child is charged with the offense. He may admit or deny the charge. After hearing the facts of the case, the judge adjudicates the child delinquent (guilty) or innocent.

The second hearing is the disposition hearing. It is held after the probation officer conducts a social investigation of the child and his family. The judge hears the social information and then makes his disposition.

In Montgomery, the adjudication and the disposition are decided in the same hearing. The present Family Court judge states that he separates the two decisions in his own mind and adjudicates in his own mind before hearing the social information and making the disposition.

The disadvantages of a two-part hearing are: 1) it might be inconvenient to those involved to return at another time; and 2) the youth might have to remain in detention until second hearings; and 3) since ninety percent of the defendants admit guilt, second hearings would be unnecessarily time-consuming and expensive.

The advantages of a two-part hearing are 1) the legal rights of the youth would be protected because the withholding of social information prevents its influencing the judge's decision; 2) the constitutionality of the court's practices would be sound; and 3) the probation officer would not have to expend time gathering social information on a person who is found to be innocent of the charge.

9. 1975 RECOMMENDATION: THAT, IF THE CHILD ADMITS GUILT AND THE PARENTS AND CHILD GIVE PERMISSION FOR SOCIAL INFORMATION TO BE GATHERED, THERE BE ONE HEARING WITH ADJUDICATION AND DISPOSITION RENDERED ON THE SAME DAY; AND THAT THE ADJUDICATION STATEMENT BE PRONOUNCED AFTER THE FACTS ARE HEARD BUT BEFORE THE SOCIAL HISTORY IS GIVEN AND THE DISPOSITION IS DETERMINED.

THAT, IF THE CHILD DENIES THE CHARGE, THERE BE A TWO-PART HEARING: a) THE ADJUDICATION HEARING WHERE THE FACTS OF THE CASE ARE HEARD, THE CHILD REPRESENTED BY COUNSEL AND THE ADJUDICATION MADE; AND b) THE DISPOSITION HEARING WHERE THE SOCIAL INFORMATION IS HEARD AND THE DISPOSITION MADE.

1975 Area of Concern:

The Need for a Public Defender to Represent Juveniles

From the analysis of the implementation of the 1959 recommendations and from study of the existing juvenile justice system in Montgomery County, a new concern has emerged.

Most court staff members who were interviewed are of the opinion that a public defender is desirable but not necessary. This particular court feels a strong obligation to protect the rights of children. Approximately ninety percent of the alleged juvenile delinquents admit guilt. For these cases it is felt that the probation officer is able to make an accurate estimate of the disposition of the case. If a child and his family desire legal counsel and cannot financially sustain the cost, the judge will appoint an attorney to represent them. The fee (\$125.00) is paid by the state. The judge is selective in appointing lawyers and considers this system to be satisfactory. The files are open and available to all court-appointed lawyers, and as much information is accessible to them as to the probation officers.

On the other hand there are those who feel that there are many instances at various stages of the court proceedings where the legal rights of juveniles should be better represented. Cited as such instances are:

- a) Pre-Hearing: An assistant district attorney is now designated to act in the interest of the court. A public defender would serve as a representative of the juvenile and his family. He might help in determining whether or not there was sufficient evidence to warrant the filing of a formal petition. He would represent the family's position in detention hearings, and explore the possibilities of informal adjustment;
- b) Adjudication: At adjudication, a public defender would insure protection of the child's and the family's legal rights, present evidence, and cross-examine witnesses;
- c) Disposition: In disposition the public defender would serve as spokesman in presenting the child's and family's views of proper disposition and in proposing any alternative plans for court consideration, and
- d) Post-hearing: In post-hearing stages, the public defender would pursue appeals of any determination deemed erroneous, or represent the child in probation revocation proceedings. A further consideration of great importance would be the availability of the public defender as a legal resource for the court.

10. 1975 RECOMMENDATION: THAT FURTHER STUDY BE MADE TO ASCERTAIN WHETHER OR NOT THE LEGAL RIGHTS OF CHILDREN ENTERING THE COURT SYSTEM ARE SUFFICIENTLY PROTECTED, AND WHETHER OR NOT THE ADDITION TO THE COURT STAFF OF A PUBLIC DEFENDER FOR JUVENILES IS NECESSARY TO THE ASSURANCE OF THIS PROTECTION.

1975 Area of Concern:

Uniformity in Juvenile Justice

Evidence and experience indicate that the jurisdiction of juveniles

should be uniform throughout the state. The Judicial Article passed in December 1973 recommends uniformity in juvenile jurisdiction.

Presently in Alabama, general provisions for juvenile courts place exclusive jurisdiction in probate courts. However, the Alabama Legislature can transfer such jurisdiction by passage of laws of local application. A wide disparity in juvenile jurisdiction has resulted.

In 1973, the probate courts of twenty-five counties presided over 14,901 juvenile cases. Four percent of all juvenile cases in Alabama were handled by these probate courts. In another thirty-six counties, intermediate courts, with widely differing jurisdiction in other areas of law, handled thirty-three percent of all juvenile cases. In the remaining six counties, of which Montgomery is one, the circuit court maintained jurisdiction over sixty-three percent of all juvenile cases.

The Citizens Conference on the Courts held in Birmingham in September 1974 passed a resolution calling for juvenile jurisdiction to be placed at the circuit court level. This same position was also endorsed in 1974 by the Alabama Chief Probation Officers Association, the Alabama Counsel on Crime and Delinquency, the Alabama Department of Youth Services Board, and Montgomery's Coordinating Committee on Criminal Justice. These professionals and laymen feel that the responsibility for juveniles should be placed at the highest trial level.

Some circuit court judges oppose the placement of juvenile justice jurisdiction in their courts. Finances and the additional responsibilities seem to be the main objections. There is also opposition from some counties that do not have circuit judges. Those counties on a multi-county circuit would prefer having a juvenile court judge living in their own county, as would be the case in the newly-created district courts (Judicial Article).

The main advantage of district court jurisdiction is there would be sixty-seven juvenile court judges, one for each county, in contrast to the present thirty-nine judges. A possible solution would be to place juvenile jurisdiction at the circuit court level, but to have the district court judge empowered to act in emergencies and to have a probation officer living within each county. (There are funds available for subsidizing a probation officer in each county through the Department of Youth Services.)

At this writing it appears that the Judicial Advisory Committee, in making recommendations to the legislature for implementing the juvenile section of the Judicial Article, has advised a compromise. To achieve uniformity, the Judicial Advisory Committee has recommended that juvenile jurisdiction be placed in the newly-created district courts.

The following table shows that this will place Alabama in the small minority of states having juvenile justice in an inferior court:

Table 3. Trial Level and Organization of Courts With Juvenile Jurisdiction (based on statutory provisions through 1973).

I. Jurisdiction in same court statewide - highest trial level:

Alaska, Arizona, California, D.C., Florida, Illinois, Iowa, Montana, Nevada, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Dakota, (1975), Utah, Vermont, Washington, Wyoming.

Total: 22 states.

II. Jurisdiction in various courts statewide - all highest trial level:

Colorado, Georgia, Hawaii, Missouri, New Jersey.

Total : 5 states

III. Jurisdiction in various courts statewide - some at highest trial level, some not:

Alabama, Indiana, Louisiana, Maryland, Minnesota, Mississippi, Nebraska, Oregon, South Carolina, Tennessee, Texas, West Virginia, Wisconsin.

Total: 13 states.

IV. Jurisdiction in same court statewide - not at highest trial level:

Connecticut, Delaware, Idaho, Kentucky, Maine, Michigan, Virginia.

Total: 7 states.

V. Jurisdiction in various courts statewide - none at highest trial level:

Arkansas, Kansas, Massachusetts, New Hampshire.

Total: 4 states.

11. 1975 RECOMMENDATION: THAT THE JURISDICTION FOR JUVENILES BE RETAINED AT THE CIRCUIT COURT LEVEL.

1975 Area of Concern:

Status Offenses

A status offense is one which is deemed punishable by law by virtue of the offender's being a juvenile. In 1974 status offenders comprised approximately twenty-four percent of the cases which were processed through intake at the Youth Facility. Of 1,288 cases, 304 were for noncriminal offenses. Table 4 indicates the predominant status offenses and the 1974 figures for these offenses.

Table 4. Status Offenses, by Type and Number of Commissions, 1974

Offense	Number
Running Away	219
Truancy	19
Ungovernable Behavior	47
Possession of Liquor	10
Other	<u>9</u>
TOTAL	304

It is projected by Milton G. Rector, President of the National Council on Crime and Delinquency, that of the more than one million young people under eighteen who will be involved with the Juvenile Courts in the United States in 1975, twenty-three percent of the boys and seventy percent of the girls will be classified as status offenders.

Most persons involved in working with juveniles agree that status offenders should not be labeled delinquent. At the same time there is grave concern over the handling and placement of these young people who present and have serious problems and who are obviously in great need of guidance and supervision. The CINS (Children in Need of Supervision), PINS (Persons in Need of Supervision) and MINS (Minors in Need of Supervision), as they are already being called in many states, belong in a category separate from juveniles who commit criminal offenses. Should jurisdiction for them belong to the court, the same agency that deals with delinquents, or should jurisdiction be placed with social welfare agencies? Does the handling of status offenders divert the court's time and energies away from the more serious violent offenders, or do these young people and their parents need the authority of the court as a resource and as a means for enforcing dispositions?

Proponents of both sides agree that incarceration is not needed in the majority of cases, but there must be adequate alternative solutions. If a child is to be treated on the basis of what he needs, rather than what he does, it is incumbent upon the community to create and develop the proper resources to meet

these needs if they are not already in existence.

12. 1975 RECOMMENDATION: THAT THE DEFINITION OF DELINQUENT BEHAVIOR BE CHANGED SO THAT ONLY THOSE JUVENILES, WHO COMMIT AN ACT WHICH WOULD BE PUNISHABLE BY LAW IF THEY WERE ADULTS, BE TERMED DELINQUENT.

CHAPTER III

PROBATION SERVICES

The attitude of the Montgomery Juvenile Court toward probation is reflected in its definition by Chief Probation Officer, Barbara Ward. "Probation is a helping relationship which provides adequate supervision of a child while helping him to make the necessary adjustments in the community." The functions of the juvenile probation officers are intake or screening, social investigation, court presentation and supervision or treatment. Following are the 1959 recommendations for juvenile probation services, an analysis of the implementation of each of the recommendations, and new recommendations resulting from review of probation services in 1975.

I. 1959 Recommendation: That the Probation Department be completely reorganized along sound administrative lines, as set forth in this report.

The present Probation Department of the Juvenile Court appears to be well organized and well administered. It consists of thirteen staff members. The judge of the court is ultimately responsible to the electorate for the entire program. Responsible to him for the actual administration of the Probation Department is the Chief Probation Officer who in turn directs Youth Counselors #II (Senior Probation Officer and Coordinator of Community Resources), Youth Counselors #I (probation officers) and Intake Officers. Modifications in the administration of the Probation Department are made from time to time to improve efficiency. The present probation staff feels that the judge allows them to operate with a great degree of autonomy, approving most proposals they submit to him.

II. 1959 Recommendation: That the administrative reorganization of the probation department include the creation of an intake unit.

The probation department includes an intake unit composed of three officers. The principal function of the intake unit is the careful screening of incoming cases, sometimes involving diversion to appropriate agencies, sometimes offering crisis-intervention counseling, sometimes placing the juvenile in detention for a 24-hour "cooling-off" period. Specific responsibilities of intake officers include:

- a) Making decisions as to whether or not jurisdiction belongs to this court;
- b) Making decisions as to whether or not detention is needed;
- c) Issuing of complaints or petitions;
- d) Advising and explaining to the child his legal rights; and
- e) Gathering and compiling all paperwork from the police or referring

party to be presented to the Chief Probation Officer for final decision making and assignment.

Within seventy-two hours of detention a hearing is held by the Referee of the Court (a person designated to represent the Court in lieu of the judge) to review the circumstances of the case. At this time the child has an opportunity to be legally represented if he so desires either by his own counsel or by a court appointed attorney.

Eighty-five to ninety percent of referrals come to Juvenile Court from Youth Aid; others come from parents, schools, probation officers, social agencies, other courts, and citizens or victims who sign petitions or complaints. In 1974, 1,288 cases came through the intake unit. Of these, 379 were white males, 446 were black males, 256 were white females and 207 were black females.

III. 1959 Recommendation: That the reorganization of the probation department provide for real supervision of youngsters on probation.

The probation officer is responsible for the supervision and guidance of a child on probation, for gathering social information, and for the coordination of community resources. At the present time there are eight probation officers (including two community-based) who handle approximately forty-five cases at any one time. This figure includes both judicial and non-judicial cases. An average of 365 juveniles are on probation at any one time. In 1974, the probation department disposed of 395 cases without court hearing. Included in this figure are returned runaways and cases handled through warnings, non-judicial counseling and supervision, referrals to other agencies or individuals.

A significant part of the probation officer's work is with the family of the child on probation. He must establish good communications and feelings of mutual trust. He may effect contracts which involve the probation officer, the child and his family. Regular visitation in the home is of ultimate value. The probation officer also must attempt to secure a commitment from the family to bear their share of the responsibility. Often he works in cooperation with the Department of Pensions and Security in this area.

The probation officer must submit to the Chief Probation Officer a quarterly written report on the progress of each of his cases. Usually a child is required to meet with his probation officer weekly during this period. When termination of a case seems imminent, the probation officer is required to submit a written summary to the Chief Probation Officer.

The length of probation is never set, but averages nine months. Release from probation is based upon proof that a child can control his behavior. There are no standard guidelines for termination. The decision for release of a child from probation is made by the probation officer in whose charge he is, with the approval of the Chief Probation Officer of the Court. The written summary and the quarterly reports are considered in arriving at a decision.

At the termination of probation or sentence there are no provisions for follow-up or evaluation -- a fact which both the judge and his staff find both frustrating and discouraging. A limitation of time, staff and money prevent carrying out this all important service. There is absolutely no way of determining whether the programs and methods of this Court are of positive value to the children for whom they exist.

In addition to the professional staff, there is a program for Volunteers-in-Probation which has been used in a limited way both in statistical assistance and personal contact with the youths served by the Court. Volunteers must be eighteen years or older, have no police record, have a personal interview with the director/coordinator, attend three orientation sessions, and be sworn in by the judge. One hour per week for one year is the minimum commitment. There seems to be widespread interest in the community for this program as indicated by the list of potential volunteers. It is the strong feeling of the committee that maximum use be made of these volunteers to help relieve the heavy caseload of the staff and to provide a meaningful personal link between the community and the Court.

IV. 1959 Recommendation: That the reorganization of the probation department provide for thorough diagnostic studies and written reports on all children appearing before the court.

Educational testing and evaluation are done for those children who are placed in detention. Diagnostic testing is not deemed necessary for all children; occasionally it is done at Auburn University at Montgomery for \$25.00 per child.

A working agreement exists with the Montgomery Area Mental Health Center for the consulting services of a clinician. A graduate student fills this position at the present time, but he spends only three hours per week with the court. He describes procedures as follows:

"When a probation officer suspects emotional or intellectual deficiencies, the child and his family are recommended to the Mental Health clinician, who sees both if possible. The clinician can either refer the child and his family to the Mental Health Center setting up a behavior modification program to be done at home under the supervision of the probation officer."

From May 1974 to January 1975, the Mental Health clinician saw forty-five children. He also provides in-service training for the staff.

1. 1975 RECOMMENDATION: THAT A PSYCHOLOGIST BE EMPLOYED AS A REGULAR MEMBER OF THE PROBATION STAFF OF THE COURT.

The services of the psychologist would be available not only for referrals from the probation officer, but also for more effective in-service training and for providing diagnostic studies. Whereas all juveniles brought to the attention of the court do not indicate a need for diagnostic studies, many do, and such studies would provide the judge with valuable information and deeper insights into the problems of the juvenile prior to disposition of the case. It should be on record that highest on the list of priorities of the Chief Probation Officer of this court is the need for a psychologist.

V. 1959 Recommendation: That all personnel employed by the probation department be qualified both by training and experience, for this position, as outlined in the report.

Although the present staff of the probation department has wide experience and training, specified job descriptions and job qualifications are lacking in most categories. The position of Youth Counselor #1, the category into which the probation officer falls, is the exception. To qualify for this position, one must be a graduate of an accredited four-year college or university, preferably with course work in social work, psychology, or guidance and counseling. This qualification falls slightly short of those described in the 1959 Community Council report as desirable. Omitted is the requirement of one year of full-time paid experience under a trained supervisor in a social agency of high standards, or one additional year of graduate work in an accredited school of social work. It should be kept in mind, however, that academic fulfillments do not necessarily insure a good probation staff, and that personal traits such as empathy and a natural ability to relate to people can often be more valuable.

VI. 1959 Recommendation: That necessary case supervision be provided for all probation officers from fully qualified supervisors.

At the present time there is no member of the staff designated specifically as "case supervisor". The Chief Probation Officer assumes this responsibility and carries it out primarily through review of quarterly reports and summaries submitted by probation officers, and through conferences and meetings with her probation staff.

VII. 1959 Recommendation: That the probation department of this court consist of nine probation officers, one chief probation officer, one intake supervisor and one case supervisor.

VIII. 1959 Recommendation: That two or more caseworkers be added to the staff when and if this court becomes a family court.

The probation department of this court consists of nine probation officers (including two intake officers), an Intake Supervisor, a Senior Probation Officer, a Coordinator of Community Resources, and a Chief Probation Officer.

In addition to working with the judge to establish goals, policies and objectives of the Court, the duties of the Chief Probation Officer include program planning, implementation of services, staff supervision, and case supervision. The tremendous weight of responsibility and range of duties implied above seem too heavy a burden for any one individual to assume regardless of his or her capabilities or efficiency.

2. 1975 RECOMMENDATION: THAT, ADDITIONAL SUPERVISORY PERSONNEL AND AT LEAST TWO MORE PROBATION OFFICERS BE REGULAR MEMBERS OF THE PROBATION STAFF.

IX. 1959 Recommendation: That an adequate system of legal administrative and social case records be set up, as specified in the report.

The records of this court are arranged in two categories: 1) legal records and 2) social information. These records appear to be full and up-to-date. At this time, administrative records including statistical and interpretative material described in the 1959 Community Council Report are not available. Efforts, however, have begun to be made to correct this deficiency, and with the help of a volunteer statistician, results are beginning to be apparent.

3. 1975 RECOMMENDATION: THAT A CONSULTANT BE ENGAGED TO DESIGN EFFECTIVE METHODS OF USING STATISTICS IN MONITORING OF SERVICES AND EVALUATION PROGRAMS.

Fulfillment of this recommendation not only would provide assessment of present services, but also would furnish the community with information about the services, needs and goals of the Court.

X. 1959 Recommendation: That clerical staff be provided, consisting of the personnel listed in the body of the report.

The clerical staff consists of a clerk, and three typists. The size of the present clerical staff represents 60% of that recommended in the 1959 Community Council report.

CHAPTER IV

DETENTION

For youths apprehended for or convicted of serious violations of the law, detention is the temporary care in a physically-restraining facility pending court action or transfer to another facility. The Montgomery County Youth Facility, built in 1969, accommodates the detention needs of Montgomery County.

While the initial objective of detention is to keep youths in secure custody, there are other equally important goals which detention care must accomplish. Detention should provide the detained youths with constructive educational and recreational activities. Through individual counseling, detention should assist youths not only to cope with the condition of detention but also to begin to understand themselves and to confront their problems. Another objective of detention is to conduct tests and observation of the youths to determine individual needs.

For youths who have been apprehended for or convicted of committing serious infractions of the law, detention should provide opportunities which will enable the youths ultimately to return to and remain within their community.

In 1959, the National Probation and Parole Association found detention care in Montgomery to be inadequate in its physical plant, staffing and programs. Examination of detention care in 1975 has revealed progress in the fulfillment of objectives.

I. 1959 Recommendation: That immediate steps be instituted to stop using the detention quarters for the shelter care of dependent and neglected children.

Neglected and dependent children are placed by the Department of Pensions and Security, police, or by an officer from the Youth Facility, in a facility separate from the Youth Facility. The Shelter Home is located at 419 Clayton Street and provides custodial temporary shelter. It is under the supervision of the Board of Directors of Montgomery Group Homes, Inc.

II. 1959 Recommendation: That present detention practices be completely revised to provide for screening of detention intake and the detention only of delinquent youngsters who actually require physical restricting custody.

Screening at the Youth Facility is done on a twenty-four hour basis by a trained intake officer who makes the decision whether or not to detain a youngster. Only those alleged delinquents who are judged to be a danger to themselves, others or the community, or who are habitual runaways are held in detention. Those who feel they have been detained unfairly have recourse within seventy-two hours at a detention hearing conducted by a referee of the court.

The facility also holds, on a temporary basis, out of town runaways and juveniles for the federal authorities.

III. 1959 Recommendation: That long-range plans be started to build a properly designed detention home and to use the space now occupied by the detention quarters as additional office space for the court.

A new Youth Facility was built on Air Base Boulevard in 1969. The Montgomery County Youth Facility houses probation offices and hearing facilities for juvenile cases. There are two detention wings with a capacity for thirty-four children, each of whom is assigned to an individual room. Each wing has a control area situated between two day rooms. There are two classrooms for educational activities and adequate recreation space consisting of a full size gym, four large day rooms and two outdoor playgrounds. The playgrounds are made secure by an eight-foot cyclone fence with electrified barbed wire on top with a slight charge supplied by a cattle charger. The facility has a chapel for religious activities, a large dining room and two large visitation rooms.

1. 1975 RECOMMENDATION: THAT PLANS BE DEvised AND IMPLEMENTED FOR MAXIMUM USE OF ALL AVAILABLE SPACE AT THE YOUTH FACILITY.

The Youth Facility has the capacity to house comfortably thirty-four juveniles with the average number detained daily twenty-five. A possible expanded use of the facility would be to serve more than one county (for example, Autauga and Elmore Counties).

IV. 1959 Recommendation: That immediate steps be taken to increase the detention staff so as to provide adequate supervision for youngsters in detention.

Presently, there are thirteen child care officers supervising youths in detention. Their supervision is aided by the location of a central control center and a sub-control center in each wing. Activities in both detention wings, day rooms, dining hall, classroom and visiting room can be monitored by electric equipment in the central control area. Sub-control units on each wing monitor all of the activities on that wing. Individual rooms can be monitored from the control area or from the Central Control Area.

The supervision is custodial and is not designed for treatment. For providing custodial care only, the staff is adequate in numbers for supervising the average of twenty-five youngsters held in detention on a daily basis.

2. 1975 RECOMMENDATION: THAT THERE BE A CAREFUL SCREENING OF ALL APPLICANTS FOR CHILD CARE WORK; THAT SELECTION CRITERIA INCLUDE PERSONALITIES AND DISPOSITIONS FOR CLOSE, CONSTANT ASSOCIATION WITH JUVENILES.

3. 1975 RECOMMENDATION: THAT THERE BE A TRAINING AND ORIENTATIONAL REQUIREMENT FOR ALL CHILD CARE WORKERS.

4. 1975 RECOMMENDATION: THAT THERE BE SOME FORM OF INCENTIVE PROGRAM FOR CHILD CARE WORKERS.

All employees at the Youth Facility are on the county merit system. The child care staff is composed of non-professionals.

The only requirement for child care workers is that they be between the ages of twenty-one and fifty-five and have a high school education. No psychological testing or training is required for these workers; consequently the people closest to the children the majority of the day are those least skilled. There are no steps or incentives provided through pay raises. Communication between the child staff worker and the probation officer is minimal.

It appears that all would benefit if an extensive training session and orientation were required for all incoming child care workers, if cooperation and the exchange of information by child care workers and probation officers on an individual basis were encouraged, and if incentives for the development of child care skills were provided by periodic in-service training.

5. 1959 Recommendation: That immediate steps be taken to provide a constructive program of activities for all children held in detention.

The Youth Facility has a planned program of activities for youngsters detained there. The program is primarily educational and recreational.

The Montgomery County Board of Education provides two Title I teachers for the Youth Facility. A child is given the Silveroli Classroom Reading Inventory and the Huelsman Word Discrimination Test. If he can successfully handle these tests, he is given the Stanford Diagnostic Reading Test. The average child in detention usually performs three to five grade levels below what is expected of him in the public school system. At the Youth Facility the education program is success-oriented and the child is taught on a level at which he can cope in language arts, social studies, math and science. According to staff members, this academic program assists the child with his adjustment by improving his self-image and helping him to relate to an authority figure and to a classroom situation.

Because youths are detained on an average of approximately nine and a half days, the academic program necessarily is brief with academic progress achieved at the Youth Facility not discernible when the child returns to the public school system.

Approximately seventy-five percent of the children detained require special education courses. The Youth Facility staff feels that it has been successful in placing these children when they are released into special educational classes.

Supervised by child care workers, an organized recreational program utilizes the gym, outdoor playground and dayroom facilities. Volunteer workers assist youths who are poorly coordinated to develop athletic skills.

There are usually not enough children of either sex held in detention to have organized team sports (e.g., baseball, volleyball, basketball, etc.). In lieu of these activities, it is suggested that greater emphasis be put on simple gymnastics and exercise classes.

Occasionally, volunteer groups offer specialized courses, such as arts and crafts for the girls. However, there are no arts and crafts classes for boys. It is desirable that activities of this nature, which provide an active, constructive and creative use of time, be encouraged.

Available to, but not mandatory for the youths to attend, is a weekly Protestant, non-denominational Bible class. Also as a volunteer, a chaplain visits the Youth Facility. On Friday nights, child care workers supervise an organized party.

The youths are allowed visits only from their parents or legal guardians on Monday, Wednesday, Friday and Saturday. These visits are monitored from the Central Control area.

The detention program is not treatment-oriented. Counseling is available only upon request; it is not offered on a regular basis nor as an integral part of the detention program.

5. 1975 RECOMMENDATION: THAT GREATER EMPHASIS BE PLACED ON PHYSICAL EXERCISE FOR BOYS AND GIRLS.

6. 1975 RECOMMENDATION: THAT AN ACTIVE EFFORT BE MADE TO SOLICIT ORGANIZATIONS AND INDIVIDUALS TO WORK ON A VOLUNTEER BASIS WITH THE BOYS AS WELL AS THE GIRLS IN ARTS AND CRAFTS AND OTHER CONSTRUCTIVE ACTIVITIES.

Medical treatment at present is provided by a county-appointed physician. This arrangement has proved to be inadequate and unsatisfactory.

7. 1975 RECOMMENDATION: THAT EVERY CHILD ENTERING DETENTION BE GIVEN A PHYSICAL EXAMINATION AND THAT A PHYSICIAN BE ON CALL AT ALL TIMES FOR BOTH EMERGENCIES AND CONSULTATION.

CHAPTER V

RELATED SERVICES

Maintained within the Montgomery community, related services are those various resources which offer assistance to children in trouble and which provide the Juvenile Court and law enforcement with meaningful supportive services. The services may be sponsored by a state or local agency or by a private organization; they pertain to physical and mental health, educational and recreational needs.

The significance and necessity of related services should not be underestimated. Not only do they enable youths to be diverted from the criminal justice system and institutionalization, they also offer youths the opportunity to participate voluntarily in resolving their conflicts and in assuming responsibility for their actions in the community in which they live. Related services also are a measure of the community's involvement with its citizens.

In this chapter, the 1959 Recommendations for Related Services are examined. They are followed by descriptions of related services offered in Montgomery and 1975 Recommendations for Related Services.

I. 1959 Recommendation: That the cooperative working relationship between the Court and the County Department of Pensions and Security be strengthened.

Efforts are being made to revise a written agreement between the Department of Pensions and Security (DPS) and the Court, which has become outdated to the point of being useless. The working relationship between the two has been a good one. Often the probation officer and DPS social worker combine efforts in working with the family of the juvenile. If the Department of Pensions and Security is not already involved in the case, and the probation officer feels that its involvement would be beneficial, he may make referral to that agency.

II. 1959 Recommendation: That, except for necessary legal action involving such matters as custody, the handling of dependent and neglected children be done by the DPS, not by the court and its staff.

Except for legal action involving custody, dependent and neglected children are now handled by the Department of Pensions and Security.

III. 1959 Recommendation: That the Court and probation department make far greater use of the services available from the Montgomery Mental Health Center.

Services offered by the Montgomery Area Mental Health Authority are utilized through referrals by probation and intake officers. The Montgomery Area Mental Health Authority provides the Court with a clinician three hours per week.

IV. 1959 Recommendation: That the special services (visiting teachers and counselors) of the public school system be greatly strengthened.

When the 1959 Survey was made, it was recommended that the Board of Education give serious consideration to the hiring of additional School Attendance Supervisors and that the present guidance and counseling program in the schools be expanded and improved.

Today, Montgomery County with a school population of approximately 36,000 still has only two attendance supervisors (same as 1959), a number lower proportionately than that in the Mobile and Birmingham systems.

An attendance supervisor functions similarly to social workers in that he/she tries to help solve a variety of problems which contribute to poor attendance. According to one of the supervisors, it is impossible to do the follow up work that is so greatly needed. Duties of the supervisors include working and conferring with principals, parents, students and community agencies to create conditions conducive to better school adjustment and attendance; making home visits; conducting quadrennial school census; preparing and maintaining records of referrals made and action taken in each case; compiling semester and annual school leaver's reports for the State Department; serving on the testing committee; dealing with behavior problems; issuing work permits; and assisting with the correction of eye problems.

1. 1975 RECOMMENDATION: THAT THE MONTGOMERY COUNTY BOARD OF EDUCATION BE URGED TO INCREASE THE NUMBER OF ATTENDANCE SUPERVISORS TO EIGHT.

2. 1975 RECOMMENDATION: THAT THE MONTGOMERY COUNTY BOARD OF EDUCATION BE URGED TO EMPLOY A SUFFICIENT NUMBER OF COUNSELORS AT THE JUNIOR HIGH AND ELEMENTARY LEVELS.

It is the strong feeling of the committee that early detection of behavior and emotional problems accompanied by counseling and therapy (for both students and parents) in the school situation would be the greatest single factor in the prevention and control of juvenile delinquency.

Quoting from Schools and Delinquency Prevention by Ernst A. Wenk, Co-Director, NCCD Research Center:

Are schools guilty of neglect? Do they contribute to delinquency? What should they do to help their students find a place in society or prepare them to change that society?

Schools occupy a special place in the hearts of the American people and with good reason. The American educational system is hailed as one of the finest in the world. Schools were one of the major forces that initiated our unprecedented technological progress, and they remain essential to the maintenance of our technological excellence and high standard of living.

Yet, our outstanding material accomplishments are accompanied by dismal failures, including juvenile delinquency and youth crime. Our inability to reach and involve millions of youth, and the resulting symptoms of social decay, such as noninvolvement, apathy, depression, and drug abuse are seriously threatening to destroy the social fabric of our communities.

Our schools are central to the life we live today. Breakdowns in our educational system would be far more threatening to our survival than the energy crisis. Yet, flaws in this system are becoming increasingly visible.

The origin of the present crisis extends far beyond institutionalized education. It is not fiscal; it cannot be remedied by allocating more money to educational programs or by levying higher school taxes on the community. It is a crisis of human relationships, a crisis felt by millions but most visibly expressed by youth.

The schools may be guilty of neglect. They share the responsibility for this social crisis when they neglect educational objectives that deal with the preparation of students for their roles as socially responsible persons. The social order we live in rests on a delicate balance between personal rights and personal responsibilities. It can exist only if most of its members possess the social skills that lead to healthy interpersonal relationships, social awareness, understanding, and respect. Our public schools shoulder the main burden for providing educational opportunities for young and adult citizens to equip them to cope with today's and tomorrow's problems.

Public schools seem to be failing to provide certain skills needed for survival. Most critically, they fail to teach social skills or to help students achieve personal development and growth. This neglect may have far-reaching social consequences and may add a substantial burden to our crime problem.

A recent Ford Foundation publication points out these shortcomings in our educational curricula as follows:

"It is easier to teach toward specific objectives and more generally to recognize and deal with the child's need to know how to read, write, compute, and to have some knowledge of his environment than it is to recognize and deal with his need for a satisfying self-definition and for constructive relationships with others, and for some control over what happens to him. The first set of needs is given the over whelming emphasis in our educational system."

The most critical need is to change educational policies to prepare students for constructive personal and social behavior. Such change in educational policy and focus is the key to decisive impact on the problem of juvenile delinquency and youth crime, a result that cannot be produced or maintained by changes in the criminal justice system alone.

3. 1975 RECOMMENDATION: THAT A STUDY BE CONDUCTED TO DETERMINE WAYS IN WHICH THE SCHOOL SYSTEM MIGHT BECOME A POSITIVE FORCE IN DELINQUENCY PREVENTION.

Pertinent to this recommendation, it is urged that a program be established to train teachers to recognize and identify problems early in elementary school, and that there be a development of resources and programs to meet the needs of these potential delinquents.

Discipline is usually maintained through punishment and suspension dealing with the behavior of the child rather than his needs. Alternative programs should be developed to give the child an opportunity to extricate himself from the accumulation of forces that often carry him hopelessly to delinquency.

It is also urged that the possibility of alternative classes within the framework of the school be investigated for children who have been suspended from school for an indefinite length of time. A child could request that he be placed in such an alternate class and thereby find it possible to maintain a respectable standing in the regular school system when he is ultimately returned to it. Such a system would demonstrate to the child that society does care about him and his future; it would utilize constructively his idle (and potentially troublesome) time; and it would help him to achieve a successful scholastic re-adjustment.

V. 1959 Recommendation: That the community give serious consideration to the need for a family counseling agency.

As an outgrowth of the 1959 Survey, the Junior League of Montgomery established a Family Counseling Service and helped to merge this agency and the Traveler's Aid Society and Children's Assistance Fund into the Family Guidance Center. The center offers a two-fold service: a) Traveler's Aid, and b) Family Counseling, and enjoys a good working relationship with all the social service agencies in the city.

With a budget of just under \$100,000, the center is working with 600 cases, the majority of which concern children either directly or indirectly. Referrals come from the courts and the schools (principally, from the elementary level). The average duration of counseling a specific client ranges from three to five months.

4. 1975 RECOMMENDATION: THAT THE FAMILY GUIDANCE CENTER INCREASE ITS PARTICIPATION WITH OTHER SOCIAL SERVICE AGENCIES AND WITH THE SCHOOL SYSTEM OF MONTGOMERY.

5. 1975 RECOMMENDATION: THAT THE FAMILY GUIDANCE CENTER DEVELOP A PROGRAM OF FAMILY ENRICHMENT WHICH WILL EMPHASIZE PREVENTION OF FAMILY CRISES AND WILL ASSIST FAMILIES IN ALL PHASES OF HOME LIFE.

6. 1975 RECOMMENDATION: THAT THE MONTGOMERY HOUSING AUTHORITY SUPPORT THE FAMILY GUIDANCE CENTER IN DEVELOPING ON-SITE PROGRAMS IN THE VARIOUS HOUSING PROJECTS.

Descriptions of Related Services in Montgomery:

The Alabama Department of Pensions and Security

The Alabama Department of Pensions and Security (DPS) maintains offices in each of Alabama's sixty-seven counties. Generally, these offices and its personnel are responsible for delivering to eligible persons the services which the State DPS provides. For example, the State DPS is responsible for determining standards for licensing of group homes, child care institutions and child placing agencies, while the County DPS is responsible for investigating, evaluating and approving foster family and day care homes.

Since the 1959 report there has been an obvious expansion of services and staff of the County Department of Pensions and Security as well as an increase in financial support for these services. The two main areas of responsibility that continue to be the main concern for this particular study are Aid to Dependent Children and Child Welfare. Now, as in the 1959 study, the County Department of Pensions and Security has specific responsibility regarding certain categories of children. Until January 1, 1976, DPS will have responsibility for delinquent children in addition to neglected, dependent, and abused children. As of January 1, 1976, the newly created two year old Department of Youth Services will become responsible for all delinquent children. It should be recognized that frequently the distinction between the neglected, dependent or abused child and the delinquent child is very difficult because the neglected, dependent or abused child is a more likely candidate for delinquent behavior than children who come from a stable home and environment. The County DPS states that a strong and vital recognition of the importance of preventive services, as emphasized by the national Department of Labor and the Department of Health, Education and Welfare, is necessary.

As stated above, DPS provides two major services to children: a) Aid to Dependent Children (ADC), and b) child welfare services. ADC offers financial support and services to one-parent families or families deprived of a parent's support because of disability. Presently, there are fourteen service workers addressing the multiple problems of ADC families. Currently, 1,650 families are on the ADC rolls; these families represent a total of 5,750 people, 4,375 of whom are children.

DPS states that it maintains a plan for each family which outlines the family's problems and the services which DPS or another agency is providing to the family.

Financial support is one of the primary facets of the plan for an ADC family. The average grant is ninety-seven dollars per month for an average family of three children and mother. The average grant per child is twenty-seven dollars per month. In Alabama, the maximum ADC payment per child is sixty-five dollars per month and the maximum payment for a family of five or more is \$205.00 per month. For each individual included in the ADC budget, full medical coverage is provided.

For other needs outlined in the family plan, DPS makes referrals to agencies which offer various services: family planning, mental and physical health services, employment, educational and day care services.

Child Welfare Services

For youths with behavioral problems and for their families, child welfare services are available. DPS often becomes involved with the child welfare case after the occurrence of a crisis. Often, the Youth Aid Division of the Montgomery Police Department requests DPS to investigate a possible case of neglect or abuse. In many cases, DPS is giving financial assistance to a family which also requires child welfare services.

When DPS finds serious cases of neglect and/or abuse, it obtains from the Juvenile Court a temporary order granting DPS permission to remove the child from the home. In less serious cases, the child remains in the home under the supervision of DPS which works with the family to create a constructive home environment. The number of children and families involved in this area of child welfare services varies from month to month; however, the current caseload in protective services is 350 families.

The recognition of the need of more responsibility and attention to the abused and battered child is also a part of protective services to the child in trouble. The Alabama child abuse law requires that reports of child abuse must be made either to the Department of Pensions and Security, the Chief of Police, or the Sheriff of Montgomery County. DPS is required to investigate these complaints and follow through with appropriate action in each individual case. If removal of the child from his home is necessary, DPS may petition the court for custody. If custody is awarded, DPS makes a suitable plan for the child. The same type of placement may be carried out by the department for neglected and dependent children. The department works with the child and the parent during placement of the child in a foster facility or home. The department counsels with the family in the hope that the child may be able to be returned to his own home in the future. If this is not feasible, then continued plans for the care of the child are made in appropriate foster facilities.

The Montgomery County branch of the Department of Pensions and Security diagnoses the problems of each of the children and families who, in some way, appeal for assistance. After diagnosis of the problems, the County DPS attempts to meet these needs with DPS services or by referrals to other community, state or federal resources.

It must be stated that all recommendations are based upon the recognition that the Department of Youth Services will become responsible for all delinquent youths as of January 1, 1976. The Department of Pensions and Security will retain responsibility for the dependent, neglected and abused child. Except in a few rare instances where institutionalization in the state training schools is necessary, adequate and appropriate community facilities must be provided for youths with problems. Further, it is hoped that in the near future the status offender will no longer be treated as a delinquent and that his problems will be cared for in a different and more effective manner. For the child who is out of control but not delinquent, for the youth for whom permanent placement has not been determined, there is a need for a facility where he may be placed. It should be sufficiently secure to restrain youths when necessary.

7. 1975 RECOMMENDATION: THAT AN "ATTENTION HOME" BE ESTABLISHED TO SERVE OLDER YOUTHS FOR WHOM PLACEMENT IS DIFFICULT OR WHO REQUIRE TEMPORARY RESIDENCE PENDING PERMANENT PLACEMENT.

There is a need for planning between DPS and the agencies with which it cooperates. Particularly with the imminent assumption by the Department of Youth Services of many DPS functions, there is a need for clear communication about the respective responsibilities of the Juvenile Court, the Youth Facility, the Department of Youth Services and DPS to each client.

8. 1975 RECOMMENDATION: THAT A PROCEDURE BE DEVELOPED TO DETERMINE EACH AGENCY'S RESPONSIBILITY FOR EACH CLIENT; TO COMMUNICATE EACH AGENCY'S REFERRAL AND SERVICE ACTIONS PER CLIENT TO AVOID OVERLAPPING OF THE VARIOUS AGENCIES' FUNCTIONS.

9. 1975 RECOMMENDATION: THAT THE DEPARTMENT OF PENSIONS AND SECURITY DESIGN METHODS BY WHICH TO EVALUATE THE EFFECTIVENESS OF ITS SERVICES AS WELL AS THE REFERRAL SERVICES TO WHICH IT DIRECTS CLIENTS.

Comprehensive Employment Training Administration (CETA)

Managed by the Department of Labor, CETA is an employment program which gives priority for summer employment to youths from low income families. Both poverty and boredom are regarded as conducive to delinquency. Therefore, CETA, by providing disadvantaged youths with remunerative summertime activity, may help to prevent juvenile delinquency.

Again, by providing supervision and meaningful care and activity, the following schools and centers may help to prevent delinquent acts: The McInnis School, the Madison Park Hope Center, and the day-care centers at Young Forte Village and the Nellie Burge Community Center. The County Department of Pensions and Security recommends these resources to eligible children who with their families are ADC clients.

Brantwood, The Children's Home

Located at 1309 Upper Wetumpka Road, Brantwood is an institution for dependent and neglected children from Montgomery County. Providing group care for a maximum of twenty-eight children between the ages of six and sixteen years, Brantwood not only cares for the physical needs of its children but also offers developmental guidance and experience in community living. The ultimate goal of Brantwood is to reunite the family group whenever possible. The Department of Pensions and Security assists in this endeavor by providing supportive services to the child's family.

Most of the referrals of the children presently residing at Brantwood have come from the Montgomery County Juvenile Court and DPS. Applications for admission may be made by parents, guardians, relatives or any licensed child-placing agency.

Presently, there are twenty-seven children living at Brantwood.

United States District Court
Office of the Probation Officer
Middle District of Alabama
Montgomery, Alabama

The United States Probation Office operates as a part of the United States District Court at Montgomery, Alabama. The Middle District of Alabama includes the twenty-three counties of Southeast Alabama. The Probation Officer serves the court in the making of presentence investigations, preparole investigations and in the supervision of persons on federal probation and federal parole. A thorough presentence investigation is made of every defendant charged with a federal violation and this comprehensive report is submitted to the judge for his use in determining the appropriate disposition.

The staff consists of the Chief U.S. Probation Officer, one Supervising U. S. Probation Officer, five U. S. Probation Officers, one Chief Clerk and four Clerk Stenographers. The officers are career persons with professional qualifications.

The federal Probation Officer works with juvenile offenders who come under the jurisdiction of the federal district court. Under federal law a juvenile is a person who commits a federal offense prior to his reaching his eighteenth birthday. According to a recent law, the federal court is somewhat limited in what cases are now handled. The new law specifies that a juvenile may not be prosecuted in federal court unless the U. S. Attorney certifies to the court: a) that the state court lacks or refuses jurisdiction, or b) that the state court lacks adequate juvenile facilities.

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After such certification is made, one of the Probation Officers immediately begins the preparation of a presentence report. The Probation Officer has a planning responsibility and an effort is made to contact all local agencies for assistance in this planning. All juveniles do have attorneys and these attorneys always assist in this planning.

During his preparation of the presentence report the Probation Officer also considers the possibility that the case might be properly handled under the Deferred Prosecution Plan. Under this plan the charge against the juvenile is held in suspension by the U. S. Attorney during a period of supervision by the Probation Officer. If the juvenile responds favorably to this supervision the charges are ultimately withdrawn and no record of any court action appears against the young offender.

If no plan can be worked out to have the matter handled by Deferred Prosecution, then the matter is taken before the U. S. District Judge for disposition. If guilt is determined, a dispositional hearing is held and at this point the attorneys present their ideas with regard to disposition. Usually the juvenile is either placed on probation or is committed to a juvenile institution, usually The Robert F. Kennedy Youth Center at Morgantown, West Virginia.

In many instances the juveniles who are sentenced are able to complete their education and various vocational training programs. When the juveniles are released on parole, the Probation Officer endeavors to place them in advanced training programs.

The Lighthouse

The purpose of the Lighthouse is to provide free confidential legal, medical and psychological services to youths between the ages of fourteen and twenty-one in the metropolitan Montgomery Area. In order to serve the most young people at the least cost, this program is operated entirely by volunteers with professional training with the exception of one paid director. The program is funded with private donations.

Desmond Place

Desmond Place is a federally-funded program for young people involved with drugs. Its purpose is to provide a drug-free environment for youths who are experiencing medical, psychological and/or legal difficulties because of their involvement with drugs. In order to accomplish this goal, Desmond Place provides a variety of services: testing, group and family counseling, individualized educational instruction, medical examinations and treatment, vocational counseling and job placement.

Desmond Place may be used as a condition of probation, as a diversionary program for first offenders, or it may be used prior to sentencing in order to give the convicted person an opportunity to prove himself and possibly to earn probation or youthful offender status.

Montgomery Area Mental Health Authority

The Montgomery Area Mental Health Authority offers services to children in trouble. Children and their families are referred to the Montgomery Area Mental Health Authority by Juvenile Court, the Youth Aid Division, DPS, the Family Guidance Center, school consultants and concerned citizens.

The services of this agency include a) evaluations, b) group therapy, and c) individual counseling and therapy. One full-time clinical psychologist, a part-time school consultant, and a part-time therapist for the child abuse program comprise the staff. Psychiatrists are available for consultation.

The following recommendations reflect the needs of the Authority as it attempts to fulfill its goal of assisting children with problems.

10. 1975 RECOMMENDATION: THAT THE MONTGOMERY AREA MENTAL HEALTH AUTHORITY BE URGED TO PROVIDE IN-PATIENT HOSPITALIZATION FOR CHILDREN AND ADOLESCENTS.

11. 1975 RECOMMENDATION: THAT MORE MALE THERAPISTS BE HIRED BY THE MONTGOMERY AREA MENTAL HEALTH AUTHORITY TO COUNSEL MALE ADOLESCENTS.

12. 1975 RECOMMENDATION: THAT THERE BE AN EXPANSION OF THE SCHOOL CONSULTANT PROGRAM BY THE MONTGOMERY AREA MENTAL HEALTH AUTHORITY WITH AN INCREASE IN THE NUMBER OF SCHOOL CONSULTANTS, AS NEEDED.

Group Homes for Children of Montgomery, Inc.

Group Homes for Children of Montgomery is a private, non-profit corporation organized to provide a family-like group setting, in which children with problems can be treated, as an alternative to incarceration in a state institution for juveniles.

Separate racially integrated homes are operated for each sex. The Boys Home, licensed for ten, is in a rented building. The Girls Home, which is owned by the corporation, is licensed for eight girls.

Each home is supervised by teaching parents, a married couple, who, as well-adjusted adult models, live in the home.

The program uses the group, as well as teaching parents to help each youth develop coping skills which will enable him or her to function normally in society. It includes individual and group therapy for the youth and for the natural parents while providing for the physical, mental and religious development of the child. In order to achieve the desired program goals, a structured home atmosphere is provided

under the supervision of the teaching parents with emphasis on improvement of behavior at school, at home, and in the acceptance of household responsibilities.

The staff of Group Homes, Inc., is comprised of an executive director, a social worker, and a pair of teaching parents for each of the two homes.

Particular emphasis is placed on in-service training for all personnel. In the past six months, the staff has participated in the Alabama Conference of Child Care, two Group Home workshops, Parent Effectiveness Training, and a special Seminar on Group Therapy. The social worker attended a special workshop at the University of North Carolina (UNC). All members of the staff currently are enrolled in a course on the Adlerian Theory of Child Raising. Future plans include a one week workshop for teaching parents and a two week certificate training course for the director at the UNC School of Social Work.

The corporation also operates a shelter home for neglected and abused children. Although no formal treatment is provided for these children, social services are provided by DPS and the housemother provides a wholesome and healthy environment for a temporary period until suitable permanent arrangements for care can be arranged.

Group Homes for Children of Montgomery provides a carefully planned alternative to incarceration for boys and girls between eleven and sixteen years of age under the direction of qualified persons who continually are training and studying to become more effective in their associations with children who are in need of assistance.

13. 1975 RECOMMENDATION: THAT COMMUNITY RESOURCES BE DEVELOPED TO SERVE AS ALTERNATIVES TO INCARCERATION.

Suggestions for fulfillment of this recommendation include the establishment of 1) residential and educational facilities for emotionally disturbed children; 2) residential and educational facilities for retarded children who become involved in delinquent behavior, and 3) establishment of foster care facilities for the delinquent child, and particularly the delinquent teenager.

Department of Youth Services

In 1973 the Alabama Legislature enacted a bill creating the Department of Youth Services. In working with juveniles who have entered the criminal justice system, the Department of Youth Services acts as "the advocate" rather than as "the custodian" of these youths. In the role of "advocate", the Department of Youth Services strives to protect the rights of youths and to plan and support programs which will benefit children in trouble.

From this Department, Montgomery County receives the following assistance:

1. Payment of one-half the salary of each probation officer per every 20,000 population in the county.

2. Professional training for probation officers and other juvenile delinquency workers.
3. Supervision of the three training schools (county children may be sent to any of these).
4. Licensing of the detention facility, group homes and foster homes.
5. Consultation and technical assistance for the programs of the above facilities.
6. Determination of standards for all programs in juvenile criminal justice system, including probation and aftercare (parole) services.
7. Planning for an extensive volunteer program for all phases of the system.

SUMMARY OF 1975 RECOMMENDATIONS

The reader is referred to the body of the report for explanation and clarification of the recommendations.

Chapter I - LAW ENFORCEMENT

1. That each school team of the School Relations Bureau be composed of a male and female officer, one of whom is a black officer.

2. That there be regular programs in the elementary schools specifically designed to improve the image of the police officer and to instill values of honesty and citizen responsibility at an early age with special emphasis on specific penalties for minor infractions of the law.

3. That no weapons be displayed by police placed in the schools by the Youth Aid Division.

4. That the tremendous potential of the Community Relations Bureau be developed to the fullest with more extensive use of the van and an objective follow-up evaluation of the different programs.

5. That the personnel of the Community Relations Bureau work closely with the Director of Cultural Affairs in the Parks and Recreation Department to coordinate activities and programs.

6. That night and weekend recreational opportunities for teenagers be given special consideration by the Community Relations Bureau.

7. That the same services be provided for juveniles living outside the police jurisdiction as for those living inside the police jurisdiction.

Chapter II - THE COURT

1. That the age jurisdiction for juveniles be retained as less than eighteen for boys and girls.

2. That sufficient funds be allotted to Juvenile Court to meet increased court costs caused by raising the age limit to eighteen.

3. That the clause providing for transfer from Juvenile Court to adult proceedings be retained.

4. That lawyers be permitted a sufficient period of time for adequate case preparation by early assignment by the court to juvenile cases; that the court demand representation of the highest quality from the lawyers appointed by the court to juvenile cases.

5. That the Citizens' Planning Committee be reactivated; that it be representative of a cross-section of the community; that it include at least one young person; and that the committee have as one of its considerations the balance between material equipment and personnel and services.

6. That proper courtroom decorum be maintained while court is in session.

7. That the court emphasize the significance and serious nature of the hearing; that the court demonstrate to each juvenile that his disposition is designed with care and concern to meet the needs of his particular case.

8. That the dignity and privacy of the accused and his family be emphasized and protected at all times.

9. That, if the child admits guilt and the parents and child give permission for social information to be gathered, there be one hearing with adjudication and disposition rendered on the same day; and that the adjudication statement be pronounced after the facts are heard but before the social history is given and the disposition is determined.

That, if the child denies the charge, there be a two-part hearing: a) the adjudication hearing where the facts of the case are heard, the child represented by counsel and the adjudication made; and b) the disposition hearing where the social information is heard and the disposition made.

10. That further study be made to ascertain whether or not the legal rights of children entering the court system are sufficiently protected, and whether or not the addition to the court staff of a public defender for juveniles is necessary to the assurance of this protection.

11. That the jurisdiction for juveniles be retained at the circuit court level.

12. That the definition of delinquent behavior be changed so that only those juveniles who commit an act which would be punishable by law if they were adults be termed delinquent.

Chapter III - PROBATION SERVICES

1. That a psychologist be employed as a regular member of the probation staff of the court.

2. That, additional supervisory personnel and at least two more probation officers be regular members of the probation staff.

3. That a consultant be engaged to design effective methods of using statistics in the monitoring of services and evaluation of programs.

Chapter IV - DETENTION

1. That plans be devised and implemented for maximum use of all available space at the Youth Facility.

2. That there be a careful screening of all applicants for child care work. That selection criteria include personalities and dispositions suited for close and constant association with juveniles.

3. That there be a training and orientation requirement for all child care workers.

4. That there be some form of incentive program for child care workers.

5. That greater emphasis be placed on physical exercise for boys and girls.

6. That an active effort be made to solicit organizations and individuals to work on a volunteer basis with the boys as well as the girls in arts and crafts and other constructive activities.

7. That every child entering detention be given a physical examination and that a physician be on call at all times for emergencies and consultation.

Chapter V - RELATED SERVICES

1. That the Montgomery County Board of Education be urged to increase the number of attendance supervisors to eight.

2. That the Montgomery County Board of Education be urged to employ a sufficient number of counselors at the junior high and elementary levels.

3. That a study be conducted to determine ways in which the school system might become a positive force in delinquency prevention.

4. That the Family Guidance Center increase its participation with other social service agencies and with the school system of Montgomery.

5. That the Family Guidance Center develop a program of family enrichment which will emphasize prevention of family crises and will assist families in all phases of home life.

6. That the Montgomery Housing Authority support the Family Guidance Center in developing on-site programs in various housing projects.

7. That an "Attention Home" be established to serve older youths for whom placement is difficult or who require temporary residence pending permanent placement.

8. That a procedure be developed to determine each agency's responsibility for each client, to communicate each agency's referral and service actions for each client, and to avoid duplication of various agencies' functions.

9. That the Department of Pensions and Security design methods by which to evaluate the effectiveness of its services as well as the referral services to which it directs clients.

10. That the Montgomery Area Mental Health Authority be urged to provide in-patient hospitalization for children and adolescents.

11. That more male therapists be hired by the Montgomery Area Mental Health Authority to counsel male adolescents.

12. That there be an expansion of the school consultant program by the Montgomery Area Mental Health Authority with an increase in the number of school consultants, as needed.

13. That community resources be developed to serve as alternatives to incarceration.

END