ADOLESCENT STATUS OFFENDERS--A NATIONAL PROBLEM

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I. INTRODUCTION AND HISTORICAL CONTEXT

The Juvenile Justice and Delinquency Prevention Act of 1974 (P.L. 93-415) brought to the surface a problem that has festered within American society since the landing of the Pilgrims, namely, the definition as criminals of "children who were rude, stubborn and unruly, or who behaved disobediently toward their parents, masters and governors" (Rothman, 1971 and 1974). "Houses of refuge" were established in the 19th century, beginning in 1824 in New York, as institutions for children, but no distinctions were made among those who could be incarcerated for dependency, neglect or crimes, or for "leading a vicious and vagrant life." Incarceration and isolation were considered acceptable means for controlling youthful misbehavior and even neglect or dependency. The houses of refuge

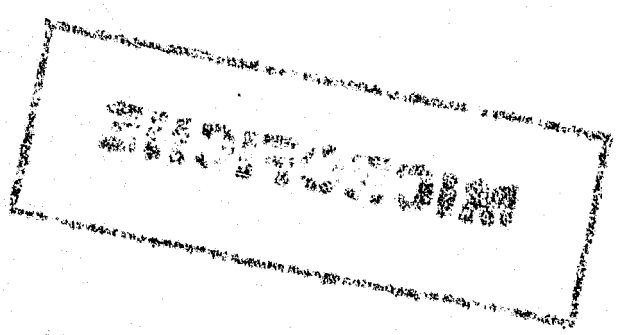
> . . . took in several types of minors--the juvenile offender, convicted by a court for a petty crime; the wandering street arab, picked up by a town constable; and the willfully disobedient child, turned over by distraught parents (Rothman, 1971, pp. 207-208).

Rothman reported that although the houses of refuge and orphan asylums never monopolized the care of homeless or delinquent children, they did become the model for children's institutions, because society gradually concluded that children should be handled separately from adults and that institutionalization was generally beneficial for children. Seldom, if ever, did this separate handling result in greater humaneness or differentiated services in relationship to children's needs.

The founders of the houses of refuge believed that children should be diligently trained in a strict environment so as to prevent moral decline. Soon training and rehabilitation were used to reform children

> to enlighten their [inmates'] minds, and aid them in forming virtuous habits, that they may finally go forth, clothed as in invincible armour. They would gird the young to withstand temptation (Rothman, 1971, p. 212).

The establishment of the Juvenile Court in 1899 provided a legal mechanism for broad control over youths. The court was to be a humanitarian institution dedicated to helping children. This outlook for the court was aptly expressed by the Chicago Bar Association:



> The whole trend and spirit of the [1899 Illinois juvenile court] act is that the state, acting through the Juvenile Court, exercises that tender solicitude and care over its neglected, dependent wards that a wise and loving parent would exercise with reference to his own children under similar circumstances (Platt, 1970, p.138).

On the basis of the concept parens patriae, the juvenile court was authorized to intervene wherever a juvenile's behavior was problematic for the child, his or her family, or the society. Thus behavior such as truancy, curfew violation, unruliness, incorrigibility or even "idling one's time away" were as sufficient a basis for a juvenile court to adjudicate a youth as delinquent as was commission of a felony or misdemeanor. For 75 years youths have been so processed, with high proportions of status offenders in some courts and few or none in others. Particularly vulnerable to these adjudications were females; as recently as 1971, the proportion of female juveniles in public training schools in the United States was 70% (USNCJISS, 1974).

Who Are Status Offenders?

A status offender is commonly defined as a minor who engages in conduct that would not result in a criminal charge if committed by an adult. Typical examples are "truancy," "promiscuity," "curfew violation,""running away," "using profanity," "growing up in idleness," and "incorrigibility." These examples make clear that status offenses refer both to specific behaviors and to general character or personality characteristics. Some are catchalls for a youth's alleged pattern of stubbornness or rebelliousness. Although status offenders present no imminent threat to society, their conduct impairs their development, it is said; therefore, the state should intervene to constrain negative development.

Although adequate empirical evidence is not available, some information suggests that the proportion of status offenders processed and adjudicated as such by the juvenile court has risen substantially in the last decade (Sarri, 1974; Lerman, 1970). Explanation of this must remain tentative, but there is reason to believe that youths in the United States are being subjected to increasing societal control (Haney and Zimbardo, 1975). Some high schools have become almost as custodial as training schools for delinquent youths, as Haney and Zimbardo point out in their comparative study of high schools and institutions for delinquents.

Adolescence is well recognized as a time for experimentation with life styles, philosophies, modes of behavior, and challenges to the status quo by testing the agents of authority--schools, police and parents (Erikson, 1967; Keniston, 1968; Constanzo and

Shaw, 1966; Schonfeld, 1967; Jencks and Reisman, 1967). Today, instead of encouraging and tolerating experimentation that may produce more productive and capable adults, youths are subjected to rigid authority in many community settings; furthermore, in crowded urban communities high levels of conformity to adult behavior are required. Thus, an almost perfect set for frustration and hostility is created.[1]

Although some have suggested that contemporary life styles of youth differ too radically from those of adults, students of history can point to numerous instances in the past where similar differences in perspective prevailed. Perhaps one area of significant difference today is that youthful expression is less tolerated because youth are not an economic resource for the society as they once were. As a result they are expected to be docile and conforming.

Moreover, society does not provide legitimate opportunities for adolescent and young adults; the highest rates of unemployment are to be found in this age group (Keyserling, 1974). It is not surprising that youths respond with hostility and/or alienation. In turn, the adult society responds with even greater control--a self-defeating strategy. In recent statements two noted psychologists, Keniston (1976) and Heyns (1976), argued that a new conceptualization of adolescence is urgently needed in the United States.

In 1974 the Juvenile Justice and Delinquency Prevention Act was passed, the first national legislation modifying policies and practices governing the handling of status offenders. It contained a provision requiring that any state receiving federal money under the act not commingle youths charged with felonies and misdemeanors and those charged with status offense, in any type of facility from pretrial detention through disposition. Implementation of this provision took effect in 1977, and already it has led to a flurry of

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[1] At a convention of secondary school principals in Washington, D.C., in February 1976, President Ford told the educators to educate children to admire the nation's strengths, to correct its faults, "and to participate effectively as citizens. . . . Young people in particular appear cynical and alienated from our government and legal system. . . . Too many Americans see the law as a threat rather than a protection." The operation of the juvenile justice system today does little to modify the juvenile's alienation or views.

legislative activity in many states to bring their juvenile codes into conformity with the federal requirements. It is apparent throughout the country that child welfare agencies must assume greater responsibility for these youths than they have in the recent past. As the policy statement of the National Council on Crime and Delinquency declares:

> We believe that the juvenile court system can utilize its coercive powers fairly and efficiently against criminal behavior that threatens the safety of the community. The court, however, cannot deliver or regulate rehabilitative services. Noncoercive community services must bear the responsibility for the unacceptable but noncriminal behavior of children. Use of family counseling and youth service bureaus and increasing educational and employment opportunities would be more beneficial than depending on juvenile courts. . . .
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> We believe that, however sincere the effort of the juvenile court to correct a juvenile's noncriminal behavior, it has frequently resulted in a misapplication of the court's power, has sometimes done more harm than good, and, as said in Kent, generally gives him "the worst of both worlds . . . neither the protections accorded to adults nor the solicitous care and regenerative treatment postulated for children." Whether we label children status offenders or delinquents, once introduced into the juvenile court process they become stigmatized. The benefits derived from such classification for either the child or society appear to be nonexistent (NCCD, 1974).

The terms used in state laws to refer to these youths--CINS (child in need of supervision), MINS, PINS, and so forth--indicate that the states view them as persons who need assistance, guidance and other types of service.

The failure to distinguish between status offenses and violations of penal laws by minors has resulted in jammed pretrial detention centers, inadequate and perfunctory court processing, and oversized correctional facilities crowded with status offenders and serious delinquents (including murderers) together. Thus, immeasurable damage is inflicted upon youth at forbidding cost to society at large.

This indiscriminate handling of status offenders not only offends our sense of justice, but invites serious questioning of its efficacy. In short, an institution designed to protect the most vulnerable population--the nation's youths--has turned into a

formal procedure in which "the child is least helped and most abused" (Orlando, 1975). For these reasons it is argued that the handling of status offenders should be removed from the juvenile justice system and be entrusted to child welfare organizations, public schools, and private voluntary youth-serving organizations. The role of the juvenile court should be to monitor these agencies and ensure that they provide the services needed by these youth under conditions whereby they can take advantage of them.

What is at issue today is how and by whom that service will be provided; the conditions under which the service will be offered and accepted (voluntary or involuntary); and under which agency auspices the services needed by juveniles and their families can be most effectively provided. Review of a statement of child welfare purpose and program goals of the Department of Health, Education, and Welfare indicates that children now classified as status offenders come under the mandates because of characteristics of the individual juvenile, the family or the environing community. This statement also indicates that there is to be a "comprehensive, developmentally oriented service system at the local, state and federal levels to meet the needs of children and families." In the case of adolescent and preadolescent youths characterized as status offenders, the situation is wholly haphazard, with incredible variation within and between states and with no federal oversight of comprehensiveness or equity. Thus, it is most appropriate that a reexamination of current practice be undertaken for the purpose of formulating specific policies and programs to make essential services available to these youths and their families.

II. CONCEPTUAL FRAMEWORK AND ASSUMPTIONS

The phenomena at issue here--behaviors or conditions considered problematic because of the status of being a child--are such that a clearcut conceptual framework is difficult to develop. Therefore, this paper delineates several critical contemporary assumptions or themes.

1. Societal responsibility for identification and control of status behavior should rest with the child welfare system, the family and with youths themselves

In no other area of human services has the contrast between aspiration and reality been so disparate as in the field of juvenile justice, where youths guilty of no law violation are often processed as criminals and then incarcerated with more stringent sanctions than are youths who have violated the law (Lerman, 1970, 1975; Sarri, 1974). The philosophy of parens patriae has espoused ideals of rehabilitation, but seldom have rehabilitative programs been successfully implemented.

The seriousness of the traditional consequences of intervention by the juvenile justice system is not at issue here. What is of concern is the societal practice whereby the typical status offense has been grossly overdramatized (Allen, 1964; Kadish, 1968; NCCD, 1974). For example, runaways are characterized as seriously disturbed, problematic youth when in fact two-thirds are over the age of 15, stay away no more than 2 days and spend the time with a relative or family friend less than 10 miles from their home (Brennan, 1975; Gold and Reimer, 1975). This exaggeration is a serious matter, because the vast majority of all youths report that they have engaged in behaviors that could lead to status classification, but only a small minority are caught and processed (Gold, 1970).

Because the consequences are disproportionate to the offenses and are largely based on ascribed characteristics and chance elements, jurisdiction over status offenses belongs in the child welfare sector and not in the juvenile court (Thornberry, 1974). During the period 1960 to 1975 the United States witnessed a rapid increase in the processing of status offenders through the juvenile courts and into the full spectrum of juvenile justice agencies. There is some reason to believe that the reduction of federal expenditures in both child welfare and elementary and secondary education in the last decade, accompanied by increases in federal criminal justice expenditures, has contributed substantially to the increase in the number of juveniles being processed by the juvenile court (Sarri and Vinter, 1974). It is difficult to justify a policy whereby a juvenile who needs an alternative school program or assistance because of family conflict can be served only after a stigmatizing court process.

2. Juvenile courts are now overburdened by the number of youths referred for processing and are overwhelmed by the shortcomings of the society.

The character of services to youth is critically shaped by the local community. Opportunities, resources and services there define basic life conditions for children and generate the main notions of deviant behavior. Community tolerance for youth behavior affects the rate and volume of cases presented for formal handling, but the responsiveness of community institutions determines whether a youth will be harshly sanctioned or offered help toward satisfying and conventional social life. Even under optimum conditions, there are few comprehensive and concerted efforts today to aid youth outside the juvenile justice system.

In contrast to the United States, many European countries, such as England, Scotland, Sweden and the Netherlands, have developed

mechanisms for comprehensive planning and provision of youth services outside the justice systems (Fox, 1974).

As the community and its other institutions fail to cope with the problems of youth, the police and the courts are pressed into processing a wide array and increasing volume of these problems. Inundation of the local justice system's capabilities has been fostered by the nation's inability to devise constructive solutions to the social problems that impact youth, particularly in education and employment. Having no better alternative, we process youths "with problems" into the justice system. We refuse to acknowledge that morality cannot be enforced by negative sanctions, or to face the serious implications of the increasingly disproportionate number of poor and minority-group persons absorbed into this system. Moreover, in the case of status offenses, we process youths rather than their parents, when the latter are often at least as culpable as the child.

The police and the court are essentially coercive social institutions, but in many states they are increasingly being pressed to provide the gamut of critical child welfare services. In contrast, in the case of adults and of mentally ill persons, police and court power is being restricted (Donaldson v. Connor, 439 F.2d 507 [1974]; Miranda v. Arizona, 384 U.S. 436 [1966]).[2] Society is demanding that police and courts concentrate their efforts on those who commit serious misdemeanors and felonies and thereby endanger public safety.

3. Countervailing strategies and developments provide a basis for improvement in socialization and social control of youths.

The "in" concepts in social welfare and criminal justice programming are decriminalization, diversion, deinstitutionalization and deterrence. At all levels of society there are increasing efforts to decriminalize a variety of behaviors, including use of drugs, sexual relations among consenting persons, gambling, and status offenses of juveniles. In addition there are efforts to divert large numbers of persons from full criminal justice processing to voluntary community agencies. Deinstitutionalization has been linked to diversion policy, but goes beyond it in terms of the consequences for community-based placement of most categories of

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[2]The Supreme Court in Donaldson v. Connor, 439 F.2d 507 (1974), sharply limited the conditions under which mental patients could be involuntarily held in hospitals.

persons formerly placed in institutions. In the case of adjudicated juvenile delinquents, the number of youths in public institutions for delinquents in the United States dropped from 46,410 to 28,001 between 1966 and 1974 (Vinter, 1975; Pappenfort, 1970).

Deterrence is receiving renewed attention because research is consistently revealing that legal processing and sanctions in relation to status offenses not only do not deter criminal behavior, but in fact have almost opposite results. The earlier a youth is processed and the more stringent the sanction, the more likely it is that the youth will subsequently be reported or processed for more serious criminal law violations. The finding suggests parsimony with respect to judicial intervention.

Increasing concern about the high costs of state intervention and care has resulted in mounting skepticism about its continuance, given the negative or dubious outcomes. But broad-based political pressures toward the development of positive programs for youth are still lacking.

4. There is a growing recognition that youths are entitled to basic human rights independent of the authority of parents or other adults.

Less than 200 years ago children were considered essentially as chattel of their parents or guardians. Under the law they were treated similarly to servants. Children were required to be wholly subservient to the demands and expectations of their elders.

Emancipation for children came slowly in the 20th century, and was first recognized with respect to parents or guardians. Parents or guardians were vested with responsibility for the financial support, health, education and shelter of their children, and for instilling in them a sense of morality and discipline. In return the parent was entitled to the child's services or earnings. Under the concept of parens patriae the juvenile court asserted the right of the state to intervene to serve the best interests of the child. Following the recognition of rights of various categories of adults, there is now a rapidly growing concern about the rights of children.

Statements of the Basic Rights of Children by the United Nations and the National Commission for the Mental Health of Children are but one contemporary public recognition of children as persons in their own right. Others are manifested in changing family law and child welfare statutes pertaining to child protection, abuse or neglect (Katz, 1971). The right to be emancipated and to be treated as an adult has also undergone changes with respect to age in nearly all of the states. Ratification in 1971 of the 26th Amendment, whereby 18-year-olds were recognized as adults, is an example.

Juvenile rights here refer to the extension to youths of: 1) legal and procedural rights guaranteed under the law to adults; and 2) nonlegal rights in social processes and situations that are instrumental to achievement of personal or social goals. Kittrie argues for social tolerance of the right to be different in personal and social behavior. Quasi-legal codes of dress and conduct that have been adopted by many public schools recognize youth rights and in several instances these rights have been acknowledged by the U.S. Supreme Court. (Tinker v. Des Moines Independent Community School District, 1969, 393 U.S. 503)

Issues involved in the extension of rights to juveniles are central to understanding the social context of the debate about status offenses and offenders. Forer (1972) has asserted that society urgently needs a "bill of rights for youths" to protect them from encroachment by both government and private agencies. She also stated that criminal sanctions must be limited to those acts that are criminal violations for adults. In her proposal of a court for children she identified four fundamental rights that she said are inherent in all children, and should be enforceable under law: right to liberty, right to life, right to a home, and right to an education.

5. Substantial proportions of adolescent youths throughout the United States can be expected to experience problems in growing up in a complex, unstable and highly mobile society where the social supports for parents as well as youths are inadequate and inequitably available.

The majority of services available to youths and their parents today are directed toward intervention after relatively serious and problematic behavior has surfaced. Youths then require "treatment" under the auspices of health, criminal justice, and social agencies. If society instead assumed that adolescent youths were a population at risk in specific areas because of characteristics of the society as well as attributes of the individuals, quite different policies and programs would be developed. For example, in the case of the health of the population we no longer wait until a disease epidemic has emerged. Instead, vaccines, sanitary water supplies, and so forth to prevent and control these diseases are developed through public health programs. A similar approach could be developed with respect to the socioemotional health of adolescent youths. For example, the United States has a high and still increasing divorce rate, with two out of five children now expected to be reared in single-parent households (Keniston, 1976). It therefore can be anticipated that a substantial proportion of these youths will need additional social supports if they are to become mature, emotionally secure, responsible adults. Public schools have

long had extensive vocational counseling programs, but counseling for other problems has been grossly lacking. Moreover, schools and child welfare agencies could provide training in parenting skills for both youth and their parents.

The Forward View

The United States has been classified as a postindustrial society by Bell (1973), Wilensky (1975), and others. Problems and policies related to youth are linked to changes occurring or about to occur in the larger environment. Any policy or program initiated now should be directed toward the remainder of this century at the least. Among the significant factors are the following:

Birth rate. The United States has a rapidly declining birth rate that is expected to result in a stable population early in the 21st century. In such a situation it becomes debatable whether the present waste of human resources can continue without serious negative consequences. This situation is even more problematic given the relatively rapid increase in the aged population. Manpower resources of young adults will be needed more in the future than they are at present.

Education and the world of work. Despite the pressures for more education and greater accountability, it is problematic whether the nation's schools will be able to educate all youths effectively. Moreover, rapidly changing occupational technologies will require continuous reeducation of a substantial proportion of the population.

Socioeconomic status and welfare. The last decade has evidenced the inability of this society to narrow the gap between rich and poor. Unless social policies are developed to reduce this disparity, problems for youth are likely to increase, for many families lack resources for basic health, shelter and sustenance needs. The more the society is marginalized, the greater the need for overt social control, since those without resources have little to lose in challenging the system.

The city. The urban ghetto continues to deteriorate rapidly as a place for normative youth socialization. Real solutions lie in improved housing, transportation, health and education, not in more surveillance and arrests.

Geographical and family mobility. The United States is an extremely mobile society, with the majority of families reporting more than one geographical change while children are growing up. In addition, the trend toward increased divorced and single-parent families is likely to be problematic for children, as mentioned earlier.

Statutory and Case Law re Status Offenders

Any conceptualization of status offenders must inevitably consider the legal definitions outlined in the juvenile codes and the provisions established in both statute and case law to govern juvenile court practice vis-a-vis status offenders.

Statutory differences among the states are startling with respect to jurisdiction of the juvenile court in relation to: 1) age, 2) scope and nature of delinquent and status offense definitions, 3) offense limitations on the court's powers, 4) jurisdictional conflicts, and 5) permissible interaction with the adult system (Levin and Sarri, 1974). At present all 50 states and the District of Columbia include status offenders within the purview of the juvenile court. In 1972, 24 states and the District of Columbia had a separate category for status offenders (PINS, CINS, MINS, etc.), with eight other states having mixed categories. Of the 33 states with recent code revisions, in only 10 states is there a separate category for "unruly" children. (See Table 1.) As of 1972, in those states with separate categorization of status offenders, only 18 placed restrictions on disposition alternatives and just four states required separate detention facilities for status offenders. The last figure is particularly serious because the vast majority of states do not explicitly prohibit placement of children in adult jails. It is not surprising, therefore that so many status offenders are found in adult jails (Sarri, 1974).

Four states set a higher maximum age for original juvenile court jurisdiction for those charged with status offenses than with other offenses. Some states also have sex differences in connection with status offenses, but these are generally considered unconstitutional, given the New York Family Court decision, In re Patricia H., 31 N.Y.2d 83, 88-89, 286 N.E.2d 432, 434-35 and the U.S. Supreme Court decision in Stanton v. Stanton (421 U.S. 7 [1975]).

Fourteen states now have fairly stringent prohibitions against placement of status offenders with other delinquents in correctional facilities. Often, however, status offenders may violate probation requirements or be classified as not amenable to rehabilitation. In such cases, the youths often are declared delinquent and in no way differentiated from other delinquents. Thus, statutory provisions do not control the negative labeling and stigmatizing processes.

An illustration of these processes is provided by recent Florida legislation (Florida S.B. 165), initially heralded as a major reform. There, the new juvenile code essentially removed the status offender category known as CINS. Certain categories of

Table 1

Classification of Youth Charged With Status Offenses, by State

States separating status offenses into special categories				States classifying status offenders as delinquents
[1]Alaska	CINS	New Mexico	CINS	Alabama
[1]Arizona	incorrigible	[2]New York	PINS	Arkansas
[2]California	idle, dissolute, immoral	[2]N. Carolina	undisciplined child	Connecticut
Colorado	CINS	[2]N. Dakota	unruly child	Delaware
D.C.	CINS	[2]Ohio	unruly child	Idaho
[1]Florida	CINS	[2]Oklahoma	CINS	Indiana
[1]Georgia	unruly, etc.	Rhode Island	wayward; idleness	Iowa
[1]Hawaii	beyond control		for those 16-18	Kentucky
[1]Idaho	maladjustment	[1]S. Dakota	truant, runaway	Maine
[1]Illinois	MINS	Tennessee	unruly child	Michigan
[1]Kansas	wayward, truant	Texas	CINS	Minnesota
Louisiana	CINS	Utah	truant, beyond	Mississippi
[3]Maryland	CINS		control, etc.	Missouri
Massachusetts	CINS	Vermont	CINS	New Hampshire
Montana	YINS	Washington	dependent	Oregon
[2]Nebraska	CINS	Wisconsin	CINS	Pennsylvania
[2]Nevada	CINS	Wyoming	CINS	South Carolina
[1]New Jersey	JINS			Virginia
				West Virginia

MINS, CINS, JINS, & PINS: Minors, children, juveniles or persons in need of supervision. (Service, in Massachusetts).

Table 1 (continued)

[1]Some status offenses defined as delinquency, others in separate status offense category. These are states referred to as "mixed" (Levin and Sarri, 1974).

[2]Status offenders who violate court orders become delinquents.

[3]Dependent, neglected youth and status offenders removed from Massachusetts juvenile court system January 1974. Such children are now under auspices of CINS. Legislative activity currently under way to remove status offenses from the juvenile code.

status offenders (i.e., runaway, truancy and ungovernability) were placed in a dependent child category. Services to them were to be provided by the public child welfare agencies on a voluntary basis. However, a major loophole was permitted in that the law states:

> The first time a child is adjudicated as ungovernable, he may be treated as a dependent child and provisions relating to dependency shall be applicable. For the second and subsequent adjudication for ungovernability, the child may be treated and defined as delinquent.

He or she thereby becomes subject to the full panoply of juvenile correctional action, including institutionalization.

The observations of the NCCE counsel David Gilman (1976) about the Florida reform are worth noting.

> A dependency case does not require adjudication or legal disposition; it requires the intervention of community services. The juvenile court is not the proper intervening agent; it is not, and should not be expected to serve as a referral for families in need of essential community services. . . . Its intervention merely places an official seal on the family's disintegration and shame.

Due to the potentially damaging effects of labeling (Mahoney, 1974; Lemert, 1969; Sheridan, 1967; Piliavin and Briar, 1964; Schwartz and Skolnick, 1962), explicit reference to juveniles as delinquents may well start the process of criminalization by failure to distinguish between categories of juvenile deviant behavior. Moreover, only seven states have periodic review of probation and only seven others limit the time period for probation; therefore, an unruly child could be placed on probation at age 12 and remain in that status until he or she reached the upper age limit of court jurisdiction, which in some states is as high as 21 years.

This statutory review indicates that status offenders are largely viewed as juvenile delinquents who do not merit special treatment. There is scant evidence in recently revised juvenile codes that the handling of status offenders will be removed wholly from the juvenile court, but the Juvenile Justice and Delinquency Prevention Act of 1974 will undoubtedly require greater accommodation than has been effected thus far. Statutes continue to predispose the judicial system to focus on referred youth, rather than on the situation that led to the referral. The long-awaited publication of the American Bar Association Juvenile Justice Standards Project recommends

that jurisdiction over status offenses be removed from the juvenile court (Juvenile Justice Standards Project, 1977). It appears likely that all of these national policy proposals will result in removal or at least significant curtailment of the court's jurisdiction over these bahaviors and statuses.

Litigation

Challenges to status offenses have arisen most frequently for the following reasons: 1) vagueness, 2) status charges violate the Eighth Amendment, 3) overbreadth.

Void for vagueness. The U.S. Supreme Court has struck down as vague statutes that "either forbid or require the doing of an act in terms so vague that persons of common intelligence must necessarily guess at its meaning and differ as to its application." (Connally v. General Construction Co., 269 U.S. 385, 39 [1926])

More recently, the U.S. Supreme Court, in vacating a California Federal District Court decision, held that the California juvenile statute was void because it granted juvenile court jurisdiction over children who were "in danger of leading an idle, dissolute, lewd or immoral life." Such a statute was void, the court said, because it failed to give fair warning of proscribed conduct or information to the fact-finder to enable him to recognize accurately such conduct (Gonzalez v. Maillard, No. 50424 [N.D. Calif. Feb. 9, 1971], vacated 416 U.S. 918 [1974]).

Punishment of a condition. In 1962, the U.S. Supreme Court, in Robinson v. California, 370 U.S. 660 (1962), reversed a conviction for violation of a California penal code making it a criminal offense to "be addicted to the use of narcotics." The court held that Robinson manifested a condition--"addiction"--that he was not able to control; thus, the defendant maintained a particular "status." Justice Douglas, in his concurring opinion, stated:

> We would forget the teachings of the Eighth Amendment if we allowed sickness to be made a crime and permitted sick people to be punished for being sick. This age of enlightenment cannot tolerate such barbarous action. (370 U.S. 678)

The effect of Robinson v. California was to support the argument that a status must be differentiated from a criminal act and that punishment for a status is in violation of the Eighth Amendment. This argument has surfaced in cases involving convictions of chronic alcoholic for public intoxication (Easter v. D.C., 361 F.2d 50 [D.C. Cir. 1966], Driver v. Hinnant, 356 F.2d 761 [4th Cir. 1966],

and the ultimate Supreme Court decision that upheld the constitutionality of convictions of chronic alcoholics for public intoxication (Powell v. Texas, 392 U.S. 514 [1968]).

The previous constitutional arguments attacked adult system practices punishing status rather than behavior. The last few years have seen similar attempts to confront statutes applicable to juveniles. In Gesicki v. Oswold, 366 F. Supp. 371 (S.D.N.Y. 1971), the Wayward Minor Statute of New York was declared unconstitutional. The act granted adult criminal jurisdiction over youths 16 through 21 who were punished for being "morally depraved" and "in danger of becoming morally depraved." The court states that the Wayward Minor Statute permitted "the unconstitutional punishment of a minor's condition, rather than of any specific action."

However, two recent decisions have supported statutes applicable solely to status offenders that were challenged pursuant to the "void for vagueness" doctrine. In Mercado v. Rockefeller, 520 F.2d 666 (1974), the New York State PINS Statute was upheld as constitutional. The court upheld the statute, which had been attacked on the following bases:

1) The statute was vague and overbroad, in violation of the due process clause of the 14th Amendment.

2) The statute violated the Eighth Amendment because it punished a status instead of specific antisocial overt acts.

3) The statute violated the right to substantive due process guaranteed by the 14th Amendment, by imposing an excessive restraint on the individual liberty without serving any legitimate state purpose.

In Blandheim v. State of Washington, 529 P.2d 1096 (1975), the Washington Supreme Court upheld that state's incorrigibility statute and ruled that punishment for this offense was not cruel and unusual. (In this case a 17-year-old female had run away from home and various placements, eight times in 3 months.) The statute read: "An incorrigible child is one less than 18 who is beyond control of his parents, guardian or custodian by reason of the conduct or nature of said child."

The girl contended that the statute punished the "status" of being incorrigible in violation of the Eighth Amendment. The court, although not denying that incorrigibility is a condition or state of being, upheld the statute by stating that one acquires such a status only by reason of one's conduct or a pattern of behavior proscribed by the statute. Conduct that placed her beyond the control of her

mother was felt to be sufficient basis for support of an adjudication of incorrigibility. The court did not show awareness of parental involvement nor indicate that the parents also could have been charged.

Overbreadth may be another basis for an attack on status offense statutes. In the case of State v. Mattielo, 4 Conn. Civ. 55, 225 A.2d 507 (App. Div. 1969), the court upheld a conviction of a female juvenile for violation of the Connecticut statute "forbidding walking with a lascivious carriage." The Appellate Division upheld the statute as valid under the concept of parens patriae, that the proceeding was civil rather than criminal, and that its end was not to punish but to rehabilitate the child through guardianship and protection.

Another form of overbreadth has existed in the institutionalization of status offenders with delinquent youth. In In re Ellery C., 32 N.Y.2d 588 (1973), the New York Supreme Court concluded that confinement at a public training school was not appropriate supervision or treatment. It ordered the Department of Youth Services to provide adequate treatment, but it did not specify how PINS should be supervised. Therefore, the findings of a recent study by the Institute of Judicial Administration (1975) were not surprising. The institute observed that the separation requirement failed to effect any improvement in the care of troubled children.

In a subsequent case, In re Lovette M., 35 N.Y.2d 136, 359 N.Y.S.2d 41 (1974), the Court of Appeals refused to hold that placement of a PINS in a training school was unlawful per se, stating that "it is confinement of PINS children in a prison atmosphere along with juveniles convicted of criminal acts that is proscribed, and not the fact of placement in a training school." (Id. at 141)

Similar cases in other states demonstrate that legislative restriction does not prevent the use of private institutions or community-based residential facilities by the court. In Gary W. v. Stewart, No. 74-2412 (E.D. La., filed Dec. 30, 1974), the transfer of 400 Illinois status offenders to private institutions in Texas was challenged, and in June 1975, the Detroit News reported placement of Michigan youths in private institutions, again in Texas. Obviously, barring commitment of status offenders to public institutions is only an incomplete solution, since private facilities--even community-based programs--may infringe as much on individual liberty as the public institution or public detention facility. The Children's Defense Fund has extensively researched the problems of children placed out of their homes in seven states (Children's Defense Fund, 1977). It recommends strong action by HEW, as well

as by state agencies, to protect children from inappropriate placement and lack of periodic review of placement decisions once they are implemented.

III. CURRENT NEEDS

The development of policies and programs to serve adolescent and preadolescent youths outside the juvenile justice system is urgent. Chief Judge David Bazelon of the United States Court of Appeals for the District of Columbia emphasized the urgency of this need in a 1970 address to the National Conference of Juvenile Court Judges:

> The argument for retaining "beyond control" and truancy jurisdiction is that juvenile courts have to act in such cases because "if we don't act, no one else will." I submit that precisely the opposite is the case: because you act, no one else does. Schools and public agencies refer their problem cases to you because you have jurisdiction, because you exercise it and because you hold out promises that you can provide solutions.

P.L. 93-415 requires separation of status offenders from delinquents in all phases of processing, but if public and private child welfare agencies do not offer effective and needed services a great void will result. Youths, the agencies, and society will be the losers.

A secondary but related need is creation of mechanisms to monitor social institutions such as public schools and social welfare agencies, to ensure that they provide needed services to youths. The public school system has abdicated much of its responsibility to those youths most in need of education. It has indefinitely suspended and pushed these youths out of school. Recent reports of the Children's Defense Fund (1974) document the tragic situation: 2 million youths in the United States are permanently out of school.

Obviously the need for greater allocation of federal resources to child welfare is critical, particularly if responsibility for status offenders is to be taken seriously. But of almost equal importance is the creation of organizational structures for effective service delivery. Although existing legislation and child welfare goal statements indicate that the service needs of status offenders fall within the jurisdiction of the Department of Health, Education, and Welfare, additional legislation is probably needed to mandate specific responsibility. Legislation for comprehensive family and child development services was introduced several times by then-Senator Walter Mondale (D-Minn), but these proposals have not become law.

Child Welfare Service Patterns

The HEW report (1974) on children served by public and private welfare agencies and institutions in 1972 provides findings important for an analysis regarding status offenders. The report states that of the 3 million children served, 94% were served by public agencies; 88% lived with parents, relatives or independently; 8% were in foster homes, and 3% were in institutions. Institutionalization was far more prevalent for children placed in voluntary than in public agencies. Thus, these data suggest that service to children in the community was the primary modality in 1972. This service format is the type needed by the vast majority of status offenders, so the essential organizational design for service delivery would not require modification unless large numbers of youths were placed in private agencies.

A careful examination of federal and state child welfare laws is needed to determine if, as Katz (1971) argues: 1) they discriminate against the poor; and 2) social welfare agencies are allowed to impose white middle class two-parent family values on parent-child relationships. Without knowledge of existing law, policy strategies cannot be properly designed.[3]

IV. CURRENT APPROACHES

Numbers of Youth

Status offenders now are processed as juvenile delinquents in a majority of states, as has been noted. Because adequate information-gathering is lacking at local, state and national levels, it is not possible to report accurately even the total number of juveniles processed through the justice system each year. In 1972, 1,112,500 delinquency cases were processed by the nation's juvenile courts, based on voluntary reports to HEW (1974). If we add to that an estimate of the number of nonreporting counties, plus those held in jails, institutions and detention facilities, one produces a figure in excess of 2 million cases. There is no way to determine the extent of overlap--and therefore no reliable means of estimating the total unduplicated count of individuals. However, given the

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[3] Areas in which comparative information is needed for all of the states are: jurisdictional domain; service provision; age specification; rates for public and private agencies; eligibility restrictions; and linkage to other related organizations.

estimated U.S. child population of 52.8 million between the ages of 5 and 18 in 1972, it can be said that one of every 26 youths is potentially processed as a delinquent each year. Moreover, concentrating on the more vulnerable years of 10 to 18, the proportions approach one in 15.

Contemporary Court Processing and Disposition

What proportion of the cases are status offenders? Again, this can be only crudely estimated, but the national study of 387 juvenile courts and correctional facilities conducted by the National Assessment of Juvenile Corrections indicates a proportion of 30% (Sarri and Hosenfeld, 1976). Thus about 600,000 status offense cases can be expected to be processed and/or served through the juvenile courts and correctional programs of the United States each year.[4] It is these youths who would potentially become the responsibility of child welfare agencies with the implementation of P.L. 93-415.

Variations among counties are large, some having fewer than 10% of their caseload in status offenses, others having as high as 60%. There are similar variations between states. Studies by Lerman (1970) and Sarri (1974) document the disproportional representation of status offenders, as does a recent Hennepin County, Minnesota, report of court referrals and detention (Community Welfare Council, 1976). Minnesota is one of the states in which no distinction is drawn between status offenders and youths charged with felonies and misdemeanors. In 1974, 45.6% of all referrals to the court were status offenders, but they constituted 55.8% of all who were admitted to detention. (See Table 2.)

These findings are particularly disturbing because they show a high rate of detention for all juvenile cases, but especially for those who present no threat to the community. This is in sharp contrast to the case of adult jailing, where it is commonly accepted that persons are to be held only if the public will be endangered by their release, or if there is reasonable evidence to believe the person will abscond.

These data also illustrate the impact of variable organizational strategies, for only 16 youths were referred for truancy in Hennepin County. Given the numbers of youth in school in the

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[4] The National Advisory Commission on Correctional Standards and Goals (1973) estimated that 40% of the dispositions of the juvenile court involved status offenders.

Table 2

Juvenile Referrals by Offense and Detention Rate

Hennepin County, Minnesota, 1974

Charge	No. Referred	% Detained
Incorrigibility	472	82.8
Truancy	16	75.0
Absenting (runaway)	1790	72.8
Robbery	162	77.2
Assault	172	59.9
Burglary	531	50.8

Source of data: Community Welfare Council, Hennepin County, Minnesota: Hennepin County's Status Offenders: A Preliminary Report. Jan. 9, 1976.

county, this number is far below what would be expected. It is probable that schools in Minneapolis and other communities in the county have used alternative strategies for dealing with truants.[5,6]

It is possible to estimate that 33% to 35% of the committed youth in correctional facilities are status offenders (Grichting, 1975; U.S. NCJISS, 1974). The data in Table 3 are from a nationally representative sample of correctional programs studied by the National Assessment of Juvenile Corrections; they enable us to determine whether status offenders and juvenile delinquents are separated during disposition. The sample consists of 20 public and 22 private facilities for adjudicated youth. Thirty-seven of the 42 facilities were in states that in 1972 required, by statute, the separation of these youth during disposition. Only two out of the 37 did not have a mixture of both types of offender. The two exceptions, one public and one voluntary, had a client population of less than seven offenders. Clearly, separation essentially does not exist. The actual situation, which is in accord with the findings of the Institute for Judicial Administration (1975), is in violation of the letter and the spirit of the law.

Table 3 further indicates that the majority of both law violators and status offenders end up in institutions, although there is a greater tendency to place delinquents in institutions.

When comparisons are made by sex, as in Table 4, it is evident that proportionally more females than males are committed for status offenses. Males outnumber females by more than two to one, but since the arrest ratio of males to females is 4 to 1, the disproportionate institutionalization of females is apparent. A 1974 study in Louisville reported status offenses accounted for 46% of female referrals, with more frequent detention and institutionalization of females even though their offenses were far less serious (Juvenile Justice Digest, 1976).

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[5] These findings are also alarming because Minnesota is one of the states with extensive child welfare programs. Many of the youths processed through the court and detention in Hennepin County could be served more appropriately by child welfare agencies.

[6] The situation of the runaway is particularly disturbing when contrasted with truancy, for runaways constituted 57% of this sample. The number, given the population of this community, suggests that the court was the first agency involved, rather than the last.

Table 3

Distribution of Offenders by Type of Correctional Facility

	Institutions		Open Programs		Total	
	%	(n)	%	(n)	%	(n)
Juvenile delinquents	84.9	(792)	15.1	(141)	100.0	(933)
Status offenders	66.5	(355)	33.5	(179)	100.0	(534)
Total	78.2	(1,147)	21.8	(320)	100.0	(1,467)

Source of data: National Assessment of Juvenile Corrections, University of Michigan, Ann Arbor, 1976.

Table 4

Commitment Offense, by Program Type and Sex
(in percentages)

	Status Offense[a]	Probation or Parole Violation	Mis-demeanor	Drugs or Alcohol	Property	Person	(n)
Institution							
Male	23	4	2	6	46	18	(832)
Female	50	1	3	18	14	14	(349)
Community Residential							
Male	50	3	1	10	26	10	(70)
Female	67	3	0	14	12	3	(58)
Day Treatment							
Male	45	3	4	6	30	12	(164)
Female	87	0	0	5	3	5	(37)

Note: Determination of commitment offense was based on response to the question, "Why were you sent here?"

[a]Status offenses include incorrigibility, dependent and neglected, truancy, running away, curfew violations, disorderly, etc.

Source of data: National Assessment of Juvenile Corrections, University of Michigan, Ann Arbor, 1976.

Responses of youth in the National Assessment of Juvenile Corrections sample of correctional programs permitted some examination of the labeling and stigmatization process. Youths were asked why they were sent to the program and if they perceived that "people think of me as a criminal because I'm here." Responses were analyzed with reference to several variables, including patterns of official intervention, type of program placement, staff-youth interaction patterns, and personal characteristics of the youth.

Analysis of the responses reveals that 50% of the youths thought they were considered criminal. Among first offenders 34% held this opinion, but there was no significant difference between youths initially committed for status offenses and those committed for criminal offenses. Fewer females than males believed that they were considered criminal (46% versus 55%), but there was a smaller difference for females when offense was controlled.

Subjective awareness of the probability of being labeled criminal increases in proportion to the frequency and types of contact between youth and the justice system. These findings support the recommendation of parsimony regarding the type and extent of intervention with respect to status offenders.

The 1974 HEW report on children served by public welfare and voluntary child welfare agencies and institutions does not permit determination whether status offenders are now served by these agencies (U.S. HEW, 1974). Such analyses can and should be completed if the necessary data are available at the federal level. There is reason to believe that adolescent youths are likely to be processed through the juvenile justice system, and younger children through the child welfare agencies. If this situation exists, it is regrettable, since adolescent youth are urgently in need of service and assistance, not punishment and other forms of coercive control, when the conduct at issue is status behavior.

A recent study of "ungovernability" cases in the Family Court of New York indicated that 62% of these youths were females in midadolescence, disproportionately nonwhite and from large, poor and single-parent or broken families (Yale Law Journal, 1974). The study also noted that 37% were "neglected," but were classified as "ungovernable" to expedite processing. Sixty-eight percent of these youths were held in secure detention, despite its obvious impropriety. Finally, the study found that higher proportions of these youths were adjudicated and committed to residential facilities than were youths who committed serious property or person crimes. A study of the Michigan Department of Social Services drew similar conclusions about institutional placement of nonaggressive youths (Michigan, 1975).

The New York and Louisville studies document another frequent observation regarding status offenders. Those who wind up in the juvenile court and correctional programs are disproportionately poor and minority youths. For many young people--particularly those residing in the inner city ghettos--the law is an omnipresent factor in daily life. It is estimated in some cities that 90% of these young people will have been arrested at least once before the age of 18.

Youths from middle and upper income families may be arrested for status misconduct, but they are usually handled informally. Parents arrange for special counseling, private schools, and so forth.

The care of youths turned over to authorities by their families is particularly disturbing, for these youth are frightened, confused and often alienated from close interpersonal relationships. They feel angry and abandoned. Seldom is anything done to relieve their anxiety, depression or anger. It is obvious that the court is not the proper agency to deal with family problems presented as status offenses. In California, the Sacramento Community Crisis Intervention Program has demonstrated that alternative forms of intervention can alleviate family problems so that court action is unnecessary.[7]

A consequence of present approaches to the problems of the status offender is that it is easy to enter the juvenile justice system, but difficult to exit. Laws governing noncriminal behaviors provide parents, schools and community agencies with easy access to the court for action concerning a juvenile. It is often said that the court is at the top of a pyramid of agencies that may intervene in a juvenile's life, that the court is the "last resort," but many first offenders are dealt with as stringently as those with multiple charges, and many youths who wind up in the juvenile justice system have had little prior contact with social welfare agencies.

Schools and Status Offenses

Substantial research findings point to problematic aspects of school as strongly related to delinquent behavior (Gold and Williams, 1972). School curricula that do not reach the student and

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[7] The 601 Diversion Project Report (Baron and Feeney, 1972) provides findings to support early and flexible intervention to help families solve crisis problems. This project demonstrated that status offenders can be diverted from the court and that subsequent court contact will be reduced.

lay a basis for continuing failure lead to truancy or behavior that results in suspension. The youth will in all likelihood be "on the streets" indefinitely, learning little or nothing that will help him become a law-abiding adult. He is far more likely to engage in delinquent activities (Schafer and Olexa, 1970; Polk and Schafer 1972). A recent study in Baltimore (1975) documented this pattern of behavior as even more typical of status offenders than of those whose first charge was for a criminal violation.

Chief Judge David Bazelon of the District of Columbia Court of Appeals emphasized the critical role of the school when he addressed the juvenile court judges:

> The school will have to learn how to work out disputes between teachers and pupils. . . . It must above all not let go of the youngster, no matter how irritating he is. It must not lose him to the streets. (Bazelon, 1970, p. 44)

In its report on children out of school in the United States, the Children's Defense Fund noted that the figure of 2 million does not include students expelled or suspended; truants; and children not reported by parents as out of school (CDF, 1974). Seventy-five percent were between the ages of 7 and 13--representing about 3% of the total school-age population in that age range. Few differences were observed by region of the country except for slightly higher percentages in the South and in rural areas. Non-enrolled youth were disproportionately from poor, minority and inner-city families. Among the barriers to attendance were physical handicaps, mental retardation, pregnancy, poor language skills, mental illness and misbehavior. Obviously these youth are among those who require child welfare services, but far too seldom do they receive them.

School suspension is another problem area, as reports by the Children's Defense Fund (1974), Stretch and Crunk (1972), and others pointed out. Too often youth who are suspended are already alienated from school, and the consequences are the opposite of those publicly intended. Moreover, their parents may be negative about schools and teachers, so that they are not able to assist their children. The recent Supreme Court decision in Goss v. Lopez, 419 U.S. 565 (1974), requires that schools act to reduce arbitrary decisions; it is hoped it can also provide a basis for developing policies and procedures that stimulate and reinforce positive behavior by youths.

Given the size and complexity of school systems today, it is obvious that youths need advocates who will intervene on their behalf. Legal institutions also have an important role to play in monitoring

organizational behavior, to determine if mandates are effectively implemented, as the Children's Defense Fund, National Coalition for Children, and other organizations have argued.

Policy Priorities of National Youth Organizations

The concept of parens patriae, the foundation of the juvenile court movement, is now the focus of discussion concerning whether the juvenile court should retain jurisdiction over status offenders. This question goes beyond Sec. 223 (12) of the Juvenile Delinquency and Prevention Act of 1974, which deals only with deinstitutionalization of status offenders, and challenges the historical precedent of the court.

The controversy regarding the abolition of status offenses versus retention of status offenders under the control of the court has resulted in debate among voluntary organizations, state and national legislative and advisory commissions, legal defense groups, professional court and correctional organizations, and eminent jurists. Arguments advanced by various individuals and groups are summarized briefly here.[8] This summary does not include all the organizations that have stated policies regarding status offenses, but it is representative of the variety of positions.

Civic organizations for abolition. The National Council of Jewish Women has high visibility as a civic group concerned with juvenile justice. The council advocates abolition of status offenses from the purview of the juvenile court, on these bases:

1) Status offenders consume court resources better directed toward intervening with youths who commit law violations.

2) Behavior often identified as "unruly," especially in home situations, may be a positive response to an intolerable situation.

3) Mixing status offenders with delinquents increases the probability that status offenders will be stigmatized and that there will be negative socialization effects from being confined with delinquents.

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[8] A more thorough analysis is in Judy Calaf's working paper produced for the New York Division for Youth and soon to be published by NCCD, "Status Offenders and the Juvenile Court."

4) Status offenders are often subject to more punitive intervention than other young offenders.

The council calls for expansion of delinquency prevention services, as well as community services available to youth and their families. The youth service bureau concept originally detailed by Sherwood Norman in his book The Youth Service Bureau is seen as a primary mechanism for developing diversion services outside court control.

Civic organizations for retention. The Community Services Society of New York takes the position that it is premature to abolish juvenile court jurisdiction until adequate alternative community resources are available. The society favors expanding the role of the family court in relation to status behavior, and raising the maximum age of original jurisdiction from 16 to 18.

Voluntary child welfare organizations for abolition. The Jewish Board of Guardians in New York City advocates abolition of status offenses from the juvenile court, based on its experience in working with the family court. The JBG contends that deprivation of liberty is justified only when appropriate treatment is provided under control of the court, and that the nonexistence of treatment necessitates removal from the juvenile court system. It recommends replacement of the status-offender category with noncoercive mechanisms. It also advocates provision of new services for status offenders as an alternative to the "warehousing" of youths in institutions.

Voluntary child welfare organization for retention. The Federation of Protestant Welfare Agencies in New York City advocates retention. Its arguments are basically twofold:

1) There must remain one ultimate state authority that can intervene to help troubled youth. The court must serve as the link between youths and resources.

2) The real issue in dealing with status behavior is the lack of alternative resources, not the category itself.

The federation would increase state resources for direct service and personnel training for probation and state agency personnel working with youths. Also, as with civic organizations, an increase in the age of original jurisdiction from 16 to 18 is recommended.

State commissions, agencies and committees for abolition. The California Interim Committee on Criminal Procedure bases its arguments for abolition on the lack of evidence that court processing of status behavior prevents delinquency or law violations. It

emphasizes that placement of the status offender with the law violator will only promote future criminality.

The committee recommends inclusion of habitual truants in the "neglect" category. (One wonders whether this is truly abolition or, perhaps, a semantic shuffle of statutory language, a criticism that may also be valid for recommendations of other organizations.)

Federal commissions and agencies for abolition. The President's Commission on Law Enforcement and Administration of Justice in 1967 made this recommendation: "Any act that is considered a crime when committed by an adult should continue to be, when charged against a juvenile, the business of the juvenile court, (but) serious consideration, at the least, should be given to complete elimination of the court's power over children for noncriminal conduct." (p. 85)

The report was critical of the negative labeling effect of court processing of status offenders, as well as the dangers inherent in the informal courtroom procedures used with these youths.

The alternatives recommended by the commission were not totally congruent with removal of status offenders from the juvenile court: efforts should be made to ensure individualized assistance to youths, to avoid the necessity of separating youths from peers. The court was perceived as the "last resort," after all other alternatives had failed.

Legal defense groups and authorities for abolition. The American Civil Liberties Union Juvenile Rights Project makes two kinds of argument. Legal-constitutional arguments are these:

1) Status offense statutes are often vague and ill defined and thus arbitrarily and capriciously enforced.

2) Punishment of a status is unconstitutional.

3) Infringement of the liberty of a status offender in no way serves a legitimate state purpose (i.e., apprehension of law violators or effective treatment).

4) The evidence supports the contention that status offender categories are discriminatory, especially in relation to girls and minority youths.

The ACLU's arguments related to misuse of court resources are these:

1) Status offenders are basically "neglected youths" for whose care the schools and parents avoid their obligations.

2) Court resources are allocated to status offenders when they could be allocated to serving delinquent youth and child abuse cases.

3) The court's continued jurisdiction over status offenders inhibits the growth of voluntary community agencies to serve them.

4) The judicial system as an adversary system is best equipped to adjudicate acts, not personalities.

The ACLU recommends that funds used for court processing and institutionalization be diverted to "proved" noncourt community programs. In addition, it urges that specialized community services, including counseling, medical services, and crisis-intervention direct services, be made available to families in the community.

Professional court and correctional organizations for abolition. The National Council on Crime and Delinquency originally promulgated the Standard Juvenile Court Act in 1959. This act provided for court intervention for any child beyond the control of his parent or guardian. It specifically recommended against institutionalization of status offenders with law violators. However, in April 1975, the council issued a new policy statement advocating total removal of juvenile court jurisdiction over status offenders. NCCD equated its position on status offenses to the position it has taken for the abolition of victimless crimes in the adult system, referring to status behavior as "juvenile victimless crime." Recognizing that the juvenile court has coercive powers, it recommended these powers be used against law violators. It, too, reiterated that resources being used for youths who are not law violators should be directed toward law violators.

The council basically urges utilization of noncoercive community-based residential and nonresidential facilities and increased availability of a wide range of community resources for children and parents. Youth service bureaus are mentioned as a primary mechanism.

Professional court and correctional organizations for retention. The National Council of Juvenile Court Judges, in a 1972 resolution, recommended retention and opposed statutory diversion. The body stated that although diversion may be appropriate in some cases, it may represent a deprivation of constitutional rights. In addition, it held, "coercion" is often effective in dealing with status

offenders and their families. To provide a greater diversity of services, the council recommended development of community-based programs for status offenders.

The New York State Office of the Court Administrator has also opposed removal of status offenders from the juvenile court. Its report cites the lack of a public or private mental health, education or social service system adequately equipped to deal with status offenders. Specific mention is made of seriously disturbed and retarded youth who are not retained for treatment by the Department of Mental Hygiene. The state office urges an expansion of services to divert the child from the court. When adequate alternatives exist, abolition might be supported.

Eminent jurists for abolition. Numerous judges have written on the pros and cons of abolition of status offenses from the juvenile court. Family and juvenile court judges such as Frank A. Orlando of the 17th Judicial Circuit in Florida and Ted Rubin, Director of Juvenile Justice, Institute for Court Management, University of Denver, and former Denver Juvenile Court judge, have written articles advocating abolition. Both challenged status offense statutes on the "void for vagueness" basis. Judge Orlando cited Gesicki v. Oswold, 336 F.Supp. 371 (S.D.N.Y. 1971), and Gonzalez v. Maillard, 416 U.S. 918 (1974), as cases in New York and California where statutes pertinent to status offenders were considered vague and arbitrary and in violation of the due process clause of the 14th Amendment. Judge Rubin questioned the constitutionality of punishment of a status, as set forth in Robinson v. California, 370 U.S. 660 (1962) (i.e., the status of addiction).

As an alternative to juvenile court control, these judges stress provision of community services outside the court. Efforts should be made to hold the parents accountable, rather than, as Judge Rubin states, having the court "readily [agree] to accept a share in their children's care and development, too often weakening the family's ability to find noncoercive solutions to intrafamily problems." The basic unfairness, Judge Rubin says, is that a status offense "places the essential burden on the child for actions which are more usually interactions."

Eminent jurists for retention. Jurists have been the group most visibly opposed to the removal of the status offender from the purview of the court. Justine Wise Polier, former Family Court judge in New York City and subsequently director of the Juvenile Justice Project of the Children's Defense Fund, supports retention as both a legal and moral responsibility. Her arguments are:

1) The argument that status offense statutes are unconstitutional is incorrect; jurisdiction is over conduct, not a status.

2) The problems of status offenders are not just the problems of adolescence; status offenders have grave problems related to drug and alcohol use.

3) To show "benign neglect" to status offenders is an abdication of social responsibility. If services to status offenders were offered only on a voluntary basis, no jurisdiction could be established over status offenders. The court's objectives are valid, and should be more strongly pursued, not abandoned.

Judge Lindsay G. Arthur, of the Juvenile Division of the Hennepin County District Court in Minneapolis, also sees status offenses as indicative of more serious problems (Arthur, 1975). He supports plea bargaining as leaving less of a stigma on a youth labeled a status offender than adjudication. His views are:

1) Strong support of diversion is necessary (although it is evident he means diversion through rather than outside court processing).

2) Status offenders should be classified into four categories of problems: chemical, control, education and family. Differential processing in terms of the type of problem is suggested.

3) Removal of status offenders from court jurisdiction would dramatically increase problematic behavior.

4) The court should be available to handle all types of misconduct, and treatment should be imposed when the child or family refuse it.

5) There is little potential damage in the commingling of status offenders and juvenile delinquents; "status offenders are in plain fact some of the more mentally and emotionally disturbed children." (p. 6)

V. CURRENT AND FUTURE UNMET NEEDS

The foregoing analysis of current needs and approaches has delineated most of the problems in relation to needs. The following is a brief summary of critical unmet needs, providing one of the bases for developing policy and program recommendations.

1) Human service organizations--especially child welfare, public schools and mental health--must take a much more active, interdependent and coordinated role in the socialization and education of adolescents, especially youths from poor and minority group families.

2) New theories of adolescence in a complex postindustrial society are needed as the basis for development of comprehensive service programs for youths and their families.

3) Reduction of sexism in the processing of youths into social control agencies is urgent. When 70% of the female offenders in public correctional institutions are committed there for status offenses, as contrasted with 23% for males, one can only conclude that variable moral standards are being imposed (U.S. NCJISS, 1974).

4) Voluntary nonprofit associations and agencies need concrete inducements to develop a broad range of services to adolescents in ways that relate to subcultural values and expectations of these youths.

5) Community-based programming is a practical alternative to institutionalization in only a small minority of states (Vinter, Downs and Hall, 1975). It has been advocated for almost two decades by many national commissions and conferences, but more effective implementation policies are needed if greater success is to be achieved.

6) Given the observation of Grichting (1975) that the proportion of status offenders in public correctional facilities increases as: total population grows or becomes more urbanized (+.19); nonwhite populations decrease (-.56); education increases (+.19); more federal funds become available (+.30); and less local funds are allocated (-.24), there is a need to examine carefully the environmental context out of which status offenders are selected and processed. Obviously, the large urban community has become an environment that does not stimulate positive voluntary mechanisms for aiding youths in growing up. Data from Sarri (1974) regarding the increasing placement of urban youth, especially females, in adult jails, further document these practices and demonstrate the need for more thoroughgoing positive, rather than negative, sanctioning systems.

VI. ISSUES RELATING TO PROGRAMS AND NEEDS

This paper identifies many issues and problems of adolescents classified as status offenders and now processed through the juvenile justice system. Past failures are readily apparent, but one must be

dubious about the adequacy of current long-range planning at federal, state and local levels in both the public and private sectors. Adequate planning is particularly needed because of major changes under way in the larger society--in employment opportunities, life styles, education and birth rate.

There is a tendency for each governmental unit charged with one or more aspects of youth socialization or control to address its own task with little reference to general developments or to other organizations working in the area. This pattern could be changed at the federal level by revamping the Interdepartmental Councils for Children and Youth, which could then help states and localities engage in more rational and positive planning.

Among the issues that should be considered in planning are the following.

Policy Issues

1) Implementation of Sec. 223 of P.L. 93-415 requires that status offenders not be commingled with other juvenile offenders and that they not be held in secure custody. Table 1 summarizes the distinctions found in the juvenile codes in the 50 states as of 1972. Since then changes have been made in a number of states, but many more modifications are required if full compliance with Sec. 223 is to be achieved. Similar examination of child welfare statutes is also necessary to determine their jurisdiction and procedures that would be applicable if status offenders were removed from the justice system. Statutory provisions in relation to juvenile delinquency have been studied systematically in 50 states by Levin and Sarri (1974); their approach provides a basis for an examination of child welfare laws.

2) Critical questions are being raised in most states as to which agencies (federal, state and local) should have responsibility for meeting the needs of youths and how they should interface with each other in policy and planning for youths. Issues also exist about the conditions under which services will be offered by public and private agencies. Legislation now proposed in Congress in the Youth and Family Development Act provides some mechanisms for dealing with these issues.

3) On the assumption that substantial proportions of all youths will encounter problems in growing up, society may elect to address these problems with service-oriented or coercive control strategies. The consequences of the approaches will be vastly different, even though the approaches overlap. The choice is likely to have profound long-term effects for the children involved and for society as a

whole. Society is increasingly recognizing rights to service and reducing rigid sanctioning systems that govern adults in many sectors, e.g. mental health, retardation, physical handicaps. However, in the case of children and youths, negative sanctions and controls are increasing rather than decreasing.

4) Given priorities for the development of prevention and diversion policies and programs vis-a-vis status offenders, issues arise as to how and by whom these policies should be implemented. With particular regard to diversion, there must be study of how this policy can result in viable referral out of the justice system, rather than "lesser penetration" into the juvenile court and then referral out. Williams and Gold (1972) and Gold (1975) suggest that any contact with the justice system is to be avoided if subsequent delinquent behavior is not to increase. Resources for prevention strategies have been reduced at federal and state levels in the last decade. Without such efforts in prevention program, effective diversion is not likely to occur for the majority of youths needing alternative community services.

5) Rates of crimes committed by youths are reported to be rapidly increasing, but there has been no reliable, objective measurement of this increase. Particularly disturbing are the reports of increases in violent crime by youths. These reports are leading to punitive policies in many states, despite the lack of reliable data. What data are available (Gold and Reimer, 1975) indicate that there has not been an increase in the rate of acts of violence by youths.

6) Levine (1973), Wald (1974) and others have suggested that if responsibility for status offenders is transferred from the juvenile court to child welfare or other social service organizations, policies must be initiated to assure protection of individual rights and provision of effective services. They argue that past performance of some of these agencies raises serious question about their capability and accountability in the provision of quality services. Findings in the study of the New York Family Court (Yale, 1974) offer little reason for optimism unless there are changes in the policies and practices of the agencies.

7) Any attempt by states to legislate or enforce morality raises policy issues of importance throughout the United States. Are states able to enforce morality? If so, is this appropriate? The questions are particularly pertinent to laws and policies governing children's conduct. When powerful, pervasive media such as television and films challenge moral norms in extremely provocative ways, it is difficult for the state to use the juvenile court to enforce behavior contradictory to that exhibited in the media. The current situation is a "Catch 22" for adolescents. Use of the

juvenile court to enforce moral norms no longer acknowledged by adult society will not only be ineffective; it will jeopardize the court's legitimate operation as a judicial agency. Adherence to law is dependent on voluntary assent by the majority of the population. If youths perceive the court as attempting to enforce moral norms not adhered to by adults, the court will lose value in their eyes.

8) Juvenile court staff have expressed views about which agencies should handle categories of behavior now under jurisdiction of the court. The findings in Table 5, from a National Assessment of Juvenile Corrections survey of a sample of 400 juvenile courts, reflect the views of judges and probation officers about status offenses, misdemeanors and felonies. Probation officers more frequently than judges said that status offenders should be handled by a nonjudicial agency. Judges and probation officers agree that truancy is best handled nonjudicially, but differ about running away and promiscuity. Probation officers are most directly involved in service delivery to the youths, so their responses have particular relevance. Among the judges who responded, those who spent at least 35% of their time on juvenile matters were more likely to hold views similar to those of probation officers. These responses suggest that the greater the contact with status offense situations, the more likely that court personnel believe this noncriminal behavior should be handled by a nonjudicial agency.

Program Issues

1) Institutional placement of youths for noncriminal status behavior is still used frequently in the majority of states despite many recommendations for alternative community-based programming. However, experience of those states with community-based programs indicates that they can be viable and effective for the majority of youths. Moreover, there are no conclusive data that suggest that the overwhelming majority of youths would not accept needed services if they were offered on a voluntary basis. The experience of many innovative community-based programs indicates a high level of receptivity. Unfortunately, many public statements continue to be made by both professional and lay leaders that coercion is necessary in programming for youth charged as status offenders.

2) Because of the frequency of assertions that status offenders commit acts as serious as those committed by delinquents, the findings in Table 6 are relevant. It has been noted that Judge Arthur (1975) advocated juvenile court intervention because, he asserted, status offenders do not differ in their behavior from delinquents. Youths in the national sample studied by the National Assessment of Juvenile Corrections were asked how many times prior

Table 5

Juvenile Judges' and Probation Officers' Preferred Jurisdiction Over Certain Offenses Committed by Juveniles*

in percentages of Judges (N = 252-269) and of Probation Officers (N = 469-491)**

	Juvenile Court		Adult Court		Nonjudicial Agency	
	Judges	P.O.s	Judges	P.O.s	Judges	P.O.s
Status offense						
Truancy	44	35			56	65
Promiscuity	54	35			46	65
Running away	61	47			39	53
Misdemeanor						
Liquor violation	81	68	5	4	14	27
Vandalism	94	95	2	2	4	3
Shoplifting	94	90	2	2	4	8
Felony						
Armed robbery	69	58	31	42	<0.5	<0.5
Breaking & entering	94	96	5	3	<0.5	1
Auto theft	92	91	7	9	1	<0.5

*Question: Which of these problems do you feel are best handled by the juvenile court, an adult court, or other social agencies (schools, child welfare, etc.)?

**Numbers vary due to responses that could not be classified into either of the three choices listed.

Table 6

Frequency of Commission of Antisocial Acts by Youth Prior to Placement in Correctional Programs by Selected Offense Types (by Percentages of Youth)

Antisocial Behavior Committed Before Placement in Correctional Setting	Pure Status				Property				Person			
	0	1-2	3+	N	0	1-2	3+	N	0	1-2	3+	N
Ran away from home	36	27	37	(495)	37	28	35	(499)	44	23	33	(227)
Was suspended from school	31	30	39	(502)	18	30	52	(494)	15	24	61	(230)
Used marijuana or hashish	32	13	54	(512)	28	12	61	(501)	20	15	65	(230)
Used other drugs	47	14	39	(501)	37	13	51	(491)	30	14	56	(225)
Stole something	23	31	47	(488)	5	16	79	(492)	10	21	70	(228)
Damaged someone's property on purpose	53	30	18	(499)	31	24	45	(500)	34	22	45	(225)
Committed breaking and entering	60	20	20	(507)	17	24	59	(505)	26	20	54	(232)
Committed armed robbery	70	17	14	(504)	40	22	39	(497)	29	28	42	(227)

Source of Data: National Assessment of Juvenile Corrections, University of Michigan, Ann Arbor, 1975.

to their present placement they had engaged in deviant behaviors. The findings show that youths committed for person or property offenses had engaged in law-violative behavior far more frequently than those committed for status offenses. Only in the case of "running away" was there any exception to this pattern, for 37% of the "status offenders" reported running away three or more times, while 35% of the property offenders and 33% of the person offenders so reported. In contrast, 20% of the status offenders reported three or more times of breaking and entering, but 59% of the property offenders and 54% of the person offenders reported the same incidence of breaking and entering.

The problematic nature of school-youth interaction is evident in these data, for 39% of the status offenders, 52% of the property offenders and 61% of the person offenders reported being suspended three or more times. The data challenge the assertion of Judge Arthur that there are no differences between status offenders and youths committed for felonies and misdemeanors. All the youths reported frequent antisocial acts, but these responses are in accord with those obtained by Gold and Reimer (1975) and Williams and Gold (1972).

When youths were asked about antisocial behavior following placement in a correctional program, they said such behavior increased substantially for status offenders the longer they were in correctional programs. Thus, the interaction appeared to have resulted in "socialization" to criminal behavior.

3) The utility of elaborate programs for classifying youth needs further critical study. Diagnostic assessment is essential in planning of differential treatment, but too often the process is highly esoteric and unrelated to the reality of programs that are available or feasible. In other cases diagnostic assessment may be subverted to devices that justify custodial control or that avoid concrete problems. Program design and individual assessments must consider further the normal socialization needs of youth, so that these will not be neglected in planning particularistic treatment approaches.

4) Quality and effectiveness are critical issues for program evaluation, including residential treatment. Coercive placement of youth in institutions is increasingly being questioned because of its ineffectiveness. Bureaucratized and routinized handling of youths should be reduced.

5) Mechanisms for more effective interorganizational relationships among correctional agencies, schools and child welfare agencies, public and private, and at different levels of government, are critically needed, but programmatic solutions are lacking.

6) The type and form of client and local community involvement in program design and operation have become issues in many communities. With increasing emphasis on clients' rights, the changing circumstances of youths, and voluntarism in program choice, this participation can be expected to become increasingly important.

7) Enhancing job and career opportunities is a critical issue in postindustrial countries today because of serious and long-term unemployment. In the United States adolescents and young adults bear the brunt of unemployment. This imposes both absolute and relative barriers to the success of many treatment and educational programs. Radical solutions may be necessary.

Organizational Issues

1) The roles and respective domains of federal, state and local agencies are critical organizational issues in youth planning today. Because knowledge of interorganizational exchange is far less well developed than that of organizational behavior, more exploratory work in this area is needed.

2) Provision of adequate and relatively stable resources for creative and innovative programs is a problem frequently mentioned by human services administrators. Far too often federal and state support is provided only for brief experimental programs, with the expectation that local units will then accept ongoing responsibility. Given the current problems of urban communities, such an expectation is unwarranted. Youths are a national resource for whose well-being the federal government must accept greater responsibility.

3) Size, complexity, formalization, centralization, routinization, inflexibility, and ineffectiveness are all issues raised about human service organizations. Particularly problematic is the inability to respond appropriately to the needs of poor and minority group persons. Problems of institutionalized racism and sexism are especially pertinent in the processing of status offenders.

4) Street (1977), Wilensky (1975) and others have observed that human service organizations and professionals behave in ways that perpetuate poverty and injustice Programs are initiated with laudable goals, but all too often they produce only agencies and staff who identify and label problems rather than solve them. As a result poverty, illness, poor education persist despite the expenditure of substantial resources. Street has identified a number of issues related to the "professionalization of reforms," which he describes as efforts to define social problems as the exclusive province of professional groups--e.g., social workers. These professionals define as appropriate and expert their proposed social

remedies with no participation in that decision making by clients or the public at large. Competition arises among professionals with further negative results for the clientele. In the case of youth-schools, child welfare and justice agencies have proliferated a set of somewhat interrelated categories for defining problems of students. Thus, as Street noted, a poor, minority group youth is also labeled as culturally deprived, emotionally handicapped, from a single-parent home, resident of a ghetto, member of a gang, child of a junkie community, and so forth. Thus a global, diffuse stereotype is created that prevents escape from that status except through heroic means such as described by Brown (1965). More representative bureaucratic structures, with active participation by clientele in critical decision making, are among the solutions being proposed.

5) Stimulation of organizational creativity, flexibility and dynamic leadership are often mentioned as essential for human service programs and agencies. Little can be expected where there are so few rewards.

Research Issues

1) New theories of adolescent and young adult socialization and development are needed, and will require extensive research if they are to be refined and tested for application.

2) Information systems to monitor behavior, organizational problem solving, and program and outcome evaluation are a critical need today. The priorities for program evaluation in many federal grants provide stimulus for study and action, but there is not enough research on the engineering of effective systems to perform these functions.

3) In establishing national goals and priorities, decision makers will require at least the following types of information not now systematically available: sociodemographic studies of the personal and social characteristics of youths relevant to public policy; comprehensive and synthesized information on program activities and outcomes in schools, courts, mental health and child welfare agencies, as well as employment opportunities and experiences for youth; and information on family structure and behavior.

4) A specialized area requiring further research relates to the impact on youths of the contradictory moral standards presented to them by the larger society. Along with problems associated with moral norms and the media are other issues involving the impact of substance abuse information, sex information, and so forth. Without research knowledge, serious problems exist in devising policy and

programs for status offenders. Research findings currently available suggest that many youths are confused, and respond to the conflict with hostility, alienation and other problematic behavior.

5) Knowledge about patterns of contemporary urban community organizations is slight. Warren (1975) has delineated several variant types. More information is needed about the critical differences among communities that affect their capability for effective youth socialization.

VII. APPROACHES, STRATEGIES AND RECOMMENDATIONS

This paper has dealt with critical policy and program issues for national child welfare planning regarding youths now classified as status offenders. Approaches, strategies and recommendations are considered together, since these matters are inevitably interrelated. Attention is first directed toward the national scene, then to state and local levels of organization. This paper is addressed primarily to policy makers and planners at the national level, rather than at state and local levels. However, the responsibilities at the national level for the provision of resources and guidelines for local units are addressed.

The National Scene

The national government and national youth organizations have been characterized as having done little for adolescents, especially status offenders, other than provide minimal resources for custodial care and control. Statutory changes and new proposals now provide significant opportunities for the federal government. This paper does not advocate federal encroachment into an area presumably the province of states and localities, but calls for federal assertion of moral, political, and normative leadership; for greater and more focused allocation of its resources; and for several forms of technical assistance that only the federal government can render. This strategy is contrary to those often espoused in programs for "block" and "special" revenue sharing. LEAA block grants to states have been extremely ineffective with respect to the proportional allocation of funds to youths relative to their numbers and needs.

Melekos (1976) points out that since 1969, final appropriations for juvenile delinquency by Congress have been $10 million per year despite authorizations at the level of $75 million. Moreover, executive requests have been below Congressional authorizations. Federal aid to education and child welfare has also been reduced, with the result that significantly lower amounts of resources are available for youth services. Considering the increase in youth population and the effects of inflation, these reductions could be

catastrophic. The federal government has the capability to perform four major functions needed to buttress and improve youth programs across the nation.

1. Establish priorities, standards and guidelines for comprehensive youth services systems.

In recent years there have been efforts to define program standards in corrections by the National Advisory Commission on Correctional Standards and Goals, and in mental health by the National Commission on the Mental Health of Children. These efforts have had practical applications in several states, but they are inevitably partial rather than comprehensive because of the nature of the particular agency's jurisdiction. The Department of Health, Education, and Welfare is charged with broad responsibility for aiding the general welfare of youths. Therefore, it should take steps toward formulation of national standards of services, rights and responsibilities.

The HEW memorandum entitled "Title XX--Final CASP Plans," reveals that as of Oct. 1, 1975, there was significant planning in child and family welfare under way in several states, but the majority appeared to continue traditional programs. The authors were optimistic that half of Title XX program expenditures would be allocated for services to children and youths (p. 2). If that does result, it should not be difficult to extend service coverage to youths now being processed through the juvenile court as status offenders. With the priority of resources for services to youths accepted by the states, the key task remaining would be obtaining the needed resources.

The urgent problems of youth must be defined on a national level in a society as mobile as that of the United States. Similarly, formulation of principles regarding the rights of minors in relation to social services also must be done at the federal as well as the state level. Interagency exchange and communication is needed at the federal level through mechanisms such as interdepartmental committees on families and children.

2. Channel resources for strategic aims.

Resources must be allocated in accord with national priorities adopted by the Congress in legislation. The Juvenile Justice and Delinquency Prevention Act of 1974 provides one mechanism for the extension of voluntary child-oriented services.

Grichting (1975) provides a clear warning that federal revenue sharing may reduce local funding of programs; therefore, it

is important that federal grants be awarded in ways that do not result in reduced local allocations.

3. Foster innovation, experimentation and evaluation in programs for youths.

More support is needed for research on adolescent socialization, but of equal value in the development of theory would be careful innovation and evaluation of new programs and services. Already under way in some states are creative innovations that provide the basis for developing new policies and guidelines. The National Social Welfare Assembly is coordinating a series of local innovative programs directed toward services to status offenders. Another example is the demonstration project of the Lower East Side Family Union in New York. There, a broad spectrum of services is directed toward preserving family stability in a poor, multiethnic area, to avoid placement of children outside the home. The Sacramento family crisis intervention project, described earlier, was successful in reducing subsequent delinquent behavior and court processing.

These programs only illustrate types of existing innovation. Needed is further federal encouragement of these efforts and, following that, wide dissemination of results so that other communities have information for more rational decision making.

4. Develop a national information infrastructure.

Few states have been able to develop information systems, but even where they have, they are deprived of more general information from outside their own jurisdictions. Lacking such information, administrators, legislators and planners proceed on the basis of intuition, experience, revelation or response to public pressure.[9]

Information is needed on: consensus of the populations of all shelters and residential programs for youths; school truancy and exclusion practices and outcomes; child welfare service delivery by voluntary and public agencies; differentiated program experiences by region of the country, ethnicity, social class, and so forth. More difficult to obtain but sorely needed is information about children's rights, and the mechanisms through which these are assured.

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[9] Youth violence is an area where critical information is lacking, though far-reaching decisions are being made. Only the federal government is in a position to obtain and disseminate reliable information.

The Local Scene

In child welfare planning, state and local level government and organizations are critical components, in addition to the national government. The local level is "where the action is," i.e., service delivery, and where innovation and creativity are most urgently needed. State government should not be ignored, but several of the functions outlined at the federal level also apply at the state level.

An appropriate structure for local comprehensive youth services is a Youth Service Bureau. Such an agency does not eliminate existing public and private youth serving agencies, but provides a coordinating, innovating and monitoring agency concerned with the socialization of all youths so that they have greater access to desirable social roles both as youths and adolescents. The YSB can also serve as a resource broker facilitating exchange among existing social agencies.

Polk (1971) for example, presented one conceptualization of a Youth Service Bureau: "The Youth Service Bureau is a community agency to which children would be referred, rather than to the juvenile court, if their behavior has not been so serious as to present a threat to themselves or society." He offers four variant models of the YSB: cooperating agency model, community organization model, citizens' action model, and street outreach model. Rosenheim (1969) emphasized voluntary participation and comprehensive services in her model. A 1975 report from Charlotte, North Carolina (Heasley, 1975), presented a clearly articulated model for a county system, as well as findings from its first year. A high level of effectiveness in services to status offenders outside the justice system was reported.

The YSB seems particularly appropriate for the problems of status offenders. Services can be offered without the stigma of juvenile court involvement. It would foster community awareness of youth needs, community involvement by both youth and adults in addressing those needs, and a greater understanding of the complexity of problems facing adolescents.

It is not possible to outline alternative models of local Youth Service Bureaus in this paper, but one county-level Youth Services System would have the following functional prerequisites:

1) A locally elected board of adults and youth. These persons would represent public and private organizations and interest groups, and officials, but there would also be two to three persons representing the community at large.

2) An annual plan for a comprehensive youth services program integrated with social services, education, mental health and corrections plans. Almost all of the latter plans are already mandated at the local level in most states.

3) Responsibility for coordination of program planning and service delivery. The Youth Services System would stimulate innovation, and could receive federal funding directly for such purposes.

4) Quasi-legal mechanisms for resolving minor problems and conflicts. These would include ombudsmen, local neighborhood councils to hear cases and settle grievances, school committees, and so forth. The development of a local YSS would not eliminate the juvenile court as an important social institution. Upon the initiative of the YSS, the court could exercise mandamus powers over the public and private sector agencies serving youth, thereby ensuring that all youths needing services had access to the necessary resources.

5) A variable range of direct services, depending upon the service delivery system in a given community.[10] However, it would be desirable for the YSB not to develop a large bureaucratic service delivery component, because its ability to be flexible and innovative would be sharply reduced.

6) Funding by discretionary and annual grants-in-aid based on youth needs. There might be provision for local communities to raise part of the funds locally through taxation. However, the bulk of support would have to be federal if the resource discrepancies among and within states were to be offset.

The final structure of a youth services system is dependent upon the political processes in a particular community. Obviously there will be great variation within and among states. Federal assistance and support would have to be planned with awareness of this contingency, but accountability need not be jeopardized by highly differentiated structural patterns.

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[10] The Community Mental Health structures under Act 54 provide for a range of structural types for local agencies. YSS could be expected to show similar variation.

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