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INFORMATIONAL MEMO 232

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JUVENILE SERVICES FOR TROUBLED YOUTH IN  
ARKANSAS AND OTHER STATES

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FROM: RESEARCH DEPARTMENT, ARKANSAS LEGISLATIVE COUNCIL

SUBJECT: SERVICES TO TROUBLED YOUTH

Interim Study Proposal No. 75-99 by Representative Carolyn Pollan requests the Joint Interim Committee on State Agencies and Governmental Affairs to:

make a study to identify each of the programs and services provided by the State of Arkansas for the benefit of young people in this State, and to especially review the organizational structures of the various departments and institutions under which these programs are administered for the purpose of determining the need for, and feasibility of, the State of Arkansas coordinating or consolidating its program of services for the young people into a single department or agency in order to eliminate duplication of services, and to provide greater efficiency in the delivery of services benefitting young people.

#### SOURCES OF INFORMATION

A major source of information for this report is the Comprehensive Long Range Master Plan for the Prevention, Treatment, and Control of Juvenile Delinquency in Arkansas, First Year Document--Phase 1 by the Youth Services Planning Division of the Planning, Evaluation, and Research Section of the Department of Social and Rehabilitative Services (SRS). The second phase of the plan should be available in September, 1976, and should provide valuable information and suggestions for the juvenile services system. Interviews with the appropriate officials in SRS also provided much information on their specific area of concern. Staff Report 73-5, Juvenile Corrections: Group Home Concept also served as a source of information. Finally, a review of relevant literature offered information, especially on services in other states.

#### SCOPE OF THE REPORT

It has been estimated by some officials that when a child fails in society (becomes a criminal), he will ultimately cost the State approximately one half million dollars. This figure does not account for the human suffering involved.

Since 1960, arrests of those under eighteen (18) years of age have risen 254 percent for murder, rape, robbery and aggravated assault. Persons under eighteen are responsible for nearly half of the serious crime in America although they constitute only thirty percent of the nation's population.

This report attempts to survey the present system of juvenile justice in Arkansas and to identify some of the recent and forthcoming changes in the system which represent attempts to make the system more successful. This report also offers a brief survey of juvenile services offered in other States

and national trends, including the community-based programs. Research is also being prepared on the constitutional aspects of the juvenile court system in Arkansas. This research is available from the Arkansas Legislative Council also.

#### JUVENILE SERVICES IN ARKANSAS: INTRODUCTION

Act 451 of 1975 (Ark. Stats. 45-401--45-449) is the new Juvenile Code for Arkansas. It is the legal basis for the juvenile services provided by the State for troubled youth in Arkansas.

In calendar year 1974 (latest available statistics), there were 4,773 juvenile cases formally filed in the county courts which are the courts of original jurisdiction for juvenile cases in Arkansas. For the same year, from those 4,773 cases, there were 777 admissions to the Arkansas Training School Department. These figures do not reflect those juvenile cases which, due to their serious nature, were transferred to the circuit courts; nor do they reflect the numerous contacts between law enforcement officials and juveniles which are handled by the officials and never reach the courts. The yearly increases in crimes by juveniles have resulted in a problem of continuing concern for our society.

There appear to be numerous problems with the juvenile justice system in Arkansas. Some of the problems can be summarized as follows: (1) a high failure rate in preventative treatment at the training schools, as evidenced by the fact that fifty percent of those paroled from the State adult correctional institutions have previously been in the State's Training Schools; (2) a lack of one central authority for juvenile services at the state level; (3) each of the seventy-five counties has its own juvenile court with its own rules of evidence, procedures, and judge and there is no uniformity among the counties; (4) no long or short range goals for the juvenile service system in the State; (5) lack of cost-effectiveness studies; (6) a serious lack of community-based treatment, preventative, and supportive programs for troubled youth; (7) a lack of training for law enforcement officials in the State who deal with juveniles firsthand; (8) a lack of probation officers for the counties; (9) overloaded youth service counselors ("aftercare workers") to aid youths released from the training schools; (10) a lack of uniformity in honoring the juvenile's right to counsel in juvenile court; (11) a lack of legal training and training in

juvenile affairs for the county judges who are the juvenile judges in Arkansas; (12) a lack of "intake" officers to provide the juvenile courts with background information; (13) a lack of residences for youths as alternatives to incarceration. This is only a partial list; some of these defects are being examined currently by the appropriate agency and plans for changes may be forthcoming. The Governor and the director of the Department of Social and Rehabilitative Services have publicly expressed a desire to see improvements in the services provided juveniles in Arkansas.

#### JUVENILE JUSTICE SYSTEM: HOW THE SYSTEM FUNCTIONS

(This information is graphically displayed in flow charts on pages 14 & 15) This section explains in detail how the system works and serves to give a supplemental explanation of the flow charts.)

The various law enforcement agencies, the State Police, seventy-five sheriffs departments, and some two hundred fifty municipal police departments, daily encounter firsthand the juvenile problems in this State. In approximately thirty-five percent of the encounters, the officers themselves handle the problem and the juvenile does not enter the juvenile justice system. The law enforcement officers have almost unlimited discretion in determining whether to charge or release a youthful offender. In handling these problems themselves, the law enforcement officials may (1) issue a warning to the youth and/or his parents, (2) offer some kind of referral service e.g. community mental health programs, or (3) arrange for adjustments of some kind e.g. repayment of damages. Although this type of immediate and nonjudicial disposal of problems is of great importance, and minor problems would be handled in this manner, additional training in juvenile affairs for Arkansas law enforcement officials would be beneficial.

#### Arrest

A youth may enter the system through arrest by a law enforcement office, with or without a warrant, or by a petition filed with the clerk of the county court. A youth arrested without a warrant must be taken directly before the juvenile court of the county where the arrest is made. The juvenile judge must then either retain the case or transfer it to circuit court. In Arkansas, the law provides that the County Judge's court is always the juvenile court.

A youth arrested on a warrant must be taken to the court which issued the warrant. That court must then transfer the youth to juvenile court or retain jurisdiction. If the youth is tried in juvenile court, there will be no record even if the youth is found guilty of a felony. First offenders in other courts may have their records expunged under certain conditions (Ark. Stats. 43-1231--43-1235).

A youth, who is accused of committing a serious offense, may be transferred to circuit court to be tried as an adult. If convicted, the youth could be incarcerated at Tucker Intermediate Reformatory and would not be involved in the juvenile services described herein. In cases involving youths over fourteen years of age, the prosecuting attorney may decide in which court the case will be held.

#### Petition

A youth may also enter the system, according to Section 23 of the Juvenile Code, when any adult files, with the clerk of the county court having jurisdiction over the matter, a petition setting forth facts supporting the allegation that a juvenile is in fact delinquent, in need of supervision, or dependent/neglected. The filing of this petition places the matter in the juvenile court.

#### Intake

In Arkansas, there is usually no "intake" officer or process for the juvenile before the juvenile court although the Juvenile Code provides for such an official. Presently (1974), only three counties have such an official whose duties include: (1) receiving and investigating complaints against juveniles, (2) making appropriate referrals, (3) performing other duties assigned to him by the court. The National Advisory Commission on Criminal Justice supports the idea of an "intake" officer in order to screen or divert offenders from the system. The emphasis is to be on making the juvenile a useful member of society.

If charges are filed against a juvenile by one of the above methods, the youth may be detained in the local jail or in a residential alternative or may be conditionally returned to his home. A youth that is detained may not be placed in the same cell containing adult offenders (Section 22, Act 451 of 1975, Juvenile Code). The youth has the same right to bond as an adult.

#### Court

In 1974, the seventy-five county judges who preside over juvenile courts in each county, as previously explained, had 4,773 juvenile cases filed in their courts.

The county court is the juvenile court of original jurisdiction. The county judges are primarily administrative officers for the county government. They are not required to have any legal training. There is no set of uniform procedural rules for the juvenile courts. The right of counsel is not uniformly honored; in 1974, approximately twenty-five percent of the youth had counsel. There are no rules of evidence for juvenile courts. Often the judges have little background information on the youths before them, few alternatives for rehabilitation methods, and little knowledge of juvenile treatment methods. The hearings, before the judge (no jury is present) may be bifurcated (ie. adjudication, later disposition) but many times the entire process is handled in one hearing. The hearings are usually informal, non-advocacy proceedings with the purpose and intent to make the best decision possible for the needs of the child.

#### Referee

Recognizing that some county judges lacked the time and/or the background to preside over juvenile matters, the Arkansas General Assembly in 1969 and 1973 passed legislation authorizing county judges to appoint juvenile referees to hear cases involving juveniles. In Act 451 of 1975, a provision was added so that only attorneys licensed to practice law in Arkansas can be appointed as juvenile referees after July 1, 1975. However, anyone previously appointed a referee could continue to serve. Currently, thirty counties have referees and only two of the thirty-two referees appointed do not have law degrees.

#### Appeal

A decision by a referee may be appealed to the county judge. A decision by a county judge may be appealed to the circuit court in that district.

#### Adjudication, Three Options

If the judge (or referee) finds the juvenile is not guilty, the youth is released. There is no effort at after-care, referral, or follow up to any acquitted youth. However, if a youth is found to be in need or is guilty of the charges, the judge has three options: (1) the youth remains at home, under certain restrictions, (2) the youth is removed from the home and new custodians are appointed (3) the youth is sent to an institution.

#### At Home:

A youth who is allowed to remain at home will probably be ordered (1) to report periodically to the court or the county probation officer (or equivalent) or

(2) to allow the probation officer (or equivalent) to visit the child in his home. Forty counties employ probation officers; there are forty-three probation officers. Other counties use State social workers from SRS, volunteers, ministers, youth service counselors ("after care" workers for the training schools), or even the local police. The official duties of the probation officer consist of: (1) investigation, (2) aiding families in need, (3) assisting the court, (4) and keeping records for the court. The court may revoke the probation at any time. Efforts at rehabilitation and/or treatment of the youth and his problems thus depends on the availability and utilization of local resources.

As to the second alternative, the judge may have the child removed from the home if the parents are (1) unfit or improper to care for the child or (2) unwilling to properly care for the child. In either of these cases, a new custodian will be appointed for the child and alternative residential placement will be provided. Such placement would include a foster home, a community home, or group home. All of these alternative residences are in short supply in Arkansas. Because of this lack of local opportunity for alternate placement, some youths may not receive the help they need in these cases. The child in an alternate residential placement may also be required to complete some service program, such as treatment at the local mental health center, if such treatment is available.

#### Commitment

The third alternative requires the judge to determine if the youth is a "proper person" for commitment to the Juvenile Services Section of the Rehabilitation Services Division of SRS. If the judge so determines, then the youth is committed to the Juvenile Services Section automatically and is sent to the Juvenile Reception and Classification Center at Alexander. (See page 18, Organizational Chart)

#### Classification Center

At the Reception and Classification Center, a youth is observed for seven days from 6:00 a.m. to 10:00 p.m. so that a detailed behavioral diagnosis may be made. The observation process begins even at the intake proceedings at the Center. Approximately forty-four juveniles can be housed at the Center at one time. Each youth is assigned a counselor who is responsible for him or her. The Wide Range Achievement Test is required by federal regulations for each child in order to determine grade level achievement in school. Many youths are from one to three grade levels behind.



A complete medical examination is given to each youth at the Center and all medical and dental problems are corrected, if possible. Many of the youth arrive with medical problems. The Center has had some difficulty in solving the medical problems of the youths in seven days because of the long waits required at the University of Arkansas Medical Center and the fact that the State Hospital does not take persons under the age of sixteen, except under special circumstances. Also, the Child Study Center does not take children who "act out" (overt, hostile behavior).

### Training Schools

After diagnosis and evaluation at the Reception and Classification Center, the youth is placed by the Juvenile Services Section. However, other than the three training schools operated by the Section, there are few alternatives for placement. In 1974, eighty-seven percent of the 777 youths committed to the Section were sent to the training schools. Only thirteen percent received other placement. According to professionals in juvenile care, incarceration of any kind, but particularly of the training school type, is inappropriate and ineffective except for the few who are dangerous. However, there are only twenty-two local level programs for residential alternatives in the State plus the limited foster care homes, State Hospital, and the Children's Colonies. The Center recommended in 1974 that only 32% of the 777 be placed in the Arkansas Training Schools, but there was no place else for the others except the Training Schools. (See map, page 16 for those counties which have no treatment services.)

According to Arkansas Statutes 46-301 through 46-303, the Arkansas Juvenile Training School Board shall assume the control and direction of all facilities of the existing training schools and shall operate them for the custody, care, education and rehabilitation of the delinquent, dependent, and neglected youths in the State. The Board through its Executive Director operates the three training schools currently in operation in Arkansas.

The Arkansas Training School for Girls is located at Alexander on the same campus with the Juvenile Reception and Classification Center (previously located at Benton). Currently, approximately seventy-seven percent of the girls are committed as status offenders. (Status offenders are discussed on pages 12 & 13 of this report.) The Arkansas Training School for Boys at Pine Bluff currently houses younger boys

while older boys are housed at the Arkansas Training School for Boys at Wrightsville. (There is currently some discussion of closing the unit for boys at Wrightsville.) In the past, the Training Schools generally offered custodial care for the youths plus some educational opportunities and limited one-to-one counseling in an office setting.

#### Treatment

In January of 1976, a new concept was begun at the Alexander unit. The four available cottages for the girls were each established as self-contained treatment units. Each cottage houses girls of one of four behavioral classifications. Each cottage has a treatment team consisting of a teacher, a counselor, a coordinator, seven house parents, and sixteen to twenty girls. The treatment team has complete responsibility for its cottage's girls. The program offers constant one-to-one contact and treatment for each girl in her day-to-day life by a consistent group of trained adults. The concept implies that each girl will receive treatment rather than custodial care.

#### Length of Stay

The average stay for a girl is about four months. Each day she receives therapy, education in the classroom, recreation, and vocational opportunities. Each girl's schedule can be arranged to suit her individual needs.

The concept of treatment rather than incarceration is being expanded to the boys' units also. Wrightsville is beginning the concept in the spring of 1976 and Pine Bluff is to begin in the summer of 1976.

#### "After Care"

As soon as a youth is sent to one of the three Training Schools, the Social Services youth services counselor (previously known as the "after care" worker) assigned to that juvenile (assignment by geographical location of the youth's home) begins to look for "after care" placement. This means the counselor must set up some kind of care for the juvenile upon his (her) release from the training school.

Once a month, the counselors visit the Training Schools to discuss treatment and placement with the child's treatment team. Also, the counselor may get acquainted with the youth assigned to him (her). The counselor must obtain the county judge's permission for the youth to be released and return to his home area. This requirement can cause problems in that a youth may be recalled prematurely by the judge

before treatment has been effected; or after a child has shown marked improvement, the judge may refuse the youth another opportunity in the community.

#### "After Care" Worker

Presently, the counselor supervises and treats each youth under his care. The youth has some role in planning his own "after care." The counselor tries to act in the role of a friend rather than as an authoritarian figure. There are presently twenty-two youth services counselors and eight supervisors. The average case load is 32 juveniles for each counselor. In most cases, the juveniles are in "after care" for one year after their release from the Training School.

#### Release

Usually, a child receives a "trial release" so that he can be returned to the Training School if he does not behave properly during his year of "trial release." However, some juveniles have received discharges upon release and, in those cases, they receive no more supervision and are no longer under Training School jurisdiction. Sometimes, juveniles are allowed furloughs from the Training Schools for short periods of time before their release or discharge.

#### New Local "After Care" Program

A new plan is being discussed by Social Services to change the "after care" program and the counselors' function so that he will be more of a coordinator than a supervisor. Under the new plan, the counselor will be a resource person in the communities where he works. He will put together a team (two to three persons) of local volunteers. This team will be set up to meet the specific needs of the juvenile returning to the local community. Thus, the "after care" will be directed is the local community.

#### Limited Service

Presently, there are very few programs on the local level designed to aid troubled youth. There are approximately twenty-two counties (see map, page 16) without any locally based services. There are approximately 124 programs in the State for use as "after care" treatment, or in lieu of institutionalization at one of the Training Schools. However, there are only twenty-two programs at the local level serving youths in a residential capacity. The State does have some limited substitute living situations including foster care, the state hospital, and the childrens' colonies. Social Services has an active list of 800 foster parents some of whom will, in some cases, take in older youths, but placement is difficult.

## Youth Services Office

The office of Youth Services in SRS, the third division of SRS involved with the juvenile justice system (see chart, page 17), is an administrative agency. This agency is involved in planning, evaluation and coordinating services to youth. The main function currently is to develop community based programs to prevent and treat juvenile delinquency on the local level, especially status offenders (see next section of this report). The agency is funded primarily through title XX of The Social Security Act and Law Enforcement Assistance Administration funds.

According to the Office of Youth Services:

The overriding philosophy of the Office of Youth Services is that the State's role in helping youth with problems should be one of assisting local communities and units of government to identify and meet the needs of troubled youth in their own communities.

The Office of Youth Services feels that the State should, as much as possible, stay out of the direct delivery of services to youth. The office was designed to provide the necessary functions and activities that would provide local communities with the expertise and resources to enable them to effectively deal with the problems of troubled youth.

In an effort to establish a broad range of community services for troubled youth, the Office of Youth Services has identified the following as essential components of a comprehensive community based youth services system.

### ESSENTIAL COMPONENTS OF COMMUNITY-BASED YOUTH SERVICE SYSTEM

#### I. Diversion

- a. Enforcement
- b. Judicial
- c. Schools

#### II. Court Services

- a. Legally Trained Referee
- b. Intake services
- c. Probation services
- d. Aftercare (reintegration) services

III. Diagnostic/Evaluation Services

- a. Colleges/universities
- b. Full/part-time staff
- c. Mental Health Centers
- d. Private professionals/agencies

IV. Emergency Shelter

- a. Residential facility
- b. Foster Care
- c. Colleges/universities

V. Alternative Living

- a. Group homes
- b. Residential treatment center
- c. Foster care
- d. Three-quarter house
- e. Independent living

VI. Prevention-Socialization Services

- a. School programs
- b. Recreation programs
- c. Community involvement
- d. Street counseling

VII. Vocational Services

- a. Job placement center
- b. Vocational schools
- c. Sheltered workshops
- d. Apprenticeships

VIII. Family Services

- a. Family counseling
- b. Coping skills education
- c. Recreational-activities/civic projects  
that involve family units
- d. Neighborhood family groups to plan intra  
or inter neighborhood activities and projects
- e. Organizing youth groups to generate ideas and  
develop strategies to improve family relation-  
ships

With this range of services covering the entire state and being provided in the private sector and by local units of government, it is felt that almost all youth with problems can be effectively treated at the community level which will result in a tremendous savings in terms of resources and manpower for the state.

In the Appendix are five examples of the types of programs the Office of Youth Services is helping to develop. On file in the Research Department in the office of the Arkansas Legislative Council is a paper entitled "Goals, Objectives, and Philosophy of Office of Youth Services," prepared by the staff of that office.

#### STATUS OFFENDERS

Arkansas' operative, jurisdictional definition of status offenders is any person under eighteen years of age:

(1) who has deserted his/her home without good or sufficient cause or who habitually absents himself or herself from his/her home without the consent of his/her parent, stepparent, foster parent, guardian or other lawful custodian;

(2) who being required by law to attend school, habitually absents himself/herself therefrom; or

(3) who habitually is disobedient to the reasonable, lawful commands of his/her parent, stepparent, foster parent, guardian, or other lawful custodian.

Approximately 38% of the 777 admissions to the Juvenile Reception and Classification Center in 1974 were status offenders. This represented 25% of the males at the Center and 77% of the females.

Presently, status offenders are treated just as any other juvenile delinquent in Arkansas. They enter the system in the usual manner and can be carried through the entire system (see Flow Charts, pages 14 and 15), as previously discussed in this report.

In 1974, the Juvenile Justice and Delinquency Prevention Act was passed by Congress. This Act mandates the end of incarceration for status offenders. This is not to say that they may not enter the juvenile justice system, only that they may not be incarcerated for a status offense.

#### Release

The State of Arkansas has pledged itself to this approach. By December of 1976, all those presently committed for status offenses will be released. By February of 1978, the State is committed to ending institutionalization of status offenders. It is thought that these youths can best be treated in their own local community.

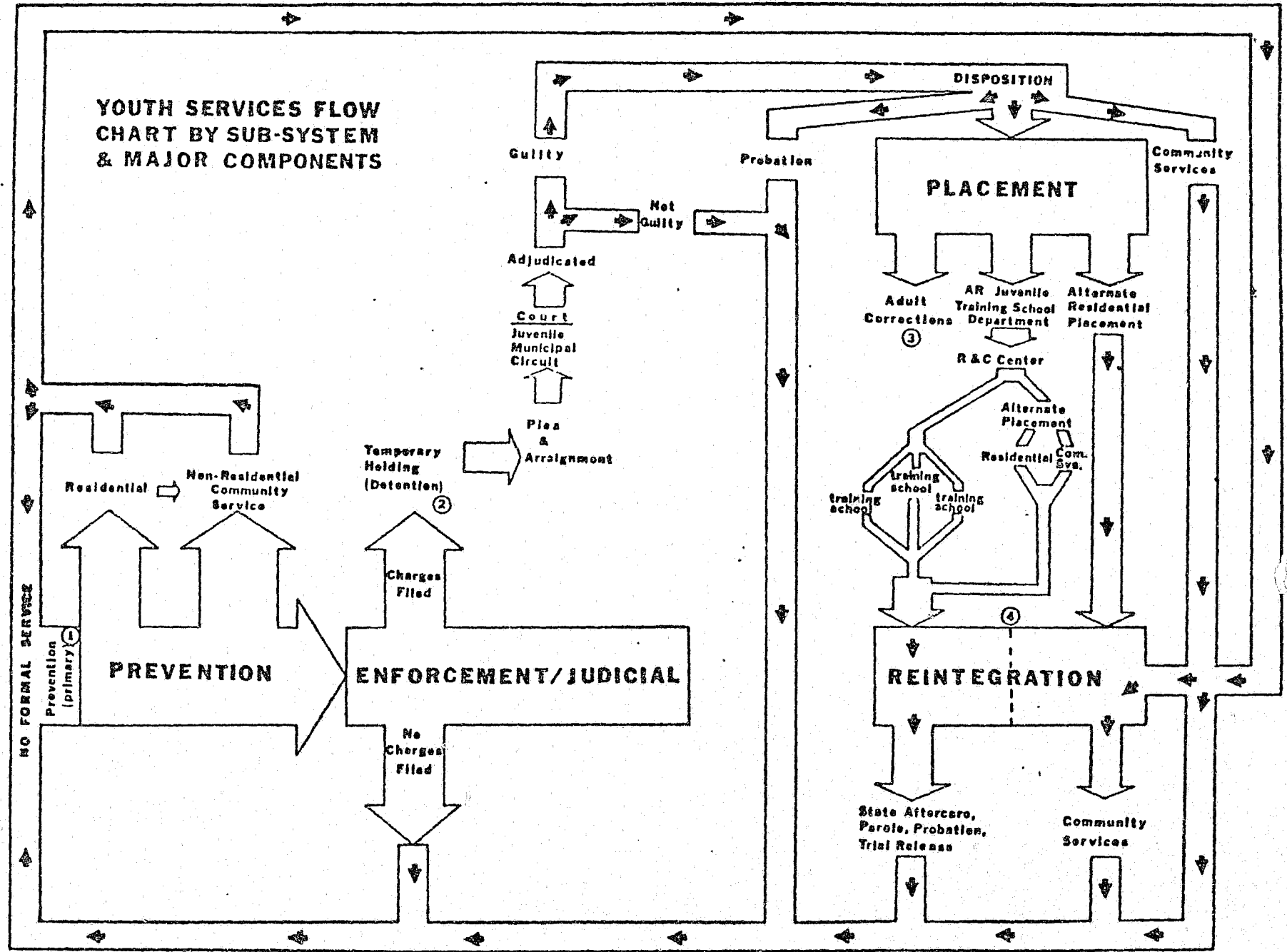
### Youth Services

The Office of Youth Services is attempting to develop these local programs to deal with status offenders. Foster homes, group homes and evaluation centers are envisioned as possible alternatives at the local level to the incarceration of these youths. The local programs will work through the county judge or his referee and the county probation officer. The latter two positions will need to be strengthened to provide this service.

### List of Agencies Dealing With Juvenile Offenders in Arkansas:

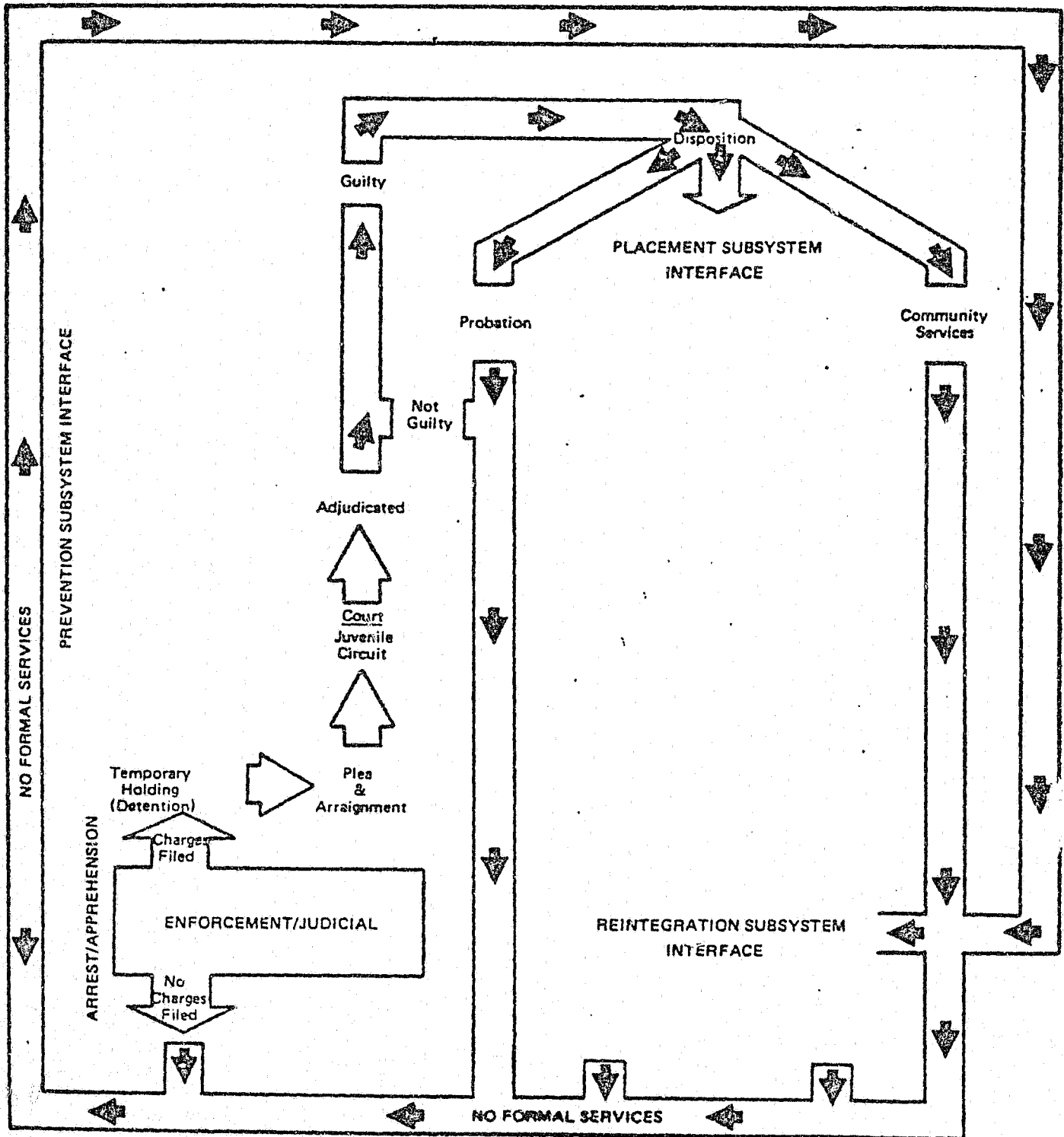
75 sheriffs' departments  
State Police  
250 municipal police departments  
constables  
75 county judges  
32 county juvenile referees (30 counties)  
3 training schools [SRS]  
43 probation officers (40 counties)  
19 prosecuting attorneys  
22 youth services counselors  
8 supervisors (after care workers) [Social Services, SRS]  
youth services office [SRS]  
social workers [Social Services, SRS]

Source: P.9, Comprehensive Long Range Master Plan, Youth Services Planning, Department of Social and Rehabilitative Services.





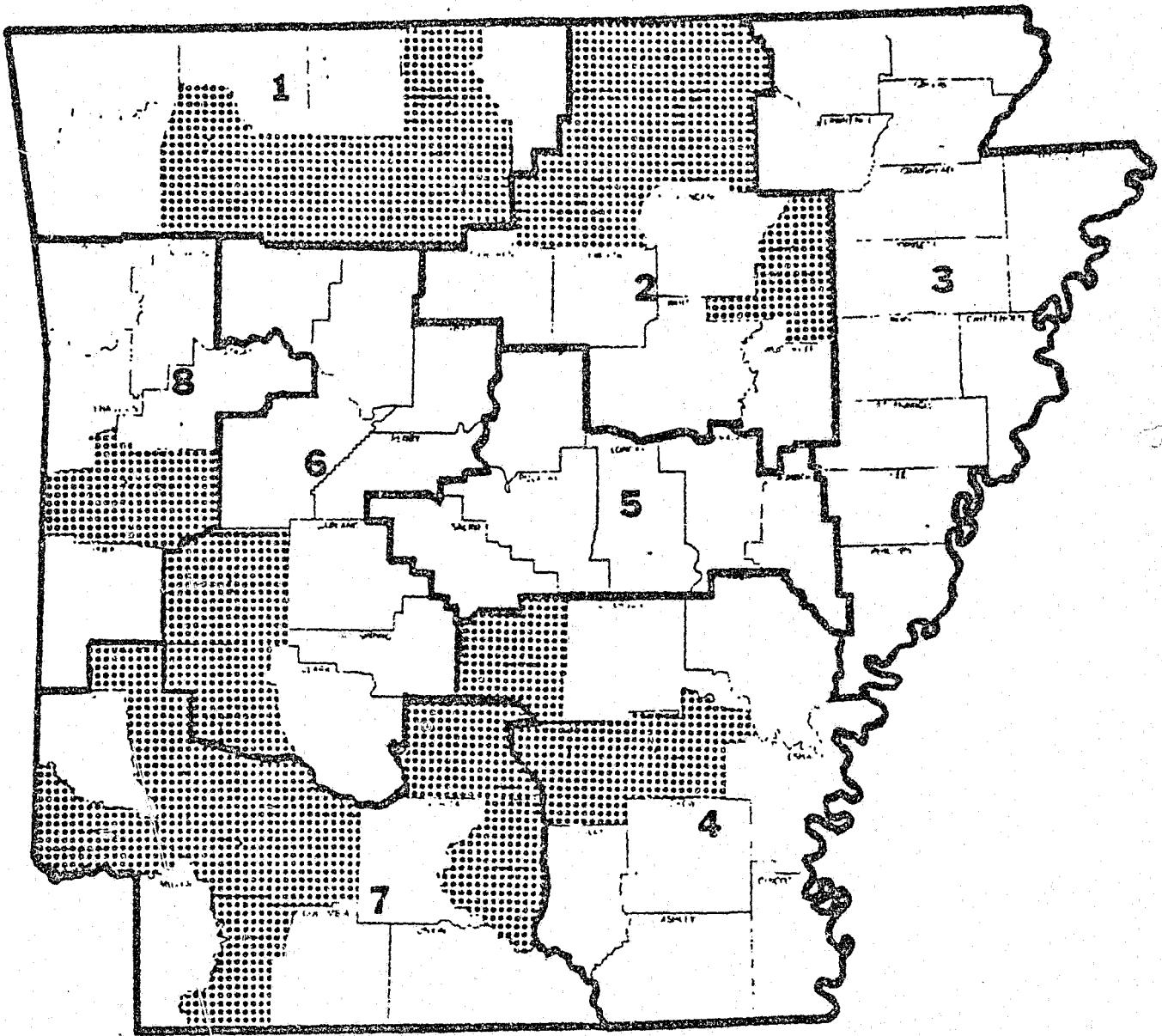
# ENFORCEMENT/JUDICIAL SUBSYSTEM FLOW \*



\*An enlargement of the part of the preceding chart, middle sector

Source: P.25, Comprehensive Long Range Master Plan, Youth Services Planning, Department of Social and Rehabilitative Services.

COUNTIES WITHOUT SERVICES  
EITHER RESIDENTIAL OR NON-RESIDENTIAL\*  
1974



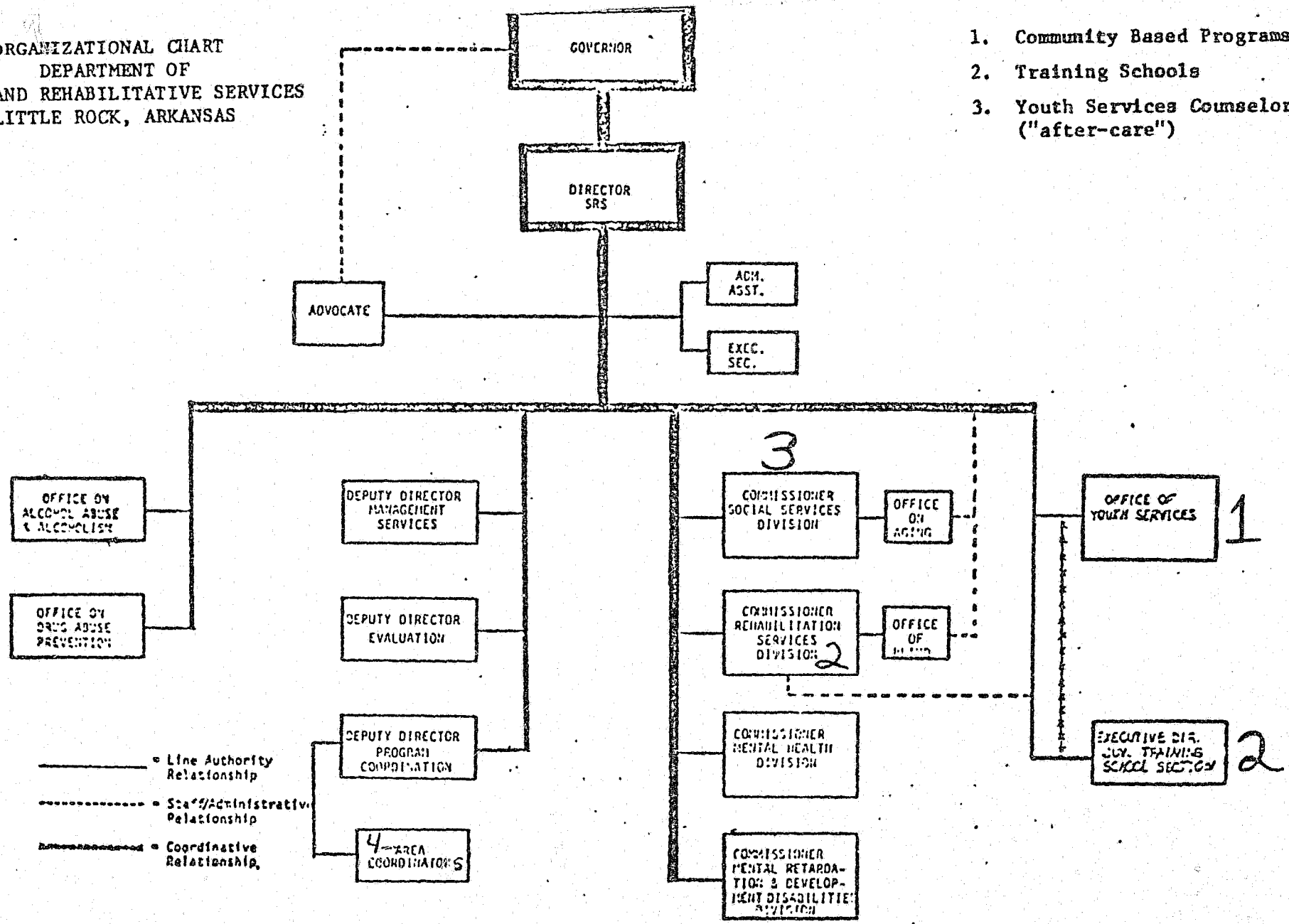
\*Total 22 Counties

Source: P.93, Comprehensive Long Range Master Plan, Youth Services Planning,  
Department of Social and Rehabilitative Services.

ORGANIZATIONAL CHART  
 DEPARTMENT OF  
 SOCIAL AND REHABILITATIVE SERVICES  
 LITTLE ROCK, ARKANSAS

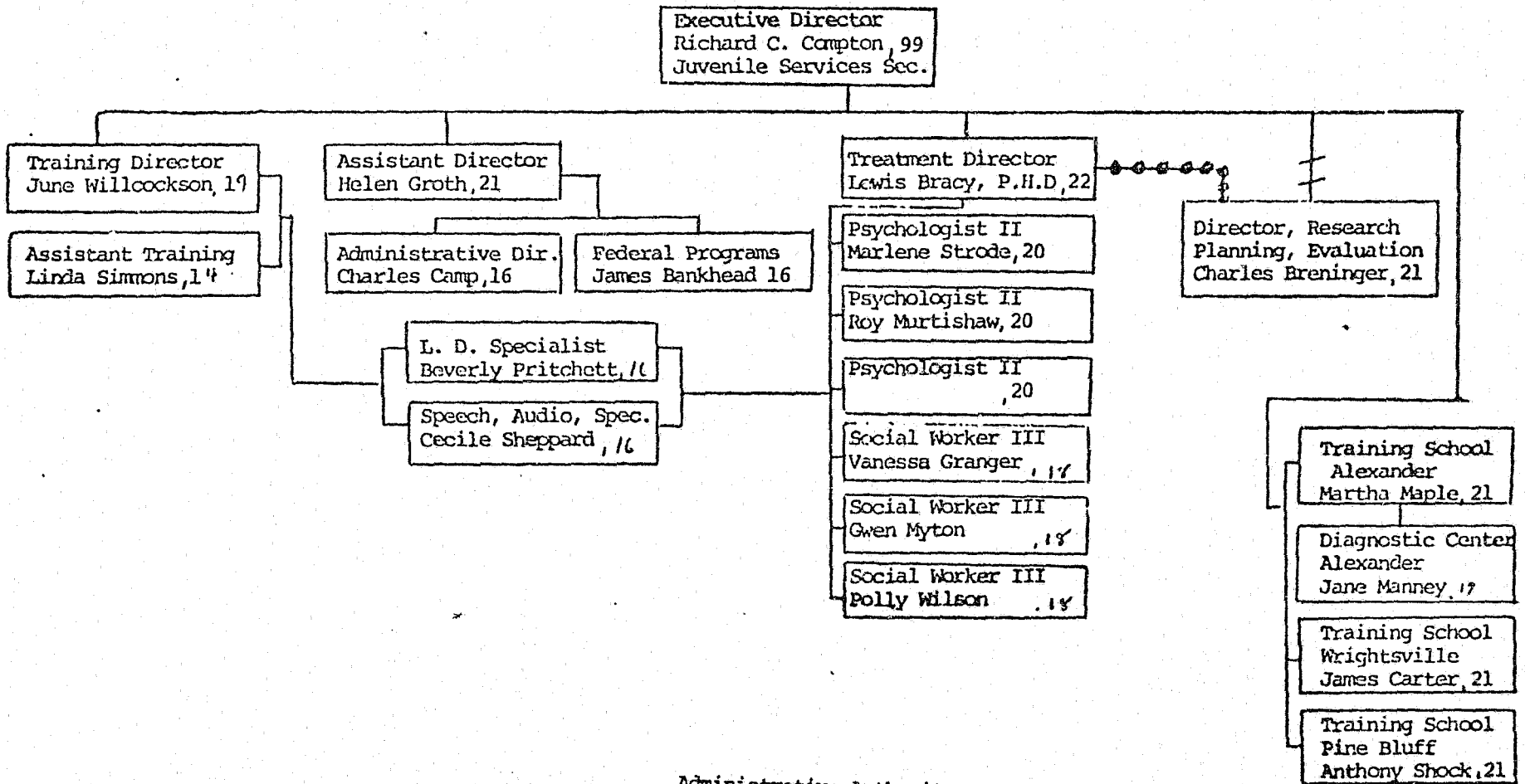
1. Community Based Programs
2. Training Schools
3. Youth Services Counselors ("after-care")

-17-



Source: Department of Social and Rehabilitative Services.

Organizational Chart, Juvenile Services Section  
 Supervisory and Administrative Titles, Names and Grades



— Administrative Authority  
 — / — Planning and Data Bank Supervision  
 - - - - - Institutional Treatment Data Supervision

## JUVENILE SERVICES IN OTHER STATES

### Developments on the National Level

In addition to the federal changes mandated in the treatment of status offenders by the Juvenile Justice and Delinquency Prevention Act of 1974 (discussed, page 12). there are some forthcoming recommendations for change prepared by the Juvenile Justice Standards Commission. The Commission was made up of leading psychiatrists, sociologists, penologists, youth workers, judges, and lawyers. Sponsored by the Institute of Judicial Administration and the American Bar Association, the Commission has produced twenty-three volumes of reform recommendations. The Commission hopes these recommendations eventually can be proposed as models for legislation to be passed by the states. Among the Commission's recommendations are: (1) older juveniles committing violent crimes should be processed as adults; (2) there should be definite and longer prison terms for violent crimes; (3) the juvenile justice process should be changed from a quasi-civil, secret, nonadversary proceeding to a public, adversary trial process; (4) status offenders should be handled by social agencies or by the family.

In 1976, the Office of Juvenile Justice and Delinquency Prevention, Law Enforcement Assistance Administration, U. S. Department of Justice issued its First Comprehensive Plan for Federal Juvenile Delinquency Programs and Volume I of the First Analysis and Evaluation of Federal Juvenile Delinquency in Programs. These reports detail directions that federal programs are moving including that on status offenders. These reports are on file at the Arkansas Legislative Council.

A 1974 survey by the Council of State Governments, Southern Office, entitled Reducing the Incidence of Juvenile Delinquency (on file in the library of the Arkansas Legislative Council) indicates that thirteen of the fifteen southern states surveyed have begun to establish a variety of programs as alternatives to incarceration of juvenile offenders. The remaining two states appeared to plan moves in that direction. The six main programs being developed by these fifteen southern states are: day treatment centers, group homes, probation and aftercare services, intake services, youth services systems/bureaus, and volunteer programs. At

least five states have recent legislation directing establishment of programs that offer alternatives to incarceration for juvenile offenders. These laws are generally supportive of efforts to move toward community-based programs.

In a national study published in 1974 by the National Assessment of Juvenile Corrections, the University of Michigan, the conditions of juveniles in jails and in detention were examined. The study, Under Lock and Key, (on file in the Library of the Arkansas Legislative Council), makes several recommendations, after examining the conditions, including:

- (1) statutes should prohibit placing juveniles in jail under any circumstances - juveniles should have their own detention centers;
- (2) criteria for detention should be explicit and limited solely to acts that would be felonies requiring detention if committed by adults;
- (3) responsibility for the decision to detain must rest with the juvenile court judge if accountability is to be assured;
- (4) statutes should provide for mandatory detention hearings conducted by juvenile judges or referees with counsel available within twenty-four hours after the juvenile is taken into custody;
- (5) the maximum time for a juvenile to be held in detention should be fourteen days unless special approval for an exception is obtained from a court of higher jurisdiction;
- (6) statutes must provide for and stimulate rapid development of alternatives to incarceration for juveniles charged with criminal violations: forty-eight hour holdover units, foster care, home detention with professional supervision;
- (7) provisions for regional detention facilities are needed in sparsely populated areas;
- (8) with alternatives to the use of detention centers developed for younger children, a higher age limit (for example, fifteen years) would be set for placing a youth in detention;
- (9) legislative mandates should be developed for statewide detention standards to reduce local interpretations of statutes;
- (10) intake screening should be available twenty-four hours a day and should be handled by professionally trained court staff and not law

enforcement officials;

(11) greater accountability in detention decision making can be achieved by using objective and systematically gathered information of the juvenile justice system;

(12) the right to counsel and the availability of counsel in detention hearings must become a significant reality;

(13) courts must take the initiative in stimulating the development of alternatives to detention and, when necessary, must enjoin a community child welfare and other agencies to provide services to youth in need;

(14) detention should not be used as punishment;

(15) the active involvement of a community advisory board broadly representing various community constituencies could aid the court in dealing with community pressures and in developing alternatives;

(16) the architecture and physical conditions of detention facilities should not increase the trauma associated with detention;

(17) each facility should have physical conditions that permit: privacy; adequate and healthful food, shelter and physical care; recreation and education; use of the telephone; the right to have visitors and counsel daily; and a layout that permits visual and auditory supervision;

(18) more professionally trained staff responsible to the court and a higher level of child-care staff coverage with appropriate assignments of male and female staff;

(19) each presiding judge of a juvenile court should personally monitor the physical conditions and service delivery of his court's detention facility;

(20) educational programs must be provided through the local community school and whenever possible, the youth should attend the local school.

A second study by the National Assessment of Juvenile Corrections, the University of Michigan, was put out in 1975 and entitled Juvenile Corrections in the States: Residential Programs and Deinstitutionalization, A Preliminary Report. This national study showed that the total numbers of juveniles being handled in the juvenile justice system as a whole, at both the state and local levels, has not declined. In fact, there is reason to believe that increasing numbers of minors have contact with one or more juvenile justice agencies. The study showed widespread interest continuing in the development of community-based correctional programs.

Also several states were moving toward removing status offenders from correctional institutions. The newly developing community-based programs will be either state-run programs or state-funded programs (purchase of service basis). The latter type funding appears to be the dominant pattern. The study found that community-based programs offer the potential of tremendous savings to the state, especially the ones that are purchase of service contracts. The national average cost of community-based programs per offender-year is approximately \$5,500 or less than half that for institutions. (See Appendix, Table 1) Foster home care also offers the potential of saving the states a great deal of money.

The Preliminary Report noted that some states, after controlling for population differences, assigned about twenty times more youth to institutions than other states. The study found that the rates bear no significant relationship with crime rates, however. Also the states spent, on institutions, ten times the amount spent on community-based programs and over thirty times the amount spent on foster care. The report also offers comparisons for each of the fifty states in relation to each other on costs, numbers incarcerated, per capita detention rates, etc.

The President's Commission on Law Enforcement and Administration of Justice, in 1967, had recommended community-based programs as an alternate means of handling youthful offenders because of the greater rehabilitative capacity and lower costs of the community-based alternatives.

#### Group Home Concept

A concept which has gained acceptance in several states as a community-based program is that of group homes. In Staff Report 73-5, a discussion of the use of group homes in several states is presented.

#### California

In California, there are two types of facilities: (1) the settlement house, and (2) the contract house. The settlement house is staffed, financed and maintained by the Youth Authority. Ten to twenty-five youths from ages fourteen to twenty-five are housed there. The contract group home is owned by the operator but maintained through Youth Authority funding under contract. California has approximately thirty of these two type homes in total which focus treatment on solving day-to-day living problems. California also uses foster family care



for single ward placement.

#### Florida

In Florida, the Division of Youth Services is offering a foster group home program for young probationers and training school parolees. The foster home takes in five young persons and a relief group home parent also boards in the home. The group home parents are paid by the day for the youth's room and board.

#### Idaho

Idaho has developed a group home program for delinquent children with the object of reducing the use of correctional institutions and placing emphasis on community centered intervention methods. The program was established by contracting with existing private agencies. The local services have been expanded both in quality and quantity to provide greater availability and skills in diverting children from the system. Idaho has also established a neighborhood probation center concept, especially for intervention but also for a more effective case referral system and to encourage voluntary requests for services. This state's programs, while new at the time of writing (1973), appeared to be achieving outstanding results in lowering recidivism.

#### Kentucky

Kentucky utilizes group foster home care in which groups of four to eight boys or girls are allowed to experience family life. These children can experience day to day living in family atmosphere with proper guidance and counseling.

#### Massachusetts

In Massachusetts, the General Assembly directed the formation of a bureau of after-care, delinquency prevention and community services to be responsible for developing alternatives to institutional care. The Massachusetts group home is designed to accommodate ten to twelve youths on a short term basis to provide an atmosphere of caring and involvement through which the residents may reevaluate themselves.

### Developments in Other States

#### Colorado

Colorado in 1975 did not choose to participate in the federal program

concerning juvenile status offenders as set forth in the Juvenile Justice and Delinquency Prevention Act of 1974 (see page 12). However, the Interim Committee on Judiciary of the Colorado General Assembly did recommend that the subject of status offenders be on the Governor's Call for the 1976 legislative session.

#### Iowa

House Concurrent Resolution 25 of 1975 session of the Iowa General Assembly requested that the Iowa Legislative Council create a study committee for the 1975 legislative interim to continue the study of the Iowa Juvenile Justice System which had been conducted during the 1974 legislative interim. Fifteen recommendations were made by the study committee; and legislation is being prepared to be presented to the next session of the General Assembly. The recommendations included: (1) a more specific definition of the term "a child in need of assistance"; (2) the right to counsel be accorded to juveniles; (3) a juvenile be informed of his or her rights prior to custodial questioning; (4) the practice of informal probation be statutorily provided for with safeguards; (5) a petition filed alleging delinquency be reviewable by the county attorney and the decision to file be based on the legal sufficiency of the complaint; (6) stringent criteria be set for conditions under which a child may be detained in jail; (7) an adversary hearing be held to determine if a child should remain in custody; (8) plea bargaining for juveniles be acknowledged with certain procedural safeguards; (9) the adjudication function and the disposition function be performed in separate hearings; (10) rules of evidence in the adjudicatory hearing be the same as in adult criminal courts; (11) a jury trial be granted if a juvenile requests it when an unbiased judge is not available; (12) the preparation of a pre-disposition report not be commenced prior to the adjudication hearing without consent of the juvenile and his or her counsel; (13) the juvenile court proceedings be closed to the general public; (14) juvenile court must make one of the following dispositions of a child adjudicated as a delinquent - a secure facility, a nonsecure facility, foster care, probation; and (15) official records involving juveniles be confidential and records be expunged two years after adjudication if there is no subsequent court contact.

#### Louisiana

In 1975, the Joint Legislative Committee on Juvenile Laws found that

the major problems in Louisiana's juvenile system were: (1) prevalence of real crime among juveniles; (2) recidivism; and (3) the virtual non-existence of successful prevention or diversion programs offered to the youths. The Louisiana legislature enacted legislation designed to coordinate all services offered to children in Louisiana through the creation of the Division of Youth Services in the Health and Human Resources Administration. Also, reform measures were enacted in the areas of (1) handling of status offenders in detention, and (2) in promotion of community responsibility and participation in rehabilitating their own children. The Joint Legislative Committee and its subcommittees made many recommendations for future action (legislative and other type) to combat the problems of juveniles including reforms for the educational systems, recodification of the juvenile code, increased programs of prevention at the community level, and decreased use of incarceration. (Report on file in Arkansas Legislative Council.)

#### Massachusetts

In 1969, prompted by an intensive investigation by the governor and legislature, the Massachusetts legislature passed a Reorganization Act that authorized the creation of the Department of Youth Services. (See Appendix for selected statutorily created state youth service agencies.) From 1969 to 1972, the Department's new director, Dr. Jerome Miller, closed Massachusetts's training schools and replaced them with a network of half-way houses, group shelters, foster homes, forestry work programs, special counseling services, and community action programs. Of the usual 2000 or so children who would otherwise have been behind bars, only about 100 hard-core, violent cases are under confinement and being treated in special psychiatric care facilities. The half-way houses and group shelters are located throughout the state and are run by private organizations and agencies on a contract basis with the Department of Youth Services. The training schools were discarded because they were: (1) expensive and an inefficient use of money; (2) populated by children who were predominantly poor and/or minorities; (3) were not able to offer learning experiences or training sufficient to equip the children for a return to society; (4) were not able to obtain highly professional personnel because of low pay and poor conditions; and (5) recidivism rates for the young people were as high as 80%. The Department of Youth Services is currently implementing a wide range of treatment and counseling services for first time and even the potential offenders.

### Minnesota

In 1971, Minnesota offered a Plan for the Prevention of Delinquency and the Rehabilitation of Youth. The primary purpose of the plan was the development of a statewide system which would provide support services for identified and potential juvenile delinquents. The system would offer liaison personnel (advocate) to work with the youth in the correctional institutions and in the public schools upon re-entry. Each advocate would have a case load of no more than 25 students. Also each participating school will have a "Newcomer Center" for diagnostic purposes and as a resource center for individualized assistance to facilitate the youth's re-entry into the school. Group counseling services will also be made available for the youths returning to their community. The Minnesota plan, besides offering the returning youth a personnel advocate to help and guide him, will also attempt to make the schools aware of their responsibilities in helping to prevent the approximately 60% failure rate of Minnesota's institutionalized youths.

### Nevada

Nevada, in 1971, began a pilot probation subsidy program for the rehabilitation of youthful offenders. This program was based on the assumptions that it is cheaper and more effective to treat certain youth at the local level. The program was to be continued in 1973 and reevaluated.

### Oregon

The Interim Judiciary Committee of the Oregon Legislature is doing a recodification of Oregon's Juvenile Code. This should be completed in the fall of 1976.

### Pennsylvania

In Pennsylvania, the Joint State Government Commission was created in 1937 as a continuing agency for the development of facts and recommendations on all phases of government for the use of the General Assembly. Pursuant to House Resolution No. 169 of the Session of 1972, the Joint State Government Commission organized a Task Force to study the problems of troubled youth in Pennsylvania. In March of 1975, the Task Force issued its report. Serious deficiencies or needs in the basic areas of (1) coordination and responsibility, (2) funding, (3) delinquency prevention, and (4) community-based services were found. In addition to the judiciary system (in 1933, the General Assembly created the juvenile courts with exclusive jurisdiction), the Departments of Public Welfare, Justice, Education, Labor and Industry

plus the State Police, the Governor's Justice Commission, and the Governor's Council on Alcohol and Drug Abuse all had significant responsibilities in the juvenile justice system in Pennsylvania. Duplication and wasteful funding were taking place as a result of the fragmentation of services.

The Task Force's recommendations included the proposal for a new and independent Department of Youth Services to be charged with the responsibility of providing statewide supervision of programs for children and youth. Youth Service Bureaus were also proposed, generally one in each county, to expedite services on the local level and to systematically follow up to see that services had been provided. New funding proposals were expected along with the reorganization.

The recommendations of the Task Force also included, as a major goal, the encouragement of community services to prevent delinquency. Legislation was developed which would recognize the significance of innovative community programs in such areas as counseling and out-reach, drug and alcohol abuse education, recreation, mental health and mental retardation.

#### Virginia

In February of 1976, the Virginia Advisory Legislative Council Committee Studying Services to Youthful Offenders issued its report after considerable study and many hearings held statewide beginning in 1974. The report indicated that greater emphasis must be placed on community involvement with troubled children through rehabilitative treatment programs and community residential care. The Advisory Council proposed a new chapter to replace the existing law governing the juvenile and domestic relations district courts. Parts of a new Code were adopted in the 1976 legislative session. (Report on file in Research Department). Suggested revisions or innovations in the Virginia Code included such items as: (1) appointment of counsel for juvenile offenders, (2) provisions for commencement of termination of parental rights, proceedings for children in foster care when no reasonable progress is made toward eliminating the conditions in the home which led to foster care placement, (3) a major thrust toward alternate placement facilities instead of detention homes, (4) training for intake officials, and (5) other proposals.

## West Virginia

In 1976, West Virginia plans to draft a bill dealing with juvenile laws but so far it has not been done.

### SUMMARY OF STATE ACTIONS

As can be seen from the brief summaries of state actions, several states are working toward improving their juvenile justice systems. The major trends seem to be:

- (1) use of community based programs for treatment and prevention;
- (2) centralization of state services in one bureau/agency instead of fragmentation;
- (3) decreased use of incarceration and detention;
- (4) increase in procedural safeguards for youthful offenders before the courts.

## APPENDIX

### Services that have recently been developed through the Office of Youth Services:

#### 1. Saline County

Saline County Mental Health Services, Inc., with assistance from the Office of Youth Services has established a comprehensive Youth Services Bureau that will provide a wide range of services to meet the needs of troubled youth in Saline and surrounding counties. The program was funded with Title XX and Status Offender Project funds.

As mentioned previously, the Bureau will offer the youth of the Saline County area a wide range of services. Basically, there are three major service units to the program. The first will be an outreach program where emphasis will be given to working with youth who are having problems but can remain in their own homes. Services in this component would include such things as individual, group, and family counseling, recreational and socialization activities, working with the courts and schools to help with those youth who are having problems in those areas, diagnostic services, and pre-vocational counseling and training.

The major thrust of this component will be to divert youth from the formal enforcement-judicial system as early as possible by identifying and working with youth with problems before they get into serious trouble.

The second component of the program will provide emergency shelter services for those youth who must, for one reason or another, be removed from their homes. The Bureau staff is currently in the process of recruiting and training a core group of foster parents who will be available on a 24-hour basis to provide shelter for youth for up to a 30-day period. While the youth are in these homes they will be given a complete social, psychological, and physical examination to better determine the needs of the youth. Immediate emphasis will be on resolving the conflict that caused

the youth to be removed from their homes so that they might return home as soon as possible.

If it is not possible to return the youth home, a longer-term living situation and treatment plan will be developed to meet the youth's needs.

The third component of the Bureau's program will consist of longer-term residential care for those youth who have more severe emotional or behavior problems and need more intensive treatment. The new program will provide a wide range of services for youth at the community level so that, hopefully, many more youth with problems can remain in their own communities and receive help and fewer will need to be sent to the state's training school system.

The program also is in keeping with the philosophy of the Department of Social and Rehabilitative Services that youth problems are and should be a community concern, and the state's role should be one of providing the resources and technical assistance to communities so that they might establish comprehensive programs for youth at the local level.

2. Region VIII

A comprehensive program of residential, non-residential, and diagnostic care for the youth of the entire region. Efforts of the program will be to divert youth from the enforcement judicial system as soon as possible and provide treatment for them in their own communities.

3. Region II

A similar program as in Region VIII with the same major components.

4. Benton County

A Youth services bureau that will support the court and schools in an effort to identify and work with youth who are exhibiting behavior and emotional problems and working with them before they become involved with serious conflict with the enforcement judicial system.

5. Washington County

A "Storefront" drop in center that will provide a range of services for youth with problems. Some of the services include individual, group, and family counseling, vocational counseling and training, recreational activities, school services and diagnostic services.



These five programs represent new services for youth that will provide services for youth in at least 21 counties in the state, with a cost to the state of only \$79,000. The potential also for reducing the number of youth who have to be removed from the community and placed in one of the state institutions will more than offset the cost for these services.

SOURCE: Office of Youth Services, Arkansas Department of Social and Rehabilitative Services.

TABLE I

ANNUAL PER CAPITA COSTS OF YOUTH DEVELOPMENT CENTERS  
AND/OR RESIDENTIAL TREATMENT CENTERS AS REPORTED IN  
STATE BUDGET FIGURES FOR SELECTED STATES

	Treatment or facility	Year	Budgeted Annual Per Capita Costs	
California	Care and control of juveniles	1972-1973	\$ 9,418	
Connecticut	Juvenile institutional care	1972	10,826	
Florida	Boys Training School	1973	8,336	
	Group treatment	1973	7,665	
	Detention services	1973	9,424	
Illinois	Institutional care	1971	11,000	
		1972	15,000	
		1973	20,000 <sup>a</sup>	
		1974	15,000	
		1975	12,500	
Iowa	Iowa Training School for Boys State Juvenile Home	1971	10,010	
		1971	10,899	
Kansas	Residential Treatment Cost	1972	8,500	
Maryland	Boys Village of Maryland	1973	8,416	
	Maryland Children's Center	1973	9,193	
	Group living facilities	1973	3,683	
	Maryland Training School	1973	9,280	
Massachusetts	Juvenile institutional care (these institutions are no longer in existence)	1971	11,612	
		Group care setting	1974	7,838
		Foster home care	1974	2,133
		Nonresidential care	1974	3,261
Ohio	Residential care	1971	5,475	
Pennsylvania	State Institutional Care, YDC's, YFC's and Philadelphia Day Care Center	1972-1973	19,415	
		1973-1974	18,696	
		1974-1975	21,747	
Rhode Island	R. I. Training School for Boys	1971-1972	15,494	
		1973-1974	20,988	

a. The institutional population was reduced from 2,000 in 1971 to 1,000 in 1973. Per capita costs rose substantially, but are expected to fall in the future.

Source: Services to Troubled Youth, A Review and Recommendation  
By the Pennsylvania Joint State Government Commission,  
March, 1975. P.33. Budget materials of states indicated.

TABLE II

STATUTORILY CREATED  
STATE YOUTH SERVICE AGENCIES

State (1)	Name of Agency (2)	Department (3)	Appointed By (4)	Scope of Authority (5)
California	Department of Youth Authority	Human Relations Agency	Governor	Controls probation, institutions and diagnostic and rehabilitative services
Maryland	State Department of Juvenile Services	Department of Health and Mental Hygiene	Governor	Controls probation, institutions and diagnostic and rehabilitative services
Massachusetts	Department of Youth Services	Independent	Governor	Controls probation, institutions and diagnostic and rehabilitative services
North Dakota	State Youth Authority	Social Service Board	Board	Controls only diagnostic and rehabilitative programs and may only contract for institutional care
Tennessee	Assistant Commissioner for Youth Services	Department of Corrections	Commissioner of Corrections w/approval of Governor	Controls probation, institutions and diagnostic and rehabilitative services
Texas	State Youth Development Council	Independent	Governor	Controls probation, institutions and diagnostic and rehabilitative services
Wisconsin		Department of Public Welfare	Secretary of Public Welfare	Controls institutions and diagnostic and rehabilitative services.

Source: Services to Troubled Youth, A Review and Recommendation By the Pennsylvania Joint State Government Commission, March, 1975. P.73. Statutes of the various states.



**END**