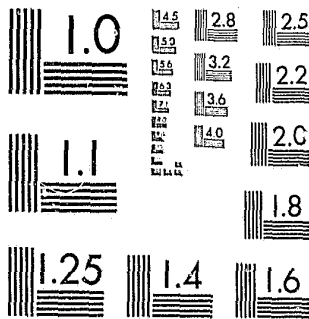


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REMOVAL OF RUNAWAYS, TRUANTS,  
AND UNGOVERNABLES FROM THE  
JUVENILE JUSTICE SYSTEM:  
THE FLORIDA EXPERIENCE

Prepared by:

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## INTRODUCTION

## ACQUISITIONS

In the spring of 1975, the Florida Legislature eliminated the category of Children in Need of Supervision (CINS) from the statutes. This action was taken in order to remove children who run away from home, become truant or ungovernable from the jurisdiction of the juvenile justice system, in terms of processing through the Office of Youth Services (YS), as delinquents and place them in the Office of Social and Economic Services (SES) as dependent children.

According to the revised legislation, a dependent child is further defined to include a child who:

"(h) Has persistently run away from his parents or legal guardian.

(i) Being subject to compulsory school attendance, is habitually truant from school."<sup>1</sup>

Furthermore, an ungovernable child means a child who:

"persistently disobeys the reasonable and lawful demands of his parents or other legal custodians and is beyond their control. For the purposes of this act, the first time a child is adjudicated as ungovernable, he may be defined and treated as a dependent child, and all of the provisions of this act relating to dependency shall be applicable. For the second and subsequent adjudications for ungovernability, the child may be defined and treated as a delinquent child, and all the provisions of this act relating to delinquency shall be applicable."<sup>2</sup>

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<sup>1</sup>Florida Statutes, Chapter 39.01, Section 15(11).

<sup>2</sup>Ibid.

Several states are in the process of deinstitutionalizing status offenders (children committing the offenses of running away, truancy, and ungovernability) or separating them from delinquents. To our knowledge, however, only California and Florida have taken the approach of simply removing runaways, truants, and ungovernables virtually in toto from the services of the juvenile justice system, by essentially decriminalizing status offenses.

The primary factor which contributed to the passage of the legislative change was the attitude on the part of most of the supporters of the legislation that status offenders could not be handled appropriately as law violators. According to this perspective, it was not reasonable to expect a system designed to process delinquents to respond effectively to the needs of children who run away, become truant or ungovernable. It was assumed by this legislation that intake procedures and programs that focus on the problems of families, such as those found in the child welfare system, rather than the rehabilitation of delinquent individuals would be more appropriate for children who had not actually committed a criminal offense. This assumption supported the effort to move responsibility for handling runaway, truant, and ungovernable cases from the Office of Youth Services into the Office of Social and Economic Services.

This report assesses the impact of the removal of runaways, ungovernables, and truants from the juvenile justice

system in Florida, two years after the implementation of the legislation. Impact is analyzed from two major perspectives: impact on state service systems, pertaining to both the juvenile justice system and the child welfare system, and impact on the status offender in terms of characteristics of referral and processing.

## METHODOLOGY

Whenever available data permitted, the underlying logic of a pre-post comparison was incorporated as the design of the evaluation. Four major sources of data were employed in the investigation.<sup>3</sup>

First, since status offenders were under the jurisdiction of the Youth Services Program Office prior to the enactment of the legislation, statistical data from Youth Services provided all information on runaways, ungovernables, and truants referred before July 1st, 1975. Besides pre- and post statistics on delinquents, current data on the status of children adjudicated ungovernable for a second or subsequent time were also drawn from this source. From the information gathered, rates and patterns for referral, detention, probation, and commitment were reviewed.

Next, five representative sites<sup>4</sup> - Polk County, Bay County, Duval County (includes Nassau and Baker), Hillsborough County and Dade County were selected for a more in-depth look

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<sup>3</sup>The information used in this report was collected with the cooperation and assistance of the Social and Economic Services Program Office, the Youth Services Program Office, and the 11 DHRS districts.

<sup>4</sup>These five sites contributed nearly 40% of the runaway, ungovernable, and truancy statewide referrals to YS intake prior to July 1, 1975.

at the number of runaways, ungovernables, and truants referred to Intake for a year-and-a-half period after the legislation. Log books in each area were examined in order to compare post-legislation figures with YS pre-legislation data.

In order to discover how many children are currently entering Single Intake<sup>5</sup> offices throughout the state as well as to determine referral sources, demographic characteristics and dispositions for these children, a tracking form was developed as the third source. The form was filled out on each child who was referred to Single Intake during January 31 to February 6 or the period of April 24 to April 30, 1977, as a runaway, truant, ungovernable, or some combination of those charges. Upon disposition the form was completed and returned to HRS.

Finally, in the five sites, case files of children who went beyond Intake to SES were reviewed. A sample of over 600 status offenders and other dependents was randomly drawn from the case files of Foster Care and Protective Services units in each area in order to determine the impact of runaway, ungovernable, and truancy referrals on SES caseloads and to discover the extent of similarity between these two groups.

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<sup>5</sup>Since July, 1976, Florida has operated a single intake system for both delinquency and dependency referrals.

## IMPACT OF THE LEGISLATION

As previously stated, this report basically addresses two major concerns: the impact of the decriminalization legislation on both the juvenile justice system and the child welfare system and the impact on the status offender.

### Impact on the Juvenile Justice System

Considering first the juvenile justice system, the more specific question arises: to what extent have runaways, ungovernables, and truants been removed from the authority of Youth Services.

Based on a sample of cases from the 1975 YS Intake records and from the 1977 Single Intake files, the number of runaways, ungovernables, and truants held in secure detention has experienced an 82% decrease, from 22.5% of all children held in detention in 1975 to 4.0% in 1977. During 18 months prior to July, 1975, 24.4% (4,603) of the additions to YS probation and 9.9% (639) of the commitments to YS programs were for runaway, ungovernable, and truancy charges. These figures dropped to 0.9% (171) for YS probation additions and 3.8% (210) for commitments to YS programs during the 18 months following July, 1975. All dispositions to YS based on these charges after the legislation (post July, 1975) are reported



by YS as being twice adjudicated ungovernable cases which, in accordance with the legislation, may be processed as delinquents.

Critics of the legislation have claimed that the shift in responsibility was only partially completed because the legislation still allows status offenders to be handled as delinquents if they are adjudicated for a second time on an ungovernability charge. Based on an analysis of all dependency and delinquency referrals to Single Intake during the period of July through September, 1977, 0.2% were reported to have been adjudicated ungovernable - defined - as - delinquent. Projected over a year, this proportion suggests that roughly 300 children out of about 148,000 referrals will be adjudicated in this fashion. However, as further analysis reveals, only about half of these cases reflect a legitimate use of this statute.

Of those youths adjudicated ungovernable - defined - as - delinquent, over a third (37.5%) are reported to have no prior referrals. In addition, another 18.8% reported that all previous referrals were handled non-judicially and thus had no corresponding adjudication. In that this does not follow the provisions of the 1975 legislation, two explanations occur. One, this adjudication is technically a violation of the provisions of the legislation, or second, two petitions for ungovernability are being applied to the same referral thus getting around the "technical" restraints of the law. In either event, certainly the intent of the legislation is being violated in over half (56.3%) of the adjudicated second-time ungovernable cases.

The inappropriate use of the second-time ungovernability clause is documented in a second and perhaps even more basic area, referral reason. Table 1 reports the frequency with which each primary referral reason occurs. Though the most frequently reported, ungovernability is the primary referral reason for only slightly more than a third (38.8%) of the adjudicated-ungovernable-defined-as-delinquent cases. Even when the secondary reason for referral is considered, only 55.1% at most report ungovernability as a reason for referral. Continuing, almost a fourth (22.4%) of all adjudicated second-time ungovernables are referred primarily for delinquency reasons, ranging from trespassing and traffic delinquency to grand larceny and burglary. A relatively large percentage (22.4%) of local runaways also are adjudicated ungovernable-defined-as-delinquent. The remaining 16.3% report truancy or some other dependency category, such as emotional abuse or neglect by lack of supervision, as the primary reason for referral. In short, the ungovernable referral accounts for only about half of the number of adjudicated second-time ungovernability cases. Essentially any type of referral may potentially receive a second-time ungovernability adjudication.

Explanations of these data vary. Ungovernability, in that it is vague and non-specific behavior, requires little to no evidence and thus is often easier and quicker to

TABLE 1  
 PRIMARY REASON FOR REFERRAL FOR ADJUDICATED  
 UNGOVERNABLES (DEFINED AS DELINQUENTS) REFERRED  
 TO INTAKE DURING JULY - SEPTEMBER, 1977\*

PRIMARY REFERRAL REASON	%	N
1. Burglary	2.0	1
2. Grand Larceny	2.0	1
3. Receiving Stolen Property	2.0	1
4. Narcotic Drug Laws	2.0	1
5. Other Felony	2.0	1
6. Petty Larceny	4.1	2
7. Vandalism	4.1	2
8. Traffic - Delinquency	2.0	1
9. Trespassing	2.0	1
10. Emotional Abuse	4.1	2
11. Unattended	6.1	3
12. Local Runaway	22.4	11
13. Ungovernable	38.8	19
14. Truancy	6.1	3
<b>TOTAL</b>	<b>100.0</b>	<b>49</b>

\* Due to the implementation of a new information collection form, these percentages are based on the return of 63.0% of the actual referrals to intake during July through September, 1977. However, no known bias is believed to significantly alter the representativeness of these proportions. District VI, Hillsborough and Manatee Counties, accounts for one adjudicated-ungovernable-defined-as-delinquent which is not included in this total.

demonstrate than a delinquency charge. In many areas, no facilities or shelters are available to hold a runaway defined as a dependent but do exist to detain a delinquent or second-time ungovernable defined as a delinquent. In at least one area, staff shortages which result in inadequate supervision and counseling, or no SES programs for educational or vocational needs, has been presented as justification for this practice.

As a final note to the discussion of impact on the juvenile justice system, it should be noted that the delinquency populations for detention, probation, and commitment in Youth Services have not declined since July 1975, the enactment date for the CINS decriminalization legislation. This finding is surprising, in that some decline in these populations was expected to occur as a result of the removal of runaways, ungovernables, and truants, and the fact that non-CINS type delinquency referrals remained steady through 1976.

#### Impact on the Child Welfare System

The nature of the data collected in this study limits the evaluation of the impact of this legislation to a discussion of "quantitative" rather than "qualitative" effects of the legislation. With this in mind, the 1975 CINS decriminalization legislation was determined, by this study, to have had a rather moderate quantitative impact on SES programs. From

the analysis of over 600 randomly selected case files from both Protective Services and Foster Care units, runaways, ungovernables, and truants were found to constitute little more than 7% of the Foster Care caseload which is reported by SES to total over 8,000 children. In the case of the Protective Services caseload, the impact has been more substantial. Status offenders constitute about 32% of the total Protective Services caseload.

In several areas, interesting relationships emerged which may suggest an impact not yet realized. For example, over half (53.6%) of all children presently in Foster Care have been placed in only one foster home. Even though a greater percentage of runaways, ungovernables, and truants (30.4%) than other dependents (12.7%) are reported to have been in 4 or more homes, no statistically significant relationship emerges when the number of foster homes is analyzed by referral type. Nevertheless, this finding is interesting, particularly in light of the finding that status offenders average only 1 year and 6 months in foster care while the other dependency children stay an average of 3 years and 9 months.

This finding raises the question of "Why does a child leave a foster home?" Are there any differences in the reasons for leaving between referrals for runaways, ungovernables, and truants and referrals for other dependency types? To answer these questions, all cases in which a child has been

placed in more than one foster home were examined for some indication of reason for movement. These reasons or conditions leading to the removal are collapsed into the following categories:

(1) foster family problems; includes such areas as health, marital status, employment changes, vacations, residential moves, etc. as they are initiated by the foster parents;

(2) foster child problems; behavior such as acting out, committing delinquent offenses, or some behavioral problem initiated by the foster child;

(3) unsuitable foster home; refers to such problems as overcrowding, lack of resources, lack of supervision, or conflicts in relationships with other members in the foster home;

(4) special setting; pertains to a need to relocate due to some special need of the foster child in such areas as physical health, mental health, etc.;

(5) temporary placement; removal which was inevitable from the start due to the foster home functioning solely as a temporary shelter or emergency care unit;

(6) return to the natural parents; (from placement other than emergency shelter).

Based on the total number of children which have been placed in more than one foster home (N=156), Table 2 presents the percentage of children in their respective groups for which the stated reason for removal applies to one or more terminations from a foster home. Foster family problems (37.8%)

TABLE 2

## REASONS FOR REMOVAL FROM FOSTER HOMES BY REFERRAL TYPE

	Foster Family Problems	Foster Child Problems	Unsuitable Foster Home	Special Setting	Temporary Placement	Return to Natural Parents
	*% Yes	% Yes	% Yes	% Yes	% Yes	% Yes
Runaways Ungovernables Truants (13)	7.7% (1)	69.2% (9)	30.8% (4)	23.1% (3)	15.4% (2)	30.8% (4)
Other Dependents (143)	40.6% (58)	24.5% (35)	15.4% (22)	5.6% (8)	15.4% (22)	28.7% (41)
Total Group (156)	37.8% (59)	28.2% (44)	16.7% (26)	7.1% (11)	15.4% (24)	28.8% (45)
**Significance	$p < .05$	$p < .01$	Not Significant	Not Significant	Not Significant	Not Significant

\* Percentage of the group which were removed one or more times for this reason.

\*\* The statistical significance of the difference between the group of runaways, ungovernables and truants and the group of other dependents.

Information is missing for 1 case.

was the reason most often indicated with foster child problems (28.2%) and return to natural parents (28.8%) following.

When analyzed by referral type, foster child problems (69.2%) most often arise for runaways, ungovernables, and truants whereas the removal of other dependent children is most often associated with foster family problems (40.6%). The difference between referral types for both of these conditions is statistically significant ( $p < .05$ ). This finding supports the claim made by social workers that runaways, ungovernables, and truants, in that they are older and more likely to present behavior management problems, are more difficult to place and maintain in Foster Care.

#### Impact on the Status Offender

It is estimated that approximately 28,000 runaway, ungovernable and truant referrals will be made to Single Intake during the Fiscal Year 1976-77. Over 38,000 such referrals were made to YS prior to the enactment of the legislation of July 1, 1975. In accounting for this drop of 10,000 cases, there is no reason to believe that these children are being handled as delinquents for, as noted above, the number of non-CINS type delinquency referrals from 1975-1976 remained steady.

However, information on the processing of runaways, ungovernables and truants is available for those cases which do come to the attention of the state. Of the 1158 cases for which dispositions or recommended dispositions were recorded,



slightly more than one half (53.3%) were either filed for "information only" or closed at intake after counseling. Nearly a third of all cases (30.8%) received other non-judicial dispositions with the remaining 15.9% requiring judicial action, most of which were court orders to SES. (See Table 3 for more specific disposition information.)

For cases which enter Foster Care and Protective Services, the SES case file analysis provides additional information. In Protective Services, the overall average length of stay (ALS) is 15 months. When analyzed by referral type, it is found that the ALS for runaways, ungovernables, and truants is 8 months while for other dependents it is 18 months. In Foster Care, the ALS is 3 years and 8 months for the group as a whole. Status offenders report 1 year and 6 months and other dependents indicate 3 years and 9 months as the average length of stay. In that status offenders enter Foster Care and Protective Services at an older age than other dependents, a shorter average length of stay is not surprising.

TABLE 3  
OFFENSE TYPE BY DISPOSITION

OFFENSE	NO ACTION	CLOSED AFTER COUNSELING	SES NON-COURT ORDER	YS AND OTHER HRS	NON-HRS AND OTHER	RETURN RUNAWAY	SES COURT ORDER	OTHER JUDICIAL	TO
Runaway	38.1% (223)	17.7% (104)	1.4% (8)	3.9% (23)	3.5% (34)	25.3% (148)	4.3% (25)	3.6% (21)	10 (5)
Truants	12.8% (28)	39.0% (85)	11.0% (24)	2.8% (6)	6.4% (14)	0.0% (0)	22.9% (50)	5.0% (11)	10 (2)
Ungovernables	16.8% (30)	33.0% (59)	6.7% (12)	3.9% (7)	14.0% (25)	0.6% (1)	16.2% (29)	8.9% (16)	10 (1)
Multiple Charge	17.6% (15)	29.4% (25)	12.9% (11)	2.4% (2)	12.9% (11)	3.5% (3)	14.1% (12)	7.1% (6)	10 (0)
TOTAL	27.7% (296)	25.6% (273)	5.1% (55)	3.6% (38)	7.9% (84)	14.2% (152)	10.9% (116)	5.1% (54)	10 (1)

( $\chi^2 = 320.49$ , 21dF;  $p = .00$ )

Information is missing in 90 cases

## SUMMARY

Insofar as the main purpose of the 1975 CINS decriminalization legislation was to remove runaway, truant, and ungovernable children from the juvenile justice system and serve them through the child welfare system, the intent of the legislation has in large measure been achieved. It seems that the vast majority of the children who were formerly committed to juvenile corrections programs or placed on juvenile probation are now placed in foster care homes or served through the protective services program in Social and Economic Services. The quantitative impact of the legislation on the child welfare system is thought to be moderate. This report of numbers, however, can not address fully the nature and scope of difficulties created by placing runaways, ungovernables, and truants in Foster Care and Protective Services.

Furthermore, whether or not these changes have resulted in an improvement of services to the children is still a matter of debate. Many supporters of the legislation have taken the position that insofar as children who have not committed delinquent acts are now handled outside the juvenile justice system and, therefore, avoid the presumably deleterious effects of being unjustly labelled delinquent and committed to delinquency treatment programs, progress has been made

and justice served. If, on the other hand, improved service is defined by such measures as increased counselor involvement, more appropriate counseling, program placement, and practices more compatible with protective rather than punitive purposes, then the issue remains unresolved and more extensive evaluative research is needed.

Finally, the fact that the delinquency populations for detention, probation and commitment to Youth Services have not declined since July 1975, when the legislation removed status offenders from the juvenile justice system, has significant policy implications. Some decline in these populations was expected to occur as a result of the removal of runaways, ungovernables, and truants and the fact that non-CINS type delinquency referrals remained steady through 1976. It appears that as status offenders were removed from the juvenile justice system, decisions were made to divert fewer delinquency referrals and to detain and commit more. If this is true, it would be a very unfortunate consequence of the legislation given the departmental policy emphasis on limiting unnecessary penetration of the juvenile justice system to a minimum.

**END**